United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, DECEMBER 14, 2005 No. 160

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

Printed on recycled paper.

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.

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.

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.

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.

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.

□ 1800

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.

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.

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.

□ 2200

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.

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 Venezuela 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."

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, 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.

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.)

□ 0000

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.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, DECEMBER 14, 2005 No. 160

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Ever loving and eternal God, source of the light that never dims and of the love that never fails, help us to live in faithful expectation of Your triumph in our world. Fill us with hope that we will not become discouraged because of setbacks. Take away doubts that disturb us and worries that distract us. Empower our Senators to be instruments of Your purposes. Make them content to faithfully serve as they live in peace with others.

Give each of us the peace that passes understanding.

We pray in Your loving Name, Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will begin a 30-minute period of morning business. When that time has expired, we will begin consideration of the House message to accompany the deficit reduction bill.

Last night the agreement we entered allows for up to 7 motions to instruct conferees. Several Members spoke to these motions, debating their motions yesterday. Today we will vote on those, prior to lunch.

ORDER OF PROCEDURE

Mr. President, I now ask unanimous consent that at 11:45 this morning we proceed to three consecutive votes, first on the Baucus motion to instruct, to be followed by the Carper motion, to be followed by the Harkin motion; provided further that there be 2 minutes equally divided for debate prior to each of the votes; finally, I ask unanimous consent that following the third vote the Senate stand in recess until 2:15 for the policy luncheon to meet.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, therefore, Senators can expect three votes beginning at 11:45 today. The remaining motions will be debated this morning and this afternoon, and those votes will be scheduled for Thursday afternoon at approximately 3:30.

Today we expect the PATRIOT Act conference report to arrive from the House. If we are unable to reach consent for a limited debate time, then I am prepared to file cloture on that conference report.

I do hope we can come to a consent for the debate time. If not, cloture can be expected. If that is the case, that vote would occur Friday morning. The Labor-Health and Human Services appropriations conference report may also be available to the Senate today. I will be consulting with my colleagues about scheduling that vote as well.

In addition to the items I have mentioned, there is a number of other legislative and executive items that remain. These include the Defense authorization conference report, the Defense appropriations conference report.

As I have said over the last several days on the floor, I urge all Members to remain available and to adjust their schedules accordingly for the remainder of this week and into this weekend, and perhaps beyond as we schedule our final business of this year. We will make every effort to conclude our work as quickly as possible, but it will require the patience and cooperation of all Senators. As all of my colleagues understand, there is a lot of coordination with the House of Representatives with bills going back and forth.

I thank everyone for their help in advance as we move forward on these matters.

COMBAT METH ACT

Mr. FRIST. Mr. President, I briefly speak to an issue that is important to me and important to the American people. As we continue our debate on the PATRIOT Act conference report, I call my colleagues' attention to a special crimefighting provision that promises to thwart the No. 1 drug problem in America today, methamphetamine. The provision is called the Combat Meth Act. It enjoys broad bipartisan support in this body. It is a part of the PATRIOT Act legislation.

In particular, I want to thank my colleague from Missouri, Senator TALENT, for his tireless efforts in advancing this pressing issue. He has been focused on it, and he has talked to all of our colleagues about it. He very passionately expresses the need and the critical importance of this bill. He has

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

worked hand in hand with our colleague from California, Senator FEINSTEIN, and together they introduced the Combat Meth Act in January of this year.

As leadership, I was proud to work with our corresponding House leadership to encourage our Members to work with all of our counterparts to get this done, to work in a bicameral way.

The Combat Meth Act is a victory for law enforcement, a victory for our communities, and a victory for every family who has experienced the pain and the destruction of methamphetamine abuse. In 10 years—one decade—meth has become America's worst drug problem. That is above marijuana, cocaine, heroin—over the last 10 years. It is destroying individuals.

We have all heard stories in our various States and districts of families and whole communities being destroyed by the new emergence of methamphetamine and the destruction it causes. My own State of Tennessee has been hit particularly hard. In 2004, Tennessee ranked No. 2, tied with Iowa and just behind Missouri, in the number of methamphetamine lab seizures. Sandy Mattice, a former U.S. Attorney in Tennessee, and now a Federal judge in Chattanooga, calls meth ''the worst stuff'' we have ever seen. It has led to some of the worst and most disturbing cases of violence to hit the front pages of today.

This August, when I was back at home traveling across Tennessee, I heard stories again and again from my fellow Tennesseans of the devastating destruction meth is creating in communities all across the State. I heard about addicted mothers and fathers abusing their children, abusing each other during the highs and the lows created by methamphetamine use. I heard about addicts stealing from their own spouses, stealing from their own families because they were so desperate to support this highly addictive drug and the habit that becomes a part of it.

There is one Tennessee story which was so horrific that it made national news. Because it was so accurately reflective of the destruction and pain created by meth, the laws in Tennessee were changed.

In June of last year, authorities found 3-year-old Haley Spicer in her father's mobile home in Campbell County. Haley had been burned over her body with cigarettes, she had been scalded with hot water, and she had been severely beaten. The fumes from her father's meth lab were so toxic that Haley's eyelids were nearly melted shut. Haley has undergone several surgeries to open her eyes. She faces a number of operations in the future to rebuild her nose and to rebuild her injured ear.

Haley's father Tommy Joe Owens was sentenced in October to 95 years in prison for what he did to his child. His live-in girlfriend Charlotte Claiborne pleaded no contest and was sentenced to 20 years behind bars.

Haley's case was so shocking that in August the State legislature passed Haley's Law to drastically toughen child abuse penalties. This was an important victory for child abuse victims, but it didn't get to the concurrent problem of meth abuse and addiction which led to this crime.

Local law enforcement—I heard it all over the State—is literally overwhelmed by the meth crisis. They are calling out for our help. They need us to pass the Combat Meth Act to restrict access to the cold medicines that contain pseudoephedrine and ephedrine, which are the key ingredients easily obtained today and used to manufacture methamphetamine. Once you have those ingredients, meth can literally be manufactured with a few pots and pans in a kitchen.

While some States, such as my home State of Tennessee, have passed laws restricting access to these products, other States have not yet acted. As a result, meth cooks can jump from one State to another State to another State to get the over-the-counter ingredients they use to make this highly addictive toxin.

Law enforcement and prosecutors tell me the single greatest impact we could have on reducing meth abuse is to require all 50 States to restrict access to the cold medicines containing the ingredients used to make methamphetamine. Data from States that have gone ahead and passed laws restricting access to these precursor chemicals proves that indeed to be the case. They work.

Oklahoma, for instance, passed a law last year and with this law has seen a dramatic reduction in meth lab seizures. Data from my own State of Tennessee—we passed a similar law earlier in the year—shows the same trend, a steady decline in meth lab seizures.

The Combat Meth Act will require all 50 States to do what Oklahoma and Tennessee have done. The Combat Meth Act is critical to containing and defeating the meth epidemic. We need one uniform standard to close the loopholes in the system so that producers can't cruise from State to State exploiting our differences.

I again thank Senator TALENT and Senator FEINSTEIN for their leadership and for pushing hard to get this done.

I urge my colleagues to pass the PATRIOT Act, which includes this much needed law. The Combat Meth Act is a victory for law enforcement across this land in our communities. The Combat Meth Act is a victory for towns and for communities and cities all across America. It is a victory for all of the innocent individuals and families who have been harmed by this dangerous and deadly drug.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Colorado.

SECOND BRIGADE COMBAT TEAMS

Mr. ALLARD. Mr. President, last week I had the privilege of meeting privately with numerous soldiers from the 2nd Brigade Combat Team of the 2nd Infantry Division, which is stationed at Fort Carson, CO. These soldiers had just returned from their first tour in Iraq where they helped maintain the peace near the former terrorist hot-bed of Fallujah. I spent over an hour talking with them about their experiences, asking them about their challenges, and hearing their thoughts about whether we should stay the course in Iraq.

These soldiers spent the last year fighting the Iraqi terrorists, in some cases house-to-house. They helped train several Iraqi security units and participated in numerous reconstruction projects throughout central Iraq. Sadly, they lost 68 of their own while in Iraq. Yet, while they deeply mourn the loss of their comrades, they have no regrets about their time in Iraq.

Indeed, if there was one thing I took away from my meeting with the soldiers of the 2nd Brigade Combat Team, it was that each and every one of these soldiers was proud of their accomplishments in Iraq. They completed their mission well and helped thousands of Iraqis better understand the value of freedom and prosperity.

And why shouldn't these soldiers be proud of what they achieved? The progress we have made in Iraq is breath-taking, and these soldiers have been a part of it.

Those who believe that the war in Iraq has become a quagmire certainly haven't been paying attention. The President's strategy is working and we are making progress.

The reconstruction accomplishments in Iraq are staggering:

Over 3,000 schools have been renovated and refurbished; 133,000 primary school teachers—a third of Iraq's educators—have received additional training and technical assistance; primary school enrollment is up 19 percent from prewar levels; nearly 250 health care centers have been renovated and another 563 have received new equipment; over 2,500 primary health care workers have received training to better meet the Iraq's health care needs; in 2005 alone, 98 percent of Iraqi children between 1 and 5 years old have been immunized against measles, mumps, and rubella; more than 3 million Iraqis now have clean water, which was not adequately supplied before the war; more than 4.5 million Iraqis benefit from sewage disposal projects the United States has funded; sewage in many areas of Iraq used to literally run down the streets; 30,000 new businesses have registered with the Iraqi government in the past year alone; Iraqis are buying televisions, air conditioners, microwave ovens, and cell phones—all goods that were nearly impossible to buy unless you were one of Saddam's cronies; the generation of electricity is significantly higher than prewar level, though this area remains a challenge because of the power-consuming goods the Iraqis are buying.

The training of Iraqi security forces is continuing at a brisk pace. Over 200,000 soldiers and policemen have been trained so far. As the soldiers from the 2nd Brigade Combat Team at Fort Carson will tell you, some Iraqi units are highly competent and very capable. Other Iraqi units have a long way to go. Yet progress is being made.

Just in the last 2 weeks, Iraqi security forces conducted nearly 100 company-level combat operations on their own without U.S. assistance.

On the political front, the progress in Iraq has been nothing short of amazing.

As President Bush pointed out in his speech 2 days ago, Iraq was in the iron grip of a cruel dictator who murdered his own people, attacked his neighbors, and continued his decade-long defiance of the United Nations just 2½ years ago.

Since then, the Iraqi people have assumed sovereignty of their own country, held free elections, put together a new constitution, and approved that constitution in a nation-wide referendum.

Tomorrow, Iraqis will again return to the voters booth for the third time in the last year. They will be choosing a new government under a new constitution, and they will be choosing democracy over tyranny.

Hundreds of political parties representing every element of Iraqi society, including Sunni, Shittes, and Kurds, are participating in this highly competitive, completely unprecedented electoral race.

Despite the constant danger of terror attacks, Iraq is buzzing in a campaign-like atmosphere. Baghdad, Najaf, and Mosul are full of signs and posters. Television and radio are filled with political ads and commentary.

Political rallies for candidates are being held around the country. Nothing the terrorists can do or say has stopped this march toward freedom and democracy.

Like Shittes and Kurds, Sunni politicians are now coming under attack by the Iraqi terrorists. But the Sunnis now know that terror will never overcome the political momentum that has been gaining speed in Iraq. They know that an agenda of fear and tyranny will only lead to more death and destruction.

They see that the future of Iraq lies not in the hateful ideology of extremism but in freedom, prosperity, and hope.

As the Denver Post in their editiorial today, tomorrow marks an important milestone towards self-government for the Iraqi people.

The elections in Iraq are a sign of tremendous political progress, but they are not the only sign. The development of the rule of law and building of new political institutions is just as important—if not more so.

The United States is helping build an independent, impartial judiciary system capable of protecting all Iraqis and is helping Iraqi lawmakers develop a body of law that will sustain Iraq through the challenges of the future.

In particular, the trial of Saddam Hussein has shown all Iraqis that even the most despicable criminals deserve due process and an opportunity to prove their innocence under the law.

Some have questioned whether the war in Iraq is really a part of the war against terror. The terrorists have made it abundantly clear that Iraq is central in their war against the civilized world.

They have also made it clear that they will not stop with Iraq; they will strike Iraq's neighbors as they did last month in Jordan; they will strike Europe as they did in the Madrid bombings; and they will not hesitate to strike America again as they did on September 11.

The soldiers of the 2nd Brigade Combat Team of the 2nd Infantry at Fort Carson understand the stakes of the war in Iraq. They know that if we run away, all of their work will go for naught. They know that if we give up, the lives of millions of Iraqis will be put at risk. And they know that if we surrender, the fight the terrorists will be emboldened to hit us where it hurts the most—here in the United States.

I applaud the soldiers of the 2nd Brigade Combat Team for their service to our Nation and to the people of Iraq. They have every right to be proud of their achievements, as does every U.S. soldier, sailor, airman, and marine who has helped bring freedom to Iraq. We owe the men and women in our Armed Forces a debt of gratitude—their courage and bravery has inspired me and should inspire every American.

Mr. President, I appreciate the opportunity to discuss this important issue.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT

Mr. DURBIN. Mr. President, shortly after 9/11 we came together on a bipartisan basis in Congress to try to make certain that terrible tragedy was never repeated. We worked on a bipartisan basis to give tools to our Government to fight terrorism, to upgrade the laws of the United States so our Government could stay ahead of the curve when it came to that threat. We understood then, as we do now, that those tools were necessary for our Government, and we understood as well that preventing terrorism is the most important and the most valid exercise of governmental responsibility.

But we were concerned, concerned that at that moment in our history we were responding quickly, perhaps emotionally, to the threat and to the tragedy of September 11. So in the wisdom of both Republican and Democratic legislators, we included in the PATRIOT Act this new set of tools to fight terrorism, sunset provisions. We said: Four years from now we will take another look at it. We are going to try to decide at that point in time if we went too far because at issue here was not just fighting terrorism but our basic rights and liberties.

Giving the Government more power over the people in this country may be necessary in some regards to deal with terrorism, but we should always do it carefully because our basic rights and liberties, as guaranteed by our Constitution and the tradition of our laws, are things we are all sworn to uphold and protect. So the PATRIOT Act was passed on a bipartisan basis with only one dissenting vote in the Senate and included these sunset provisions.

Well, the calendar has run, it is 4 years later, and now again we are looking at this PATRIOT Act. I found it interesting that there were certain provisions of this act which were obviously accepted by the American people, provisions which gave the Government more authority. But there were several that became controversial. And over the years, since the act was first passed, a number of Members of the Senate started asking questions about whether perhaps we did go too far in passing the PATRIOT Act. It led to the introduction of legislation which I cosponsored with Senator LARRY CRAIG of Idaho entitled ''the SAFE Act,'' an attempt not to repeal the PATRIOT Act but to change some provisions which may have gone too far.

It was an interesting bill by political standards because the cosponsors could not be more different. Senator CRAIG is a very conservative Republican from Idaho. I, of course, am a Democrat from a blue State in Illinois. Yet we came together and believed we had a common goal of giving the Government enough power to deal with terrorism and protect us but not too much power to take away our basic rights and liberties. We attracted cosponsors from both sides of the aisle—Senator JOHN SUNUNU of New Hampshire; Senator LISA MURKOWSKI of Alaska; Senator RUSS FEINGOLD, who has been a very able leader on this whole issue, as well as Senator KEN SALAZAR, former attorney general of the State of Colorado. We have all come together to try to make certain that rewriting the PATRIOT Act on this 4-year anniversary is done in a responsible fashion.

We could not have had a better outcome in the Senate. I cannot think of one. We passed our revision of the PATRIOT Act out of the Judiciary Committee unanimously. I want to tell

you, I have served on the Judiciary Committee for about 8 years now. It is rough to get a unanimous vote for a resolution praising motherhood. But we had a unanimous vote—Democrats and Republicans—on the new PATRIOT Act, brought it to the floor, and it really struck the right chord with all Members of the Senate to the point where we did not have a record vote to pass it. We passed it by unanimous consent, and that says we were on to something, the right balance.

Then, of course, the legislative process takes that bill of the Senate and matches it with the bill in the House, and compromises are made. That is the reason we are here today.

Because, sadly, some of the compromises that were made between the Senate bill and the ultimate bill we are being presented with were significant, historic, and some, I am afraid, were just plain wrong.

In about 2 weeks, several provisions of the PATRIOT Act will expire. There are only a couple days left in this session of Congress. The Senate majority leader, Senator FRIST, said this morning this is one of his high priorities. And it should be.

Later this week, at the last possible moment, the Senate is going to consider the bill to reauthorize the expiring provisions of the PATRIOT Act. I wish we were not doing this at the last minute because this is an important debate. This debate is especially important because the current version of the bill does not include the safeguards which we need to protect the basic freedoms of Americans.

I come to this debate with the belief we have inherent in our democracy, based on our Constitution, certain rights and freedoms and liberties. If this Government, or any government, wants to take that freedom away from me or from any American, they have to make a compelling argument. The presumption is in favor of our freedom. The presumption is in favor of our privacy. It is the Government's responsibility to show that it has to go beyond current law to take away our basic freedom. That is where I start. And I think many Members of the Senate—conservative and liberal—feel exactly the same way.

Now, I understand there may be an attempt to shut off the debate on this PATRIOT Act. I think that is a mistake. I think we should give it the time necessary because we are talking about fundamental freedoms in this country. It is rare we stand on the floor and really consider a bill of this importance and this magnitude. But this is one of them. We rushed through the PATRIOT Act 4 years ago, as I said, in the light of what happened on 9/11, with an understanding we needed to pause and reflect on this in 4 years. We should not rush through this debate again.

Some claim we should not be concerned with problems in this bill because it includes another sunset clause, which gives Congress the power to review three of the bill's most controversial provisions 4 years from now. A sunset is really important. I am glad we included it in the original bill. But it is no justification for delaying changes to the PATRIOT Act that are needed to protect our fundamental liberties. We ought to fix the PATRIOT Act now.

In the last 4 years, 400 communities in 45 different States have passed resolutions expressing concerns about the PATRIOT Act. The American people are sensitive to the fact that this could be an infringement on their basic rights. The communities that passed these resolutions represent about 62 million people across this country from every corner of the United States.

Senator CRAIG and I introduced the SAFE Act to address these concerns. Three Republican Senators, three Democratic Senators, we came together across the aisle to try to find a bipartisan and sensible approach to dealing with this issue. The SAFE Act, as I said, would not eliminate the PATRIOT Act. It would only reform it.

And the bill has an amazing array of support: the American Conservative Union joined with the American Civil Liberties Union. When was the last time those two got together? But they did for this act because they believe whether you are on the right or on the left that basic freedoms should be protected.

The Senate bill was based on the SAFE Act that we introduced. We reached an agreement. We made compromises. So some of the reforms of the SAFE Act were included, some were not. The result was extraordinary. The Senate unanimously passed the bill.

The SAFE Act, like the Senate bill, retains all of the new powers created by the PATRIOT Act but places some reasonable limits on them.

Then came the conference report. The current version of the PATRIOT Act reauthorization legislation does not include some of the most important reforms of the Senate bill. In the limited time I have, let me speak to one or two issues.

Section 215 has been called the library records provision of the PATRIOT Act. Let me tell you what it would do. The bill would allow the Government to use this section to obtain library, medical, tax, gun records, business records, and other sensitive personal information simply by showing that the information might be relevant to an authorized investigation.

This is not in the tradition of American jurisprudence and American constitutional law. It has been our premise that before the Government can investigate any of us, any person who is following this debate, there must be some individualized suspicion about that person. This section of the PATRIOT Act says just the opposite. The Government can start looking at thousands of individual records held by different companies or libraries or hospitals and look to see if there is anything suspicious that they can glean from looking at those records. Section 215 clearly allows such a fishing expedition.

Who has raised concerns about this provision? The U.S. Chamber of Commerce, the National Association of Manufacturers, groups on the right and on the left. They argue that the Government should be required to show a judge that a person whose records they want has some connection to a suspected terrorist or spy.

This is basic to the law of America. In this country, you have the right to be left alone. It is pretty basic and important to all of us. If the Government wants to get into my personal life or yours, it has to do so with a reason, not in general terms that say: Let's look at all of the people who have checked books out of the New York Public Library in the last 30 days. Let's go to a hospital and ask for all of the medical records of people who have had a certain medical procedure, regardless of who those people happen to be. This is too broad.

When the FBI is conducting a terrorism investigation, they should not be able to snoop through your sensitive personal records unless you have some connection to a suspected terrorist act. The original Senate bill would provide that protection. This bill we are going to consider does not. That is what is at stake.

There are other problems with section 215. Let me mention another. An individual who receives a section 215 order—for example, the person who is running a library, the administrator of a hospital with medical records, the administrator of a credit agency, for example, with sensitive financial information—is subject to an automatic permanent gag order that prevents that person from speaking out, even if he believes that this section 215 order has gone way too far and violates their rights.

The original Senate bill we supported on a bipartisan basis and passed unanimously would give someone who receives a section 215 order the right to go to court to ask that the gag order be lifted. The current version of the bill does not.

It, in fact, continues to gag those individuals who could protest the Government reaching too far with a section 215 order. This is a serious threat to our freedom of speech. Courts have held that an individual who is subject to a Government gag order has a first amendment right to challenge that gag order in court. The current version of the PATRIOT Act does not provide that right. I am concerned that that on its face is unconstitutional.

I don't have time to get into all of the details of this conference report. There are many provisions of the bill which trouble me. This morning, I am going to be sending a letter, with several of my colleagues, to our other colleagues in the Senate outlining those concerns.

In this morning's Washington Post, Attorney General Gonzales says we have a choice: either accept this flawed conference report or it will expire. I respectfully disagree. We must not allow the PATRIOT Act to expire. There are provisions we desperately need to keep America safe. But we should not pass a reauthorization that fails to protect basic constitutional rights. Once we give these rights away in this act, can we ever reclaim them?

The 9/11 Commission said it best: The choice between security and liberty is a false choice. Our bipartisan coalition believes this legislation can be changed and improved to protect civil liberties and give the Government the tools it needs to fight terrorism.

We believe it is possible for Republicans and Democrats to come together, dedicated to protecting our basic constitutional rights. We believe we can be safe and free.

The American people have already lived with the PATRIOT Act for 4 years. They shouldn't have to wait any longer for Congress to take action to protect their constitutional rights.

This morning, the Senate majority leader came to the floor to speak about a provision in the PATRIOT Act which I certainly support. It is the Combat Meth Act. My State of Illinois, many States with rural populations, knows that this insidious drug crime has been increasing with these meth labs and an addiction which has destroyed lives and created chaos, starting, of all places, with rural areas and small towns. The Combat Meth Act includes $15 million in COPS funding to combat the growing methamphetamine problem, and I support it. However, what the Senate majority leader did not mention was that the Republicans in this Chamber have consistently voted against COPS funding.

As recently as last March, when the Senate considered the budget resolution—I see my friend, the chairman of the Budget Committee, and he may respond—Senator BIDEN proposed an amendment to increase COPS funding by $1 billion. That amendment did not receive a single vote on the other side of the aisle. Time and again, the President has proposed eliminating funding for hiring additional police officers through the COPS Program to help combat this methamphetamine problem. Simply authorizing another $15 million in COPS funding in the PATRIOT Act is not enough. It is time for Congress to take a stand and provide real money to fund the COPS Program, to help State and local law enforcement fight this insidious meth epidemic across America.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEFICIT REDUCTION ACT OF 2005

The PRESIDING OFFICER. The Chair now lays before the Senate a message from the House.

The bill clerk read as follows:

Resolved, That the bill from the Senate (S. 1932) entitled ''An Act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95)'', do pass with the following amendment.

The bill is printed in the House proceedings of the RECORD of November 17, 2005.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of motions to instruct conferees with respect to S. 1932, and the Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, we are now proceeding to try to appoint conferees for the purposes of passing, hopefully, at some point, the deficit reduction bill which would reduce the deficit of the United States by $45 to $48, maybe $49 billion and, thus, reduce the debt of the United States and be the first piece of legislation passed in the last 8 years which attempts to address one of the most serious issues we have as a matter of Federal spending policy, which is the issue of how we bring under control our entitlement accounts. It is important, as we move down this road, that we once again set the table as to what the issues are. It is a complex issue, and it is one which a lot of people who are not focusing on it probably do not really appreciate the subtleties because it is something that takes a certain amount of expertise or at least a fair amount of time relative to understanding it.

The way the Federal spending process works is that there are essentially two different sets of accounts. One is discretionary. Those are accounts that we spend every year. They are for things such as national defense, education, environmental cleanup, health care, items which every year need to be appropriated. That is called the appropriations bills. They represent about a third of the Federal spending.

Another set of accounts is entitlement accounts. Entitlement accounts are programs from which you, as American citizens or an organization, have a right to receive a payment. It is not a question of being appropriated. In other words, there doesn't have to be a law passed every year for you to get that expenditure like you have to do with national defense.

Rather, this money, you have a right to because the law says you meet certain criteria. You may be a veteran. You may be a student going to college and you have a right to a student loan. You may be a senior citizen who is retired and you have a right to Social Security payments and you have a right to health care payments. You may be a low-income individual and you have a right to Medicaid payments.

The problem we confront in the Federal Government is that although the discretionary accounts have been held at a very low rate of increase—in fact, nondefense discretionary funding has essentially been frozen under the budget resolution we passed. That freeze has been enforced through what is known as spending caps, where in order to go past this essential freeze, you have to have a supermajority to do it. On the entitlement side, there is no way in the regular order of the Senate to control the rate of growth in entitlement spending because, for a certain number of people or programmatic activity, the payment must be made. We confront a fiscal tsunami, driven by the fact that we are facing the largest retired generation in the history of this country, the baby boomers.

As Chairman Greenspan pointed out in what was essentially his wrap-up statement as to what he thought were the concerns we as a Nation should be looking at in the area of fiscal policy—or maybe not his last statement but maybe a major policy statement made in London. He said the one thing that most concerned him was the fact that the baby boom generation—this large generation born after World War II, through the 1950s—when it hits the retirement system, tremendous demands are going to be put on the Federal Treasury and, therefore, on the taxpayers of the country—the younger generation who are trying to earn and have a good lifestyle—are going to be overwhelmed. We are essentially going to confront the situation where we will have so many people retired compared to the number of people working that those people who are working are going to have to pay a disproportionate amount of their income in order to support the retired generation, and it will be to a level that will essentially eliminate or dramatically reduce our children's and grandchildren's ability to have a quality lifestyle. These pages today are going to have a tax burden that is so high that basically their ability to buy a house, to send their children to college, to have a quality of life that is equal to or better than ours—which is, of course, what we hope to pass on to our children—will be dramatically reduced.

To put this in context of dollars—and the dollars are so big it is hard to understand it—there is presently $47 trillion of unfunded liability out there to support the generation that is about to hit the retirement system. That is an unfunded liability. That means there is no way anybody knows how to pay for those programs. The vast majority of that is in the health care area, where there is about $24 trillion of unfunded liability between the Medicare and the Medicaid systems. Those numbers were not numbers I thought up or even that CBO thought up or OMB thought up, the in-house accounting groups we turn to for advice. Those numbers came from the independent, totally objective source of the Comptroller's office.

So we confront this huge cost, and the issue for us as policymakers and as

shepherds of hopefully a better America for our children is how do we address that so we don't pass on to them this massive debt.

In the last 8 years, we have done nothing about the entitlements. This section of the Federal spending apparatus has basically been ignored, except that new programs have been added. In the last 4 years, we have seen the largest increase in the history of the country added to entitlements in the prescription drug program, an $8 trillion unfunded liability in that program. So this year in the budget process, the Republican majority, with the exception of a few Members, decided that we would try, for the first time in 8 years, to actually do something about the entitlement accounts, and we passed something called reconciliation instructions, which essentially is a program by which we say as a Congress to the committees of jurisdiction, look at your entitlement spending programs, look at the health care programs, the farm programs, the various education programs and see if there is not some way, without significantly impacting the quality of those programs or the economic integrity of those programs or the benefit of those programs to the people—isn't there some way we can rein in their rate of growth so they will be more affordable for our children's generation to pay for it.

It is the first time we have tried this in 8 years. We didn't pick a big number to hit. It is a big number, but in the context of the Federal spending it is not that big a number. For example, in the Medicaid area, we suggested that the rate of growth be slowed by $10 billion. That is a big number, but in the context of total Medicaid spending, it is not. Total Medicaid spending over the 5-year period, which we asked for a $10 billion savings in, will be $1.2 trillion. So $10 billion is actually less than one-tenth of 1 percent of that total spending, and it will slow the rate of growth of Medicaid spending from somewhere around 40.5 percent down to 40 percent. That is the rate of growth. Forty-percent growth will still occur in the Medicaid account, even if we hit the target that the Senate has proposed. So we are trying as a Congress now to reach agreement on this package of proposals to rein in the rate of growth of Medicaid spending and other entitlement account spending, and we hope to have a package within the $40 billion to $50 billion range. That is a big number, but today we need to get to conference to do that. We have to meet with the House. That is the way it works. We have to go to conference and talk about it.

Some would like to give instructions to the conference as to what the conference should do. Now, it is the legitimate right of everybody in the Senate to offer a motion of instruction before you go to conference. That is so the other side of the aisle, coupled with some Members on our side, have asked to set up a set of motions for instructions. I believe seven will be proposed, and we will hopefully get a vote on conferees. There is an irony to this—in fact, it is more than irony. Other terms may be more appropriate, but I will not use them. But in every instance the people who are offering—the primary offerers—the motions to instruct conferees did not vote for the budget. None of them. They did not vote for the budget. There was one cosponsor of one of these who did vote for it, and I appreciate her vote; it was the Senator from Maine, Ms. COLLINS. But she is not the prime sponsor of it. The prime sponsors of those proposals did not vote for the budget. They not only didn't vote for the budget which had in place the spending restraint which froze discretionary spending and put into place the caps necessary to control discretionary spending and put in place the entitlement reconciliation instructions which would allow us to move forward with a reconciliation bill and try to control spending—so the sponsors of these instructions didn't vote for any spending restraint proposals and now they want to instruct the conference as to how to proceed. And then having not voted for the budget when the reconciliation bill came to the floor, which bill involved, when it passed the Senate, $3 billion of savings, deficit reduction, savings in spending, deficit reduction—they didn't vote for that—none of the sponsors of these motions to instruct the conferees voted to control spending by voting for the deficit reduction package or to control spending by voting for a budget. And now they come to the floor in an act of what I think is exceptional irony, and they wish to advise and tell and instruct the people who are going to try to put together a bill to reduce the deficit and reduce the debt as to what should be done. And in most instances, most of these instructions don't reduce the debt, don't reduce the deficit, but actually increase the debt and increase spending.

As was noted yesterday by the Senator from Iowa, the chairman of the committee that has jurisdiction over this issue, the trade instruction in this bill, which is directed at a special interest program, will actually cost the American taxpayers about $3 billion.

So having voted against the budget to reduce spending, having voted against the deficit reduction bill to reduce spending, they now come to the floor and in an act of extraordinary irony suggest instructing the people who are trying to put together some fiscal responsibility around here that they should spend more money or should have less available to spend.

I think these motions to instruct should be taken with a large grain of salt because of that fact. It would be credible if somebody who had voted for this deficit reduction bill offered a motion to instruct, especially if it is was an instruction, hopefully, to get more deficit reduction, and it would be credible if somebody who had voted for the budget resolution offered an instruction. But most of these instruction requests are not being offered in the context of trying to save funds, reduce the deficit, and reduce the debt, but are actually being offered for the purposes of increasing spending, increasing the debt, and increasing the deficit.

So we go forward with this exercise today of motions to instruct, but I think they need to be put in context, and that is what I have tried to do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate disagrees to the House amendment, requests a conference with the House, and authorizes the Chair to appoint conferees with a ratio of 11 to 9.

The Senator from Ohio is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. DEWINE. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. DEWINE] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to insist that any conference report shall not include the provisions contained in section 8701 of the House amendment relating to the repeal of section 754 of the Tariff Act of 1930.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, the motion that I am offering today, with Senator BYRD's support, urges the Senate conferees on the reconciliation bill to oppose efforts by the House to eliminate current law, to eliminate the Continued Dumping and Subsidy Offset Act.

This act, which is current law, which Senator BYRD and I originally introduced in 1999 and which was signed into law in 2000, continues to play a very important role in defending American companies from the injuries that unfair trade causes to American workers.

Repealing this legislation would be a grievous mistake. Let there be no mistake about it, this is about jobs. This is about American jobs. This is about protecting and saving jobs all across our great country and in my home State of Ohio, as well as in 47 other States. This is about punishing illegal trade practices, and it is about giving something back to the victims.

The Continued Dumping and Subsidy Offset Act is really very simple. We have heard a lot of talk about it. We have heard some criticism about it. But when you boil it down, it is very simple.

When foreign companies illegally violate our trade laws, they get punished. They get fined. What this act does is it takes those fines and gives them to the companies that were harmed instead of giving the money back to the U.S. Treasury. That is it. That is what it does. This compensation provides these injured companies and their workers with a remedy and helps them recover

from the damage done by the illegal trade practices.

Without this financial compensation, companies would continue to get hurt, jobs would continue to be lost, and that would be the end of the story. When we passed this bill a few years ago, we began to change that.

The truth is these foreign violators of the law—and that is what they are, they are violators of the law—think that this is just a cost of doing business, and they continue to do it. That is why we labeled this bill the Continued Dumping and Subsidy Offset Act. The point is they continue to do it. They look at the penalties they pay as a cost of doing business.

The idea behind this act when we passed it was we were not going to let them continue to get away with that and look at this as a cost of doing business. So instead of taking this money and giving it to the U.S. Treasury and letting them go merrily on their way, we would take this money and give it to the affected companies so these U.S. companies who employ U.S. workers could then take that money and invest it back into those companies, invest it for U.S. workers. That is what they have to do by law. And it has worked.

After the Continued Dumping and Subsidy Offset Act was implemented a few years ago, the disbursement reports have demonstrated the full extent of the dumping and the unfair trade problems our country faces. Let me give an example.

In 2004, no less than 458 companies received funds through this act. That means 458 of them were violated, had been abused. Across the United States, more than 700 producers in 48 States have received distributions from duties collected under our trade laws under this act which tells us that nearly every State in the United States of America is affected by unfair trade. Virtually every Senator in this body represents a State that has been helped by this law.

These recipients range from large, medium, small companies to family-owned businesses, independent workers, farmers, and fishermen. In my home State of Ohio alone, over 35 companies have benefited from the Continued Dumping and Subsidy Offset Act, including businesses in Akron, Canton, Cincinnati, Columbus, Youngstown, Warren, and Wooster.

The financial distributions have allowed businesses to reinvest in their operations, train workers, provide health care and pension programs, and keep high-wage, high-skilled jobs in our country. It matters. It is important.

Despite the many benefits that the Continued Dumping and Subsidy Offset Act has given our economy, some opponents argue that we must repeal it. Why? They say we must repeal it to comply with the WTO's rulings against the law. We must follow what the WTO tells this Congress to do, tells this country what to do. I disagree.

There is no reason the United States should abandon this law as an effective tool in trade talks. Why should we give it up? Like my friend and colleague, Senator CRAIG, said on this floor yesterday, there is nothing in any WTO ruling that tells countries what to do with the proceeds from the fines collected from illegal trade practices. We never agreed to that. The United States never entered into any agreement where we said we couldn't do this.

Why are we letting the WTO tell us these fines can't go back to the true victims, can't go back to the companies and the employees, can't go back to the people who have been hurt by foreign companies' dumping practices?

I find it somewhat ironic that some of the people who want to repeal this law that has worked so well are some of my same colleagues who come to the floor and talk about and criticize activist judges in the United States. We do not like activist judges in the United States. We do not like judges who dream up laws, who go beyond the letter of the law, who go beyond what Congress has written. Why do we want then to follow the WTO when the WTO goes well beyond any agreement this country has entered into? Why do we want to follow them down the road when they have been creative, when they have been activists? Why do we want to follow the logic that says we have to follow them? It makes no sense. They are the ones who are being the activist judges, so to speak. We should not do it.

The Continued Dumping and Subsidy Offset Act enjoys broad bipartisan support in this Chamber because Members know that the act has provided a lifeline to thousands of manufacturers, farmers, and fishermen throughout our Nation, people who have faced aggressive, unfair trade practices on the part of foreign producers.

Over the past couple of years, at least 71 other Senators currently serving in this body have joined me in opposing the act's repeal. Today—and tomorrow when we vote on it—we need to reiterate that support and to vote to build upon our past successes.

Unless our laws work to encourage all competitors to play by the rules, it is more difficult for U.S. producers to regain a declining market share and it makes it impossible to restore jobs that have been lost. The Continued Dumping and Subsidy Offset Act is simply good public policy. It helps ensure that our domestic producers can compete freely and fairly in global markets. I strongly urge my colleagues to oppose its repeal.

I conclude by one additional comment. I have heard people say that this act, this law, represents special interests. I am dumbfounded by that comment. When in the world did it become a special interest to protect American jobs? When is looking out for American workers a special interest? Are American workers a special interest group? Is making sure we have a level playing field in regard to trade practices a special interest? Are American workers a special interest group? I am dumbfounded by that comment. I do not understand it.

I am the strongest supporter in the world of free trade, fair trade, but to say that a law such as this that only goes into effect when it has already been proven that there has been a violation of trade laws, when it has already been proven that there has been illegal dumping, a law that only does the simple thing of compensating victims who have suffered by illegal dumping, and to say that is special interest legislation, I do not understand it. It makes absolutely no sense.

Seventy-one of my colleagues in this body who are currently serving have said this is not special interest, that standing up for American workers is the right thing to do. I hope the day never comes when Members of the Senate think that standing up for American workers is special interest. So I hope when this vote comes, probably tomorrow, we will do what we have every right to do, and that is to instruct the conferees on what the will of the Senate is.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DEWINE. I yield to my colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. KOHL. Mr. President, I rise today to send a motion to the desk to instruct conferees on the budget reconciliation package.

The PRESIDING OFFICER. Without objection, the previous motion is temporarily set aside.

The Senator from Ohio.

Mr. DEWINE. Mr. President, I assume my colleague has his own time under the rules.

The PRESIDING OFFICER. The Senator is correct, and that will be used.

The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to insist that any conference report shall not include any of the provisions in the House amendment that reduce funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), which would reduce funds by $4,900,000,000 over 5 years and have the effect of reducing child support collections by $7,900,000,000 over 5 years and $24,100,000,000 over 10 years, and to insist that the conference report shall not include any restrictions on the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments.

Mr. KOHL. Mr. President, I am offering the motion on behalf of myself and Senators SNOWE, HARKIN, CORNYN, OBAMA, ROCKEFELLER and KENNEDY. We are asking conferees to reject the deep

cuts that the House made to the child support enforcement program. Perhaps some of my colleagues would like to speak on this matter, and so I will keep my comments brief.

I would hope that this would be a simple vote for my colleagues. The Senate needs to send a strong message to conferees that the cuts the House supported are unacceptable. I would like to remind my colleagues what those cuts are, and what they mean. The House slashes funding for the child support enforcement program by 10 percent, which is nearly $16 billion which will be cut in the next 10 years. In addition, the House language prevents States from drawing down Federal funds based on their performance incentive payments.

What does that mean for States, and more importantly, what will it mean for hard working American families? According to the Congressional Budget Office, the House cuts will reduce child support collections by nearly $7.9 billion in the next 5 years and $24.1 billion in the next 10 years. My State stands to lose $308 million in Federal funding over the next 10 years, and will lose approximately $468 million in child support collections.

Cutting the child support enforcement program is counterproductive. It means cutting one of the most successful, cost-effective Federal programs in existence. In 2004, the program collected $21.9 billion, while total costs were kept at $5.3 billion, which is greater than a $4 dollar return on every dollar the Federal Government invested. In fact, collections are rising faster than expenditures. Child support programs are increasing their cost-efficiency.

Being cost-effective, however, is not the greatest achievement of the child support program. Sixty percent of all single parent families participate in the child support program, and participants are primarily former welfare families or working families with modest incomes. It is proven that the child support program directly increases self-sufficiency and that families receiving child support are more likely to leave welfare and less likely to return. So these cuts have no place in a deficit-reducing measure. If congress cuts this program, it will ultimately push more people onto other Federal aid programs.

I would also like to remind my colleagues that the Senate already has a strong record on this issue. Two weeks ago we unanimously adopted an amendment offered by Senator HARKIN, a sense of the Senate in opposition to these cuts. Members from both sides of the aisle have consistently opposed the cuts, with the backing of a number of groups, ranging from the National Governors Association to the Information Technology Association of America.

I strongly urge my colleagues to find out how these cuts will affect their constituents, and would urge them to vote based on the families these cuts will impact.

Mr. SESSIONS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT

Mr. SESSIONS. Mr. President, if other matters come up, I would be pleased to conclude my remarks and yield to others who may be speaking relative to the reconciliation matter. But I want to talk at this time about the PATRIOT Act, and I want to go straight to the heart of the complaint that we have had against it by first observing that most of the complaints that we have heard, from my perspective, are emotive. They are not specific. Generally, they boil down to say we can't allow our liberties to be eroded out of fear that the terrorists would win—words to that effect. Certainly, that is true. There is no doubt about that.

Some contend that we have rushed into the PATRIOT Act, that all facts were not considered, that the bill was moved rapidly, and they suggest that provisions dangerous to our liberties were placed in the PATRIOT Act as a result of the emotions that arose after 9/11. But that is not true. I was on the Judiciary Committee when all of this occurred. I remember the debate that occurred. This legislation was carefully drafted. The best minds in our country participated. The Judiciary chairman, ORRIN HATCH, and his ranking member, Senator PATRICK LEAHY, deserve great credit for that. The U.S. Department of Justice was engaged, groups from the left and the right, civil liberties groups, the American Civil Liberties Union. All of those groups knew what was being considered. They had an opportunity to and did comment on the language.

The Senate gave it careful attention, and the legislation moved. But it took some time for it to move. We spent a great deal of time considering the language. Anything that raised the slightest possibility of being abused, or even some theoretical fear that it could somehow be abused, was considered carefully. Every line was examined. Every word was examined. Words and lines and provisions were altered continually to address the concerns and fears some people had.

Law enforcement procedures long used and long approved by the Supreme Court were attacked during this process as somehow violating the fundamental liberties of Americans.

It was breathtaking to me as a prosecutor of over 15 years to hear some of the charges being raised against practices that amount to nothing more than standard police procedure which are done in every State and every county in America. It was attacked as something that was somehow going to destroy the liberties that this country takes so seriously.

It is OK, I would say. That is good debate. It is a free country, and maybe it is good that our watchdogs are ever ready to point out any error. And perhaps some of the changes we made were better as a result of complaints that were raised. I don't dispute that. Some changes, however, I think were probably not good. But at any rate, great efforts were made to allay the fears and concerns and make sure this bill did not go too far.

Yes, it is good to have watchdogs, but you don't want the watchdogs biting the house owner. I want to have a bill that protects the owner of the house.

We discussed these issues and addressed them line by line. Senator LEAHY, ranking member, civil libertarian for sure, made certain that the process was open. So did Senator HATCH. Even the most arcane fears were addressed. It was a good process.

We left out things in this legislation that I would liked to have seen. But those things eroded some support, and people were concerned about it, and we left that out. But surely we have not forgotten that this debate just occurred 4 years ago. It was full and vigorous, and the legislation we passed was certainly not something that was rushed through without consideration.

Most importantly, we took down the wall that prohibited our Central Intelligence Agency and Defense agencies to gather intelligence around the world that might be relevant to attacks on our homeland.

This wall—this legal barrier—prevented them from sharing that information with the investigative forces in the United States, the FBI, and the local police, so that they could use it to protect the citizens of America. There was a wall created by the Church committee—an overreaction, frankly, to the Watergate problems that arose during that period of time. And they created this wall. So the data and the information couldn't be shared with the FBI, and the FBI couldn't share information with them. This wall perhaps even prevented the FBI from finding more information that would validate information they already had, and therefore left us less able to defend America and to effectively utilize information about criminal elements that would be important to us. This was an unbelievable situation. But it was the law of the United States.

Some people say surely the agents are not going to do that. Surely, if Defense agencies or the CIA found information that a terrorist organization may be threatening America, they would pass it to the FBI. No. They were

not. It was against the law that Congress passed. I think there were bits of evidence proved that indicated that had that wall not be there we might possibly have stopped 9/11. But it is easy to see after the fact that there are circumstances in which that wall would have allowed another 9/11 to happen when, and if it had not existed, we could have stopped it. There is no doubt about that. It is easy to see scenarios where that would happen.

So that is one of the most important things that was part of this act. It was important.

This bill is expiring. If we don't extend it now, that wall will go back up.

I say to my colleagues, this legislation is critical to national security. It is extremely critical to our national security. We are thankful and most pleased that we have gone now 4 years since 9/11 without another major attack on our homeland. It is something that I would not have thought possible. I can tell you that one reason it has not occurred and that we have not had another attack is our local law enforcement, our FBI, and our intelligence agencies which are working together effectively, and with a focus we have never had before on these kind of issues. It is remarkable what they are doing. They have given their heart and soul to it. Frankly, it amazes me to hear people on the floor of the Senate and outside of the Senate often suggesting that the FBI and our investigative agencies are threats to us. There is a paranoia that is not helpful.

I was a Federal prosecutor. I worked with the FBI for many years. These individuals are patriots. They are working night and day to protect our country. We have created many hurdles for them that are difficult for them to overcome and which can actually impair their ability to identify and prosecute terrorist cells that may be operating in our country today. It is not a theoretical matter. This is a matter of tremendous importance. We need to focus on it.

I will go straight to the areas raised as concerns and that have formed the basis of objections from many of our colleagues—some of our colleagues, not many—and from outside groups.

I recall the Senate PATRIOT Act bill cleared the Senate Judiciary Committee 18 to 0. It passed the Senate unanimously by unanimous consent. The legislation then went to conference committee. Much discussion and debate went on with regard to the House version and the Senate version. Frankly, they were not that much apart. Compromises were reached. The Senate bill did rather well as these things go in terms of our side prevailing. We came out with a pretty good bill. I was excited about it.

I am disappointed now we have Members of this Senate filibustering the PATRIOT Act, alleging that there is some sort of big change that has occurred that threatens the liberties of Americans and that we do not need to extend it. It is beyond my comprehension.

Let's talk about some of the issues. I will do it the best I can, fairly and objectively. I will try to say what I think the provisions mean. I will try to give a historical context for these provisions and make some comments with regard to why they are important tools for our law enforcement.

Our investigators are American heroes. They are working in every community. Before September 11, we had, I believe in Arizona, people learning to fly an airplane. They did not want to learn how to land it; they just wanted to learn how to fly it. In Wisconsin, Minnesota, we had other information that came up which was not properly assimilated and not properly evaluated. We had information from Florida that a number of terrorist groups had been stopped for speeding and other activities. The dots were not connected at that time. We know those stories. We were not as focused at that time as we are today post-September 11. We are more focused today.

Some of the problems we had at that time were a result of inadequate laws and procedures that made it even more difficult for investigators to investigate national security threats and terrorist threats, than it is to investigate dope dealers and tax evaders—unbelievable, but it is so.

There has also been a lot of discussion about national security letters, what they are and how they operate. I would like to have seen terrorist investigators given administrative subpoena power. That is something other agencies have. The Drug Enforcement Administration can issue subpoenas for financial records, telephone toll records, motel records, and bank records. They just issue a subpoena, and they give them a record. The IRS can get records like that in the same way. The Customs Service and many other agencies have the ability to obtain records administratively.

But people were concerned about this and said this would be abused. We worked and worked on it. This is what we came up with. It is a very modest proposal. It is a proposal and a legislative enactment which is fair, which is restrained, which is consistent with our history as a nation and consistent with approved criminal justice procedures by the Supreme Court of the United States.

For example, the national security letter is a procedure by which the Federal investigative agent can request information from a third party to obtain financial records, telephone toll records, credit reporting records, and a limited number of records like that. You cannot get medical records. You cannot get library records with a national security letter. But these are the routine things often critical to investigating a terrorist organization. It is extremely important. These cases can move very fast. If you have to have a court order to get it and you need the information on Friday night but cannot get a judge somewhere, death can result. It can be a matter of life and death. It can be a matter of whether an investigation breaks your way and you get the key information necessary to penetrate a terrorist cell or not. This is absolutely consistent with what other agencies have as a matter of their legitimate power. We ought to be able to do that in terrorist investigations, for heavens' sake. There is no doubt about that. This is extremely important.

Looking at the perspective, it is very important—and I know the Presiding Officer is a lawyer—to understand the principles of privacy and search and seizures that are at stake. These subpoenas are not subpoenas to an individual's personal, private records; these are subpoenas issued to third parties. A defendant does not own the telephone toll records. If he does not want the telephone company to know whom he has called, he should not use the phone company. Everyone in the phone company can access the phone numbers he calls—not the contents of the conversation—and can find out whom that person has called. When you go to the bank and use it, the bank maintains records on your account. Those are not your records; they are the bank's records. If you have a credit reporting agency that has collected public data on your payments, they can examine it; why can't an investigator investigating a terrorist have access to that, pray tell? In these areas, there is not the same expectation of privacy.

The U.S. Supreme Court has said repeatedly for the last 100 years or more that you do not have the same expectation of privacy you have in those records because they are not yours. They are somebody else's records. You have an expectation of privacy and the search and seizure laws and search warrants apply to matters in your house, matters in your car, matters at your office desk, any location in which you have exclusive control and dominion. If it is yours, you have a right to it, and the Government cannot come into your house, cannot come into your business and take those kinds of records without a search warrant approved by a Federal judge based on probable cause. They have to file affidavits under oath stating what facts are there to justify the entry into an individual's home or business to obtain those personal records.

This national security letter has nothing to do with the records people own. It in no way changes that historic right that your private property cannot be taken or searched without a warrant approved by a Federal judge in a Federal case. These are records belonging to third parties, and they are subpoenaed every day. Every district attorney in America can subpoena your telephone toll records if he believes they are relevant to an ongoing criminal investigation. That is the standard. That is the standard for Federal prosecutors. The U.S. attorney—which I

was for 12 years—issued tens of thousands of subpoenas for those kinds of records routinely on the simple test of whether it is relevant to an ongoing criminal investigation. If you are investigating a drug dealer, a drug deal goes down, and the dealer says, I don't know John Jones, and you subpoena his telephone toll records and see that he made 8 phone calls or 25 phone calls to John Jones in the hours leading up to the dope deal, you have pretty good proof to use at trial. That is the way you make cases. That is the way investigations are done. If they say, I didn't make any money off that, you check his bank record, and see that he deposited $10,000 in cash. That is proof that goes toward whether this person was engaged in selling dope for cash. That is the way you prove cases every day. This is the way you have to prove cases against terrorists. I make that big point.

I have heard people on national television say they can go into your house and search your house without a warrant. Absolutely not true. The great protections to your home and property were changed not one whit by the PATRIOT Act.

It simply allowed the Federal investigators in terrorist investigations to have a much improved ability to timely obtain records. I am telling you, when you are investigating one of these groups and you get a call, a tip, from someone who says, there is a group over here that is pretty dangerous, and we just heard one of the terrorists is coming in from out of the country to meet with them, and you need to check their telephone toll records or check the motel to see if they have been at this motel, to verify whether this occurred, subpoenas can be issued like that. But you do not need to have to go to the FISA court, a Federal court, to get approval any more than a local district attorney would have to do that. As I have indicated, other agencies have these requirements, have these abilities today. It is no big deal, in my view.

Now, what else did we require here? We required that the individual issuing this national security letter, the Federal agency that approves it, certify that it is a national security matter. That is an important certification. They have to do that under oath. Some people may think: Well, they may not comply with that. They could go and break in your house without any warrant. But that is not the way Federal agencies operate. I have worked with them for the biggest part of my career. They do not violate the law. They do not violate this wall between the CIA and the FBI. We have seen that to be true. They do what they are told according to the law. Congress makes these laws, and we need to make sure that laws make sense and do not undermine the ability of those out there working every day to be successful in their work. So it has to be certified, and if an agent lies about that, he or she can lose his or her job, trust me.

They also have to certify that it is a matter that endangers the national security. I think that is too high a burden, frankly. Maybe you do not have that much proof right now that it actually endangers national security, but it is a terrorist organization that you need to dig into and watch more closely. But we have to certify to that. That was part of what it took to get the bill passed, and we just have to live with that. It is something I am not happy with.

Remember, the recipients of these national security letters are third parties who have records—the phone company, the bank, and those kinds of agencies. They can object. They said: Well, they can't object. Yes, they can object. They can file a motion to quash under this bill if there is any abusiveness there, and they can object to the secrecy requirement, and it then requires, if they object, the Attorney General of the United States or one designee of his—the Deputy Attorney General probably—to personally certify that this is a need in which the national security is implicated. That is what you can do.

Let me just pause for a second. Nothing is more important in this act than the fact that we have a system by which our investigators, in terrorist cases, can obtain information from entities that have records relating to these terrorist organizations without those entities telling the terrorists we are investigating them. The last thing you want them to know is that you are onto them. That is so basic in law enforcement. I have been there. I have seen the investigations of drug organizations and things of that kind. You do not want them to know you are onto them. Once they know that, they will scatter like a covey of quail and not be around. They will regroup somewhere else to carry on their evil deeds. Now, you can do that today, but let me tell you the history of it.

When I became an assistant U.S. attorney in the 1970s, if you subpoenaed bank records, you would ask the bank or their agents not to report it to the customer, and they would not do it. But in the years that have gone by, the banks have been sued, so they have gotten lawyers and feel they have an obligation to their customers. Almost all of them have a policy that if a customer's records are subpoenaed, they notify the customer. So that has been a change in policy, and it can be devastating. Sometimes, you desperately need some of those records, but you do not need to tip off the organization you are investigating them. Most of the time, these companies have no real objection, because this eliminates their legal responsibility that lawyers say they may have, and this allows them to reveal it. They are satisfied. You get the records, and they do not tell the terrorist that you are getting them. That is one of the most important things in this whole legislation.

So, as I said, they can object. They can object to the fundamentals through a motion to quash a national security letter, and they can object to the secrecy requirement and require the Attorney General of the United States to certify that it is appropriate to be maintained secret.

Further, the bill says the Department must issue an annual public report to the Nation on how many of these have been issued and under what category.

Also, as part of the conference, we dropped legislation that made it a misdemeanor, with up to 1 year in jail, for a business to violate the court order and reveal the subpoena to the terrorist. I am amazed we did that. But people objected, and to make people happy, we removed the criminal misdemeanor penalty for somebody who tips off the terrorist that the Government has obtained information on them. I think that is terrible, but it is part of it, so it is one of the things I have to accept. If some of my colleagues have concern on the other side, they have to realize no bill is perfect, and we take what we can get.

I see our Budget Committee chairman, Senator GREGG. I was prepared to talk about some of the issues relating to section 215. We can do that later at another time, and I would be pleased to yield to Chairman GREGG if he has some matters he wishes to discuss at this time.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from New Hampshire.

Mr. GREGG. Madam President, I would actually like to get a clarification from the Senator from Alabama because I know he is an expert on this issue, having been a U.S. attorney and having been one of the leading authorities on legal activity here in our country. Because earlier in the day the assistant leader from the Democratic side of the aisle came to the Senate floor and made an extensive statement about how abusive the present bill, which is being moved forward, is, and specifically toward libraries, and how, as he represented it, somebody's records could be subpoenaed from a library, basically carte blanche, and then the library would be gagged from disclosing that information.

As I understood it, the bill, as it has worked its way through conference, has actually put in place stronger protections for libraries, and actually a terrorist gets more protection than, say, somebody who is in the Mafia; is that correct?

Mr. SESSIONS. Madam President, I think the Senator is fundamentally correct. Sometimes investigators need to know which books have you checked out. I prosecuted an individual one time who was a doctor. They made a TV movie out of it. He had a book, a death dealer's manual in his possession and another one on deadly poisons. But when you are trying to prosecute a case, the fact is that this covers even book sales, for example.

Any district attorney in America today can subpoena the book store and

find out what you or I bought, if it is relevant to a criminal investigation. In this case, not only must it be relevant to any investigation, it must be relevant to a national security investigation in which the issuer of the subpoena must certify that it endangers the United States. It is a very rare occurrence. The only difference is that there is an automatic ability for the Government to request that it not be revealed to the person investigated on an immediate basis.

These records are available today. The library association, in my view, has misunderstood the principle of law enforcement. Yes, you do not want people willy-nilly probing library records to see what people are reading. Of course, that is not legitimate. But when you certify it is a national security investigation, important to the safety of the United States, when you issue one of these subpoenas, I can't imagine anybody would object to that. It is certainly consistent with the generalized principle of subpoenaing records. I thank the Senator for raising that. I do believe this is out of sync with reality and the complaints are not justified.

If we were to find out that people, agents were probing, going around the country willy-nilly inspecting people's reading habits, this Congress would react just like that, and we would pass laws to stop it. We would get people fired if they were doing those kinds of things. That is in violation of Department of Justice procedures and policies. Anybody caught doing that would be fired on the spot. That is absolutely improper. But when you are investigating a terrorist organization, this is a modest proposal that requires the Government to have a high standard of proof, to support how they have done it, and is otherwise constrained in a way that the Senate Judiciary Committee agreed to by unanimous vote of 18 to nothing.

I would like a little later to talk about section 215 which requires a higher standard, and library records are part of that. With regard to library records in particular, along with medical records, you must present that to a Federal court, a FISA court, and get an approval in advance before you can get library records. It requires advance approval.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent that notwithstanding the previous order, the first vote be on the Carper motion to instruct, followed by the Baucus motion, and then the Harkin motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

MOTION TO INSTRUCT CONFEREES

Mr. HARKIN. Madam President, on behalf of myself and Senator SMITH of Oregon, I call up the motion at the desk to instruct conferees regarding cuts to Federal food assistance programs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] (for himself and Mr. SMITH) moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to insist that any reconciliation conference report agreed to jointly by the House and the Senate does not contain any cuts to Federal food assistance programs, including the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), for the following reasons:

(1) The Federal food stamp program is the first-line of defense in the United States against hunger and food insecurity, providing nutrition assistance for over 25,000,000 people in the United States.

(2) 80 percent of benefits under the food stamp program, over $23,000,000,000 in 2005, are provided to families with children, making the program the most important form of nutrition assistance for children in the United States.

(3) Hunger and food insecurity in the United States are rising, with a recent study by the Department of Agriculture finding that—

(A) 38,200,000 people in the United States live in households that were food insecure in 2004;

(B) the number of food insecure individuals increased by nearly 2,000,000 between 2003 and 2004; and

(C) since 2000, the number of individuals classified by Department of Agriculture as food insecure rose by 7,000,000.

(4) The food stamp program plays an important role during natural disasters and has provided emergency food assistance to approximately 2,200,000 individuals affected by Hurricanes Katrina, Rita, and Wilma, allowing disaster victims to obtain critical food within days.

(5) The food stamp program operates efficiently and effectively, with its error rate at an all-time low.

(6) Reductions in funding for the food stamp program would constitute cuts in or loss of benefits to currently eligible individuals and families and would not come out of fraud, waste, or abuse.

Mr. HARKIN. Madam President, I understand that under the order, I have a couple minutes to speak about this.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. HARKIN. I was told I had 2 minutes and then 1 minute before the vote.

The PRESIDING OFFICER. The order was 2 minutes evenly divided preceding the vote.

Mr. HARKIN. I apologize. Then is there another minute before the vote?

The PRESIDING OFFICER. No, there is not.

Mr. HARKIN. Madam President, the Senate has considered cuts to food assistance programs this year on a bipartisan basis. It rejected such cuts. I commend my colleagues on both sides of the aisle, especially Chairman CHAMBLISS for his leadership. This motion is simple. It instructs the Senate conferees to insist upon the underlying Senate position of no cuts to Federal food assistance.

First, we are at a time when hunger and food insecurity in the United States is increasing rapidly. The number of Americans experiencing food insecurity has increased by approximately 7 million people. This is no time to cut the food stamp program.

Secondly, with all of the emergencies this year with the hurricanes, we have been reminded again of how the food stamp program works in emergencies. There were 2.2 million individuals affected by these hurricanes who got critical food assistance within days.

Finally, again, this has nothing to do with waste, fraud, and abuse. The error rate is at an all-time low in the food stamp program. We have worked on this for over 20 some years to bring it that low. It is working very effectively. The fact is, the House reconciliation bill does not go after fraud, waste, and abuse, but they cut 250,000 people off the food stamp program. That is the wrong way to go.

I thank my colleagues for standing up for hungry families earlier this year. Especially at this Christmas season, let's stand up for them once again and say we are not going to take the food out of the children's mouths.

I urge my colleagues to agree to the motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

MOTION TO INSTRUCT CONFEREES

Mr. BAUCUS. Madam President, I call up a motion to instruct which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to not report a conference report that would impair access to, undermine eligibility for, make unaffordable by increasing beneficiary cost-sharing, adversely affect Medicaid services, or in any way undermine Medicaid's Federal guarantee of health insurance coverage with respect to low-income children, pregnant women, disabled individuals, elderly individuals, individuals with chronic illnesses like HIV/AIDS, cancer, and diabetes, individuals with mental illnesses, and other Medicaid beneficiaries.

Mr. BAUCUS. Madam President, I ask unanimous consent to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, this motion instructs the Senate conferees on the spending reconciliation bill not to bring back a conference report that hurts Medicaid beneficiaries.

Last month, the House passed a spending reconciliation bill that would increase health costs and cut benefits for millions of seniors and lower-income Americans who depend on Medicaid.

According to the Congressional Budget Office, three-quarters of the Medicaid savings in the House bill came

from the these cuts. The bill would increase costs for 17 million people, cut benefits for 5 million people, and force tens of thousands off of Medicaid.

We know the damage that increasing health costs can cause. We have seen it happen. Oregon imposed just a nominal premium for some on Medicaid—from $6 to $20 a month. Within 10 months, nearly half of the people forced to pay had been dropped from coverage. Three-quarters of those who were dropped became uninsured.

These changes impose a tax on our poorest citizens.

And these changes also burden doctors, hospitals, and clinics that treat Medicaid patients. States will deduct the fees regardless of whether providers ever get paid. Healthcare providers will pass these uncompensated costs along through higher rates for all patients in the private market.

Many poor people will pay more, but get less. The House bill allows States to cut Medicaid benefits. Although the bill would protect the poorest children, millions of children would no longer get the medical care that they need. People with disabilities and chronic conditions would also be at risk.

Some say we need to look at Medicaid's rising costs, and I agree. We need to get a handle on spending and make this program sustainable. But shifting costs and cutting benefits for our poorest and least able to pay is not the smart way to do it.

This motion instructs Senate conferees on the reconciliation bill to reject the House changes to Medicaid that would hurt Medicaid beneficiaries or undermine Medicaid's guarantee. The Senate must take a stand in support of the neediest among us.

Let us ensure that we do no harm to the vulnerable people whom Medicaid serves.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent to speak for 2 minutes on the Baucus motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, there is general feeling that the Baucus proposal is—I don't use this in a pejorative sense—benign enough so that everybody can agree to it.

But I do think it is important to understand, relative to the Medicaid issue, that Governors, in a bipartisan way, have come forward and put down some proposals that are really creative, where they feel they can dramatically expand coverage and significantly save money. Some of those do involve using copays of some sort relative to higher income individuals. Having been a Governor—and I know there are other former Governors in this Chamber—I think the flexibility the Governors want is reasonable.

I hope we will come back from conference with language that will give Governors the flexibility necessary to allow them to do creative things in the Medicaid accounts which will save us money, save the States money, and end up with more coverage. That should be our game plan—more people being covered. I think it is doable because a creative Governor who has energy and guts and staff people who are effective—and most Governors do—can do a lot if they are given flexibility and the ability to move forward without being straitjacketed by Federal regulations. So that will be our goal in conference. I don't think it is inconsistent with what the Senator from Montana has proposed.

Mr. BAUCUS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Madam President, what is the regular order?

The PRESIDING OFFICER. The Senator from Delaware is to be recognized.

Mr. GREGG. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. CARPER. Madam President, I ask unanimous consent to address the Senate for 2 minutes on a motion I have at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to insist that any conference report shall not include the provisions in the House amendment relating to the reauthorization of the Temporary Assistance for Needy Families Program, including those which would increase work hours for single mothers with young children, impose new cuts on already inadequate child care funding and other proven work supports such as child support, restrict education and training, and reduce State flexibility, and insist that Congress enact free standing legislation that builds on the bipartisan Senate Committee on Finance's reported version of the Personal Responsibility and Individual Development for Everyone Act (the PRIDE Act, S. 667) to reauthorize the Nation's welfare-to-work laws.

Mr. CARPER. Madam President, for the last 3 years that we have been in the Senate, I have been pushing my colleagues, Democrats and Republicans, and pushing the administration and my colleagues in the House of Representatives to reauthorize Temporary Assistance for Needy Families. We first authorized it in 1996. There was a 5- or 6-year authorization that had lapsed, and we need to renew it and establish a path forward for welfare programs in my State, your State, and all other States across this country.

The Senate Finance Committee has approved unanimously, without dissent, legislation to reauthorize it for another 5 years. It is out of committee and ready to come to the floor. We should take it up, debate it, amend it, if we see fit, pass it, and go to conference with the House.

The House passed their own reauthorization measure, which is imperfect in my view. I will mention a couple of problems I have with it. As the Governor of Delaware and lead Governor of the National Governors Association on welfare reform, it occurred to me that if you want people to get off welfare and go to work, they need help with taking care of their kids, and we needed to make sure they had decent health care for the children. If they don't have that, they are not going to be successful in going to work. The measure reported out of the Committee provided extra money for childcare support. It is needed.

There is another problem. Under current law, if you are on welfare, you have to work 30 hours a week. However, if you have young kids under the age of 6, you can work as little as 20 hours a week, not 30 or 40 hours. The House measure says everybody has to work 40 hours a week if you are on welfare. That may sound good at the outset, but if you don't have money for childcare to help with the extra time people are going to be working, it is not going to work. Say somebody has a week-old or month-old or year-old child. They are going to have to work 40 hours a week.

I ask for support on the motion. Let the committee bring the bill forward and debate it and vote and go to conference.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. OBAMA. Madam President, I support Senator CARPER's motion to instruct reconciliation conferees to reject the House TANF provisions. Assisting needy families is too important an issue for this Chamber to cede its legislative authority to the House of Representatives. The TANF Program affects millions of American children and families. It deserves a full and fair debate.

The reconciliation process does not permit that debate. Reconciliation is not the place for policy changes.

The right starting point for Senate debate is the PRIDE bill. PRIDE is not a perfect bill. But it is a reasonable bipartisan effort that addresses childcare, transitional medical assistance, and certain educational opportunities.

Mr. President, we should have a full debate on the PRIDE bill. We should consider what the evidence actually says about moving people from welfare to work, from dependence to independence, from poverty to prosperity. We should have a full debate about what is really required to provide all Americans with equal opportunity.

Unfortunately, reconciliation does not permit that debate. Worse yet, the House provisions are based not on evidence and experience but on ideology.

The cynical increase in the work hour requirement, for example, is a Federal mandate with no basis in the

reality of what works to promote work and reduce poverty. The data shows that people meeting the current 30-hour requirement work about 35 hours now. That is a bit more than the national average for ''full time'' work for all employees, whether they receive TANF or not. Indeed, among all mothers with children under the age of 6, only 43 percent work as much as 35 hours.

People who don't meet the 30-hour TANF requirement now—for whatever reason—are not going to work more just because the requirement has been increased. What will happen is that Congress will punish the States and reduce State flexibility to do what works.

In my own State of Illinois, we are committed to moving people off welfare and into work. And Illinois is not cynical about it. This isn't about pinching pennies but about providing opportunity.

Illinois is serious about the need for work. Tens of thousands of families have worked their way off assistance. But we understand why people find themselves in need of assistance. We have adopted flexible rules to accommodate families where the wage earner was medically unable to work, where a spouse or child was disabled, where the worker was finishing up a training program.

Illinois requires work but allows people to work part time while they take care of their obligations. And to get mothers out of their homes and into the workforce in a productive way, we have improved the child care subsidy system. We have invested in it.

And you know what? People in Illinois have not lingered on TANF. If they could work their way off the program, they have done so.

Unfortunately, the House TANF provisions which raise participation rates to 75 percent will make it harder for States to deal with family sickness, the realities of raising children, and natural disasters. To avoid penalties, States will have to find make-work activities even for TANF recipients who are working full time.

Another problem is that raising work hours and participation rates will increase the need for childcare well beyond the funding provided in the House bill. Childcare funding makes work possible for many women. If we want people to work and be responsible parents, we have to worry about who will care for their kids. Under the House proposal, States will be forced to fund other activities that will leave them with less money for childcare. That makes no sense.

The House TANF provisions make it harder for States to support working families. I urge my colleagues to reject those provisions in reconciliation, and I look forward to an honest debate about TANF and the PRIDE bill here on the Senate floor.

I also rise today to speak in favor of the motion to instruct offered by Senator KOHL. This motion expresses the Senate's view that the Senate conferees should not accept the cuts to the child support program that have been proposed by the Committee on Ways and Means in the House of Representatives.

The child support program is an effective and efficient way to enforce the responsibility of noncustodial parents to support their children. For every public dollar that is spent on collection, more than four dollars are collected to support children. That is a good return on our investment in families. Moreover, these families are then less likely to require public assistance and more likely to avoid or escape poverty. This is a program that works.

The evidence is compelling. For example, in 2004, enforcement efforts helped collect almost $22 billion in child support. Our aggressive State and Federal efforts have translated into $1 billion in collected child support payments in Illinois alone this year. That means 386,000 Illinois families will be better equipped to provide for their children.

Preliminary budget estimates suggest the cuts proposed by the Ways and Means Committee will translate into $7.9 billion in lost collections within 5 years, increasing to a loss of over $24 billion within 10 years. This proposal is not even penny-wise, and it is certainly pound-foolish.

Today, the State of Illinois reports a 32 percent child support collection rate. Let's not take a step backward in the progress that has been made by stripping the States of necessary Federal support. The welfare of too many is at stake.

Child support is the second largest income source for qualifying low-income families. We should not balance our budget on the backs of families that rely on child support to remain out of poverty.

I urge my colleagues to support this motion as well. Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Madam President, we yield back the remainder of our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to instruct conferees offered by the Senator from Delaware.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

If present and voting, the Senator from California (Mrs. BOXER) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 27, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—64

Akaka	Frist	Nelson (NE)
Alexander	Grassley	Obama
Baucus	Harkin	Pryor
Bayh	Hatch	Reed
Bennett	Hutchison	Reid
Bingaman	Inouye	Roberts
Burns	Jeffords	Rockefeller
Byrd	Johnson	Salazar
Carper	Kennedy	Santorum
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Coleman	Kyl	Smith
Collins	Landrieu	Snowe
Conrad	Lautenberg	Specter
Corzine	Leahy	Stabenow
Dayton	Levin	Stevens
DeWine	Lincoln	Thune
Dole	Lugar	Voinovich
Dorgan	Mikulski	Warner
Durbin	Murkowski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NAYS—27

Allard	Craig	Lott
Allen	Crapo	Martinez
Bond	DeMint	McConnell
Brownback	Ensign	Sessions
Bunning	Enzi	Shelby
Burr	Gregg	Sununu
Coburn	Hagel	Talent
Cochran	Inhofe	Thomas
Cornyn	Isakson	Vitter

NOT VOTING—9

Biden	Chambliss	Graham
Boxer	Dodd	Lieberman
Cantwell	Domenici	McCain

The motion was agreed to.

Mr. GREGG. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Madam President, I ask unanimous consent that on the next two votes they be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Madam President, what is the regular order?

The PRESIDING OFFICER. There is now 2 minutes evenly divided prior to the vote on the Baucus motion.

Mr. BAUCUS. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Montana.

Mr. BAUCUS. Madam President, this motion instructs the Senate conferees on the pending reconciliation bill not to bring back a conference report that hurts Medicaid beneficiaries. In fact, these changes amount to a tax on our poorest citizens. They also burden doctors, hospitals, other providers who will pass on the costs to them. More poor people will pay more, but they will get less. It does not make sense. We are cutting Medicaid to take it out of the hide of the poorest people of our country, and that is Medicaid recipients.

May I also say I am supported by a strong letter from a number of Senators on the other side of the aisle. This letter asks the same; that we do not adopt these harsh House Medicaid cuts. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 13, 2005.

Hon. WILLIAM H. FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. HARRY REID,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER FRIST: Throughout the budget process we have been concerned about the impact to America's lowest income and most vulnerable from policies implemented to secure budget savings. We were heartened by the Senate's effort to protect these Americans by utilizing system efficiencies and eliminating waste and abuse from the Medicaid program. Unfortunately, the House of Representatives did not take a similar path. Therefore, as the Senate begins its work to reconcile the two budget reconciliation bills, we urge you to hold firm in defending the Senate's policies regarding Medicaid.

Medicaid is a vitally important program that serves almost 54 million poor, disabled, chronically ill and elderly Americans. It provides a range of benefits from screenings and vaccinations for the young, to home health and long term care for the elderly. Given the breadth and diversity of the people it helps, Congress must remain committed to the strength and viability of Medicaid.

As indicated by the strong support from beneficiary groups, advocates and providers, the Senate bill ensures that the most vulnerable among us are not called upon to carry the burden of balancing the budget. This was accomplished by adhering to a few key principles. First, the Senate bill limits the cuts to a total of $10 billion, the savings level which the Finance Committee was instructed to achieve. The bill utilizes both Medicare and Medicaid to reach the required $10 billion in budget savings, and holds the net level of Medicaid cuts to under $5 billion. Most importantly, the Senate bill does not achieve any savings through policies that would negatively impact beneficiaries. We strongly urge you to continue to defend these principles and preserve the Senate's policies on Medicaid in the final budget reconciliation agreement.

In particular, we are concerned with policies included in the House bill that would impose new cost-sharing requirements on beneficiaries, alter eligibility policies for long term care that impact the middle-class, and provide unlimited flexibility to states to change benefits. These proposals were debated within the Senate and soundly rejected.

We look forward to working with you on developing a conference report that can garner wide support among Senators and supporters of the Medicaid program.

Sincerely,

GORDON SMITH.
NORM COLEMAN.
ARLEN SPECTER.
LINCOLN CHAFEE.
SUSAN COLLINS.
OLYMPIA SNOWE.
MIKE DEWINE.

Mr. GREGG. Madam President, this will be a 10-minute vote, as well as the following vote, so I hope Senators will stay around to accomplish those votes promptly.

Second, we intend in conference, should we be successful in going to conference under the leadership of Senator GRASSLEY, to bring back a bill which will effectively address the issues of Medicaid, and we see the opportunity here to follow very closely, hopefully, the proposals of the Governors, which are bipartisan in nature.

Mr. BAUCUS. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GREGG. I believe we hope to follow closely the proposals of the Governors, which are bipartisan in nature, and give the Governors the flexibility they need in order to accomplish significant Medicaid reform, which will mean extending Medicaid to more people but doing it in a more efficient way, which will save us more money. We actually don't see that this language impairs that effort, and we think we can report a very effective bill with or without this language.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

If present and voting, the Senator from California (Mrs. BOXER) would vote ''yea.''

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 16, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—75

Akaka	Dorgan	Lugar
Alexander	Durbin	Martinez
Baucus	Enzi	McConnell
Bayh	Feingold	Mikulski
Bennett	Feinstein	Murkowski
Bingaman	Frist	Murray
Bond	Grassley	Nelson (FL)
Brownback	Gregg	Nelson (NE)
Burns	Harkin	Obama
Byrd	Hatch	Pryor
Carper	Hutchison	Reed
Chafee	Inouye	Reid
Clinton	Jeffords	Roberts
Cochran	Johnson	Rockefeller
Coleman	Kennedy	Salazar
Collins	Kerry	Santorum
Conrad	Kohl	Sarbanes
Corzine	Kyl	Schumer
Craig	Landrieu	Smith
Crapo	Lautenberg	Snowe
Dayton	Leahy	Specter
DeWine	Levin	Stabenow
Dole	Lincoln	Stevens
Talent	Thune	Warner
Thomas	Vitter	Wyden

NAYS—16

Allard	DeMint	Sessions
Allen	Ensign	Shelby
Bunning	Hagel	Sununu
Burr	Inhofe	Voinovich
Coburn	Isakson	
Cornyn	Lott	

NOT VOTING—9

Biden	Chambliss	Graham
Boxer	Dodd	Lieberman
Cantwell	Domenici	McCain

The motion was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are 2 minutes equally divided in relation to the motion by Senator HARKIN to instruct conferees.

The Senator from Iowa.

Mr. HARKIN. Mr. President, we are now going to vote on a motion to instruct conferees. Stick with the Senate's position dealing with cuts in the Food Stamp Program. I know arguments have been made about waste, fraud, and abuse. What the House does does not cut waste, fraud, and abuse but cuts 200,000 people off the food stamp rolls. They are working poor. They work every day. They have children. This sends them back on welfare rolls.

I point out there was a letter sent to Senator CHAMBLISS on December 8 from 15 Republican Senators saying, please stick with the Senate position. I compliment those Senators. I publicly thank Senator CHAMBLISS for his great leadership both on the Agriculture Committee and in the full Senate on this issue.

This is not the time to cut food stamps from people who are working and struggling with their children.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first, I also wish to compliment the Senator from Georgia, Mr. CHAMBLISS, who brought to us reconciliation instructions out of his committee which did not cut food stamps. But I do think it would be a mistake for us to tie Senator CHAMBLISS's or anybody's hands as they move forward in conference.

The language which I have concern about in this proposal is the last paragraph. Everything up to the last paragraph is OK, but that last paragraph catches you because he says:

> Reductions in funding for the food stamp program would constitute cuts in or loss of benefits to currently eligible individuals and families and would not come out of fraud, waste, or abuse.

Well, it represents the fact that we cannot save any money from food stamps out of fraud, waste, and abuse. That is just wrong. There are ways to save money in food stamps by addressing fraud, waste, and abuse. There are a lot of ways. Anybody who has been exposed to the program knows that.

I believe this instruction would be counterproductive to the flexibility that Senator CHAMBLISS and others would like as they move forward in this conference, and I intend to vote no on it.

Mr. President, I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent. The Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

If present and voting, the Senator from California (Mrs. BOXER) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 26, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—66

Akaka	Feinstein	Nelson (FL)
Baucus	Frist	Nelson (NE)
Bayh	Grassley	Obama
Bennett	Hagel	Pryor
Bingaman	Harkin	Reed
Brownback	Hatch	Reid
Burns	Inouye	Roberts
Burr	Jeffords	Rockefeller
Byrd	Johnson	Salazar
Carper	Kennedy	Santorum
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Coleman	Landrieu	Smith
Collins	Lautenberg	Snowe
Conrad	Leahy	Specter
Corzine	Levin	Stabenow
Dayton	Lincoln	Stevens
DeWine	Lugar	Talent
Dole	Martinez	Thune
Dorgan	Mikulski	Voinovich
Durbin	Murkowski	Warner
Feingold	Murray	Wyden

NAYS—26

Alexander	Crapo	Kyl
Allard	DeMint	Lott
Allen	Domenici	McConnell
Bond	Ensign	Sessions
Bunning	Enzi	Shelby
Coburn	Gregg	Sununu
Cochran	Hutchison	Thomas
Cornyn	Inhofe	Vitter
Craig	Isakson	

NOT VOTING—8

Biden	Chambliss	Lieberman
Boxer	Dodd	McCain
Cantwell	Graham	

The motion was agreed to.

Mr. HAGEL. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. HAGEL. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2:15, the following Senators be recognized to speak as in morning business: ROBERTS, 30 minutes; MIKULSKI, 15 minutes; CARPER, 30 minutes; I further ask unanimous consent that if a Republican Senator seeks recognition between Senator MIKULSKI and Senator CARPER, my request be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 1:09 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. IZAKSON).

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Kansas is recognized for 30 minutes.

PATRIOT ACT

Mr. ROBERTS. Mr. President, I rise today to support the conference report for the USA PATRIOT Improvement and Reauthorization Act of 2005. That is a long title. We are talking about the PATRIOT Act.

I am pleased to report to my colleagues and to the President that the House just passed the PATRIOT Act with a very strong bipartisan vote. We need to do the same. I thank Chairman SPECTER for his hard work in getting this important legislation to the conference.

This conference report is one of the most important that we will pass this year. We must do it prior to leaving because it contains a number of provisions that are absolutely vital to our national security. I say that from my perspective as chairman of the Senate Committee on Intelligence.

Like the original PATRIOT Act, this legislation does contain a number of compromises that are not to my liking. But it is often said that the mark of a good compromise is that it leaves both sides unhappy. We have a great number, apparently, who are unhappy about this bill. I think we can safely say that no one is entirely happy with all of the provisions in the legislation. Simply put, this is not the best possible bill but the best bill possible under difficult circumstances. Again, it is absolutely needed on behalf of our national security.

My primary concern as a conferee was to ensure that the intelligence community retains its ability to effectively use the important tools that are provided by the PATRIOT Act, and I think we have accomplished that goal.

This act reauthorizes all of the PATRIOT Act provisions that are scheduled to sunset at the end of this year. It does, however, impose a 4-year sunset on the use of FISA court orders for business records and roving electronic surveillance and an additional sunset on the FISA—what is called the lone wolf authority.

Personally, I am opposed to these extended PATRIOT Act sunsets. I know Congress has conducted extensive oversight of these provisions. I know the Intelligence Committee and other committees have, and we have yet to find any evidence—I know this is not the perception we read about in the newspapers or that we hear on the electronic media, but we have yet to find any evidence of abuse or overreaching with respect to these or any other provisions of the PATRIOT Act.

Moreover, this very legislation makes modifications to address the perceived problems with the FISA business records and roving wiretap provisions. I ask this simple question: If we fixed these provisions, why is there need for additional sunsets? It seems to me that Congress always retains the ability to amend the law that is enacted. We have a duty to conduct vigorous oversight with the use of these provisions. The Judiciary and Intelligence Committees certainly do that. We don't need and should not use sunsets to compel oversight of these important issues. That ought to be our reasonable obligation, and we do meet those obligations.

Having said that, I want to highlight the modifications made to two investigative tools that have been widely mischaracterized, in my view, by critics and some in the media—FISA business record court orders and national security letters.

With regard to the FISA business record court orders, one of the most contentious issues during this conference was whether a relevance-plus standard should be added to the FISA business record provisions. Critics argued this tool could be used for fishing expeditions. Our oversight did reveal that this was not the case, but we agreed that relevance was the proper standard for obtaining a business record court order.

Some are not satisfied with this approach and demand that we include not only a relevance standard but a requirement to specify facts that would tie the requested records to a foreign power or to an agent of a foreign power, a so-called relevance-plus standard. The problem with this is very easy to understand. It is a standard not used on any other subpoena, certainly not requiring the prior approval by a judge like these FISA orders. The standard would also leave gaps in the FBI's ability to use what is in reality a nonintrusive investigative tool. Under relevance-plus, by then the FBI would have lost the use of section 215 in important circumstances.

Ultimately, the conferees reached a compromise to address the misperceptions about section 215. Under the conference report, the standard remains relevance to an authorized investigation. Let me say that again. The standard remains simple relevance to an authorized investigation. There is no increased burden of proof. The standard remains the same as every

other subpoena that Congress has ever enacted.

If the FBI seeks records that are relevant to any authorized, full investigation or a preliminary investigation, it should be able to obtain those records. Under this conference report, it still can. But to address the allegations that the scope of lawful national security investigations is too broad, the conferees included language that does provide for a presumption of relevance if the FBI does provide a statement of facts explaining the link between the requested records and one of three statutory categories. Thus, the compromise language encourages the FBI to seek the protection of presumptive relevance by including a link to one of the three statutory categories in its application, but it also maintains the use of investigative technique in those limited circumstances that fall outside the three categories.

The conferees also placed additional restrictions on section 215 orders. Under the conference agreement, the records obtained with a FISA business record court order must be screened through minimization procedures adopted by the Attorney General. These procedures are not required for any other subpoena, grand jury, court order, administrative, or otherwise. In my opinion, minimization procedures should not be required for this low-level investigative activity, especially in light of the requirement for prior judicial approval of an order.

These procedures unfortunately were part of the price we paid to get this legislation passed—a price that I did reluctantly accept to preserve this investigative tool. I urged the Attorney General when this bill was passed to adopt flexible minimization procedures.

These procedures must maintain the ability of the intelligence community to analyze the important foreign intelligence information now obtained by FISA business record orders. That information must be made available over an extended period of time so that the intelligence community will not lose its ability to connect the so-called dots. One current phone number that would be connected to one 2-year-old credit card record that would be connected to one 10-year-old hotel receipt might be the information necessary to stop an attack. We should never forget that, especially in the age in which we live.

Severe retention or any rules of dissemination for these third-party business records will limit the FBI's ability to prevent attacks, and that is the standard we have demanded post-9/11. I can assure you that the Intelligence Committee will examine these procedures with great interest once they are issued.

Next, with regard to national security letters—and the acronym for that is NSL—this conference report makes three important modifications.

First, it will provide for express enforcement of national security letters by creating criminal penalties for noncompliance with the request.

Second, this bill clarifies the process by which the recipients of a national security letter may seek judicial review of requests that are either unreasonable, oppressive, or otherwise unlawful.

Third, this legislation does replace the current blanket nondisclosure rule with a process that requires a special certification by a high-level official to invoke the protection of the nondisclosure provision. If the official is sufficiently high level, the certification that the disclosure would endanger national security or interfere with foreign relations will not be overturned by a court without a showing of bad faith.

Some have questioned the need for nondisclosure provisions on these national security letters or complained that they can be invoked or defended much too easily. I have an opposite concern. I am concerned that the disclosure of the fact that the FBI has sought business records might hinder the investigation of a terrorist network or an espionage ring. Nondisclosure requirements on these national security letters are absolutely necessary for the protection of our national security. We must all keep in mind that these so-called NSLs are issued in the context of classified investigations of terrorists and spies.

Make no mistake, the national security letter that requests information in support of a classified investigation should also be classified. But because many phone companies, Internet service providers, financial institutions, or credit card companies don't have the facilities to handle classified information, these national security letters are submitted in unclassified form. The FBI relies on the nondisclosure provisions in the NSL statute to prevent the disclosure of classified investigations of terrorists and spies. Without the protection of a nondisclosure provision, the FBI would have to choose between not using a national security letter or taking the risk that its investigation will be disclosed to the spy or terrorist under investigation. We can't afford either option.

If a terrorist becomes aware of an FBI investigation that was directed at him based on the fact that a national security letter has been issued, he obviously can take actions to protect other members of his cell, ensure that the terrorist network does proceed with other planned attacks, or, in the worst-case scenario, speed up the time line of a planned attack.

We also cannot afford for the FBI to walk away from valuable intelligence information from fear the disclosure of a national security letter might undermine an ongoing investigation. These NSLs do provide access to limited categories of third-party business records that form the building blocks of national security investigations. They allow the FBI to identify the activities of a terrorist or spy and others who associate with them.

The conference report maintains the protections of the NSL nondisclosure provision. It does modify the nondisclosure provision so it is no longer automatic; it must be invoked. It provides the recipients with the avenue to challenge the nondisclosure not once, but every single year. Subsequent challenges also require the Government to reexamine the need for secrecy.

With these modifications, it seems to me the conference report strikes the balance needed on this issue. First, we protect the very legitimate rights of the recipients and ensure the sensitive investigations of terrorist and spies certainly are not compromised.

So as my colleagues can see, the protections that are provided in the conference report for privacy and civil liberties are extensive. In fact, I think the modifications to the FISA business record orders and the national security letters should address all concerns raised about these tools. I hope my colleagues who have concerns about this know what is in this bill as opposed to what the perception is.

The conferees did not stop there. In addition to the modifications I have mentioned, the conference report includes the provisions enhancing existing oversight of these tools. For example, the bill requires the Department of Justice Inspector General to conduct extensive audits of both the use by the FBI of the national security letters and FISA business record orders. The bill also expands public reporting on these investigative tools.

I cannot help but note at this point that many of the protections for privacy and civil liberties incorporated in this bill were derived from the protections that the intelligence committee would have applied to the national security administrative subpoena that we reported in June in our bill. This conference report has essentially taken all of the protections that were contained in the national security administrative subpoena provision, but it has failed to provide the FBI with the same ability to access records that now exist in 335 other contexts.

Far too often we legislate to the possible rogue FBI agent, one-tenth of 1 percent who might go beyond the law. When we take this step, we deprive the other 99.9 percent of FBI agents of a lawful investigative tool, and then if something is missed or we have an attack, why, of course, we blame the FBI. Our oversight reveals no abuses. Yet we deprive our national security investigators of these constitutional tools.

I challenge opponents of national security administrative subpoenas to provide one good reason the FBI should not have the authority. I have listened to their arguments. I still have not heard one good reason. Four years removed from 9/11, it is far too easy to put restrictions on the intelligence community that are not necessary or appropriate. It seems to me we must

continue to ensure that we provide lawful access to data with appropriate precautions. We must tear down the remaining walls that prevent access to lawfully collected intelligence information. One of the top priority goals of the intelligence committee is information access. That is the one thing that seems to me that we must reach out and accomplish, and obviously passing this act and not rebuilding walls to make this problem worse is a top goal.

When we needlessly restrict intelligence investigations, we increase the possibility that the next attack will succeed. I will oppose such restrictions and will continue to fight for new authorities for the intelligence community. I believe the national security administrative subpoena is an appropriate tool that would increase our security without sacrificing our civil liberties. I will continue to ask a simple question: Why are we withholding administrative subpoenas from those who investigate spies and terrorists when they are being used every day by those who investigate health care fraud, drug violations, and other similar matters.

As I have asked many times before, why can the Attorney General use an administrative subpoena to stop a dirty doctor or a dirty drug dealer but not a dirty bomber? That does not make sense. This is a tool that the President, the Attorney General, and the Director of the FBI have all asked Congress to provide in regard to our national security investigators. Once again, Congress has denied them.

Before concluding, I want to highlight one more important intelligence-related provision in this bill: section 506. That is the section that will establish a national security division within the Department of Justice that is consistent with the recommendations of the executive WMD Commission. The national security division will be headed by the Assistant Attorney General for National Security who will be appointed by the President, with the advice and consent of the Senate.

This process, in regard to confirmation, will be subject to the shared jurisdiction of the Senate Judiciary Committee and our Intelligence Committee.

The provision also requires the Attorney General to consult with the Director of National Intelligence before recommending a nominee to the President. I believe the creation of the national security division will help prevent the rebuilding of these walls that I keep talking about that once hindered access to foreign intelligence information. This new national security division will help ensure that law enforcement and intelligence are indistinguishable partners in the protection of our national security.

Finally, I strongly oppose passing a short-term continuing resolution, as some have suggested, to reauthorize existing authorities. The conferees have already worked extremely hard to reauthorize the existing authorities. I do not believe that any additional time or negotiations will close the gap between the opponents and the supporters in regard to this act.

In fact, on the one issue that prevented some conferees from across the aisle from signing onto the conference report, the so-called bad-faith certification provision, this conference report is actually more protective of national security letter recipients than the version previously passed by the Senate.

I hope the folks who are upset about this know that is in this bill and that this is actually more protective. As convinced as I am that an additional 3 months will not close the gap between opponents and supporters, for those who want a continuing resolution, I am equally convinced that further negotiations will only result in additional concessions that will make the PATRIOT Act tools virtually useless.

I remind my colleagues again that 4 years of oversight of the use of the authorities that are provided by the PATRIOT Act have not revealed one single substantiated—let me emphasize that, substantiated—allegation of abuse. Yet despite this fact the conference report before us today contains numerous additional checks on the use of the PATRIOT Act tools.

The arguments for these additional checks and restrictions are not based on any factual allegations of abuse but, rather, on unsubstantiated allegations, hypotheticals, innuendo, and perception. I understand the concern, but facts are stubborn things, and there has been no abuse. Nonetheless, this conference report will place more burdens on national security investigators using these constitutional tools to defeat terrorists and spies. Further compromise will only serve to negotiate away these very crucial tools. I urge my colleagues to base their position on this important legislation on facts. Facts are stubborn things, as I said before: The fact that terrorists continue to seek to kill Americans, the fact that they continue to plot attacks against us, the fact that they are determined to continue their war against us, the fact that this conference report does provide significant increased protections for privacy and civil liberties, and the fact that our national security investigators have not abused authorities that are provided under the original act.

We have had plenty of time to oversee the use of authorities that are provided by the PATRIOT Act and plenty of time to separate fact from fiction or the wheat from the chaff.

I am deeply committed to the men and women of the intelligence community. The USA PATRIOT Act has provided them with important tools to keep us safe. We should continue to do that. I will vote for cloture if necessary—I hope it is not necessary—and in favor of this conference report. I, again, am very glad that the House has passed the reauthorization of the PATRIOT Act by a large bipartisan vote because this allows the intelligence community to retain these important PATRIOT Act tools and keep America safe. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Maryland is recognized for 15 minutes.

Ms. MIKULSKI. Thank you, Mr. President.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 2097 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Under the previous order, the Senator from Delaware is recognized for 30 minutes.

IRAQ

Mr. CARPER. Mr. President, 10 days ago, I returned home from a bipartisan, bicameral congressional factfinding mission that took a number of Members, including Senator CHUCK HAGEL of Nebraska, myself, and Congresswoman ELLEN TAUSCHER from California, to a number of Middle Eastern countries. There we met with, among others, the leaders of Israel, the Palestinian Authority, Jordan, Saudi Arabia, and Iraq, as well as with our own civilian and military leaders. For me, our visit was informative, highly informative, even illuminating, and provided me with a number of insights that I wish to share today with my colleagues and with the American people.

For the past several months, Americans have become increasingly skeptical about our ongoing military presence in Iraq, leading to a fierce debate on how to succeed in Iraq and when to begin to redeploy American troops. With so much discord at home, I was surprised and, frankly, heartened to learn during our mission that there is a growing consensus among both U.S. and Iraqi civilian and military officials on a reasonable path forward that I believe many Americans can embrace.

As our President acknowledged somewhat belatedly today, a number of

grievous mistakes were made during his administration following the ouster of Saddam Hussein—for example, literally telling the Iraqi army to go home, you are disbanded, not needed anymore. Having said that, there is a whole lot at stake, too much at stake, for us to just cut and run. But somewhere between withdrawing all U.S. forces within 6 months and staying the course is a commonsense policy and a path forward for the United States, for Iraq, and for its Arab neighbors.

I believe tomorrow's parliamentary elections and the likely emergence of a coalition government in Iraq gives us a great opportunity, not so much to stay the course but to begin to alter it. This altered course would provide for a moderate but significant redeployment of U.S. troops from Iraq beginning early next year. It could start with our National Guard men and women, might start with our Reserve Forces. We might bring some of them home. Some of them we may wish to deploy to a place such as Afghanistan where they probably would be needed.

Redeployment or drawdown is, maybe, a good beginning, but by no means does it end there. We must also redouble our effort to enlist the full cooperation of the Arab League and others to stabilize Iraq politically and economically as we continue to help Iraq militarily and their police force shoulder more of the burden in providing security in their country.

On the sensitive issue of withdrawing U.S. troops, I believe if we were to withdraw all of our military forces within the next 6 or even 12 months, we would leave that country in danger of a civil war, and America and Iraq's neighbors would be less safe, not more safe, than they were before we invaded Iraq. The truth is, though, a modest American force may well be needed in Iraq for some time. While it will not be close to the 160,000 or so troops we have there now, America will likely maintain some kind of military presence in Iraq, if the Iraqis want us to, just as we currently do in Afghanistan and Kosovo and several other places around the world.

The President's open-ended statements, however well intentioned, about staying the course cause many Iraqis to question our Nation's true intentions. More and more, Iraqis view our troops as occupiers, not liberators. To a lot of them, the President's rhetoric is code for ''We are here for your oil, and we are going to stay until we get it.'' That is an interpretation that fuels the very insurgency we are trying to defeat.

That is why it makes sense to me to announce as early as January that we plan to redeploy a significant number of American troops from Iraq in 2006 and then begin to do so shortly thereafter. Taking this step will help make clearer to most Iraqis our desire ultimately to leave Iraq and its natural resources where they belong—in the hands of Iraqis.

These views are not mine alone. They reflect the views of Iraq's civilian and military leaders as well as those of top American officials on the ground. We should listen to them. In the words of one of our top American military commanders, he said, pointing toward the door of the room in which we were meeting, it is time for us to begin moving toward the door. And I believe he is right. Otherwise, I fear our troops, who continue to perform courageously under incredibly difficult circumstances, will remain targets of opportunity for months or even years to come.

Although much of the debate in America has focused on withdrawing troops, if all we do by the end of next year is reduce our troop levels, we will not set Iraqis up for success; we will set them up for failure. There is also a political war to win, and it is not going to be easy. I believe America's Ambassador to Iraq, the gifted Zal Khalilzad, has done a remarkable job this year in narrowing the differences among competing factions in Iraq. Now it looks like tomorrow's turnout for the parliamentary elections will be strong, even among minority Sunnis, and result in the need to form a coalition government.

In fact, when we were there, we heard that the Sunnis—of which only 3 percent of them voted a year ago when they formed their interim government, and barely a third of them voted 2 or 3 months ago when they voted on their constitution—I understand now that over half the Sunnis are going to vote tomorrow. They will elect anywhere from 50 to 55 to maybe 60 members of this new parliament. The Kurds are expected to elect a similar number, and the Shiites will elect maybe 100, 110. There is not enough among any of them to have a majority. That outcome will create a need, and that is a need to form a coalition government.

The real challenge will come, though, after the vote, as Iraqis confront at least two enormous tasks. One is setting up a functioning government, and the second is rewriting or amending the constitution they just adopted a couple months ago, while at the same time trying to subdue an armed insurgency.

America must do all we can to make sure that the Iraqis' experiment with democracy does not founder, even if this experiment results in something less than a Jeffersonian democracy. But to succeed and become a new and prosperous country, Iraq will need more than just our help. European countries and other nations, including democratic nations, can do their part by helping Iraq set up government ministries and agencies designed to oversee everything from defense and finance to human services and environmental protection.

In fact, I strongly support a proposal that would call for individual countries to adopt a new ministry in Iraq and help them to develop and implement and execute sound policies. For example, Nation A might adopt a finance ministry, Nation B might adopt a foreign ministry, Nation C might adopt the petroleum industry, Nation D might adopt the transportation industry, and on and on and on. It should not be just us; it should be a whole lot of countries joining with us in this effort.

Arab countries that have been extremely critical of the war and of America's occupation must realize they have a dog in this fight, too. On that point, I am more optimistic than I was before my trip. As Saudi King Abdullah told us a week or so ago—these are his words—''In Iraq, what's done is done.'' That is coming from a monarch, a King, who, frankly, did not appreciate, nor did his people much appreciate, our invading Iraq and taking down the regime of Saddam Hussein. But his words: ''In Iraq, what's done is done.'' And from that, I infer he means it is time to turn a page. It is time for them and other Arab nations in that region to get off the bench and get into the game. And they sure need to.

To that end, I sense that many of Iraq's neighbors, including Saudi Arabia, the United Arab Emirates, Kuwait, and Qatar, realize it is in their interest to make sure that Iraq does not erupt into civil war, a civil war that could become a regional war or turn Iraq into a haven for terrorism. Those nations could help ensure a better outcome in Iraq by, among other things, forgiving the Iraqi debt they hold while also working to improve political relations within Iraq. The United States, perhaps through the Arab League, should exert considerable influence in the region to make sure this happens.

Another area in which the United States and other nations can be helpful is to assist Iraq in formulating and implementing, next year, an economic recovery and growth strategy. Iraq, as we all know, is blessed with enormous oil and gas revenues. Yet it is almost beyond belief that today, some 30 months after the U.S. invasion of Iraq and the lifting of the oil embargo in Iraq, oil production in that country is really no higher today than it was on the day of our invasion. In fact, we were told on our visit that oil production today continues to hover at barely one-third of Iraq's capacity of some 5 million barrels of oil per day. But, roughly, that leaves 3 million barrels of oil a day untapped in the ground, even though there is the capacity to draw it out and to refine it and to sell it. At $50 per barrel and 3 million barrels per day, that means that Iraq is leaving approximately $150 million per day on the table in unrealized revenues. That is about $1 billion a week. For $1 billion a week, you could hire several armies to protect the generating capacity, the oil production capacity in that country.

That kind of revenue also would allow the Iraqis to have some money left over to meet a number of their needs. And they have plenty of needs to

meet. That is money that could be used to lower the 25-percent unemployment rate among young Iraqis, along with the unemployment rate among adults in that country. How? By putting them to work on a host of worthy projects around the country—schools, health centers, roads and transit projects, housing, wastewater treatment, electricity generation, telecommunications infrastructure, and the list goes on.

Speaking of economic development, Saudi Arabia continues to increase its oil revenues by more fully integrating their oil and gas business to include surveying, exploration, drilling, recovery, refining, and transportation, as well as providing feedstocks to a growing petrochemical industry. There is no reason why Iraq could not also do the same over time.

But unlike a number of other Arab nations, Iraq's economy does not have to be what I call a one-trick pony. Iraq is blessed with an adequate water supply and plenty of fertile land. Crops, produce, and fruits raised on that land can feed all of Iraq and much of that region. We can help the Iraqis figure out how to realize their potential, and we ought to do it.

Iraq is also blessed with a well-educated workforce, many of whom would like to be entrepreneurs in their country as they move away from a command-and-control economy to more of a free enterprise system. I am told that last year some 30,000 Iraqis applied for business licenses to start their own businesses. A lot of them could have used an infusion of capital to get started, too. They did not need $50,000 or $100,000, either. In a number of instances, as little as a couple of hundred dollars is all they might have needed.

One of the missing ingredients in Iraq in terms of an economic recovery is a banking system that can make and service loans, including loans to small businesses, which generate a lot of the jobs. In America, we know banking. So do some other nations. We need, collectively, to do more to help Iraqis establish a banking system to fuel, among other things, the growth of small businesses—the engine for job creation.

On a positive note, USAID has begun operating in Iraq trying to develop those micro-loan programs that they are putting in place in other nations around the world where maybe $100 or $200 or $300 is extended in a loan to a small businessperson. That is a good program. It is just beginning, but it is one we ought to kick into high gear there.

The idea of Iraq as a tourist mecca was not the first thing that came to mind as we headed for that part of the world. Having said that, Iraq is the home of several of the holiest shrines in the Muslim world, and, lest we forget, it was also the cradle of civilization. Muslims come from all over the world already to visit a number of those holy shrines in Iraq. Given the chance, I believe a lot more of them would come to visit some of those holy places, other holy places, in Iraq if there were airports to serve them, along with restaurants and hotels, bus service, auto rental agencies, and the like.

Next, let me add a word or two about Iran, a largely Shiite nation that borders Iraq, as we know. Iraq's Shiite population lives primarily in the southern part of Iraq. Hundreds of thousands of people have crossed over the border from Iran into Iraq over the past year or two. Tens of millions of dollars have followed them into Iraq. Many in the region fear, understandably, that Iran is attempting to expand its influence through southern Iraq all the way to its border with Saudi Arabia. Others fear a balkanized Iraq divided into three parts, and maybe eventually three countries, will evolve, and those fears are understandable.

Last week, in an unprecedented move, Iran's supreme religious leader, the real boss in that country—not the President, the real boss in that country—sent a personal emissary to Saudi Arabia to meet with its King, King Abdullah, apparently to begin a dialog. That was 2 weeks ago. I said 1 week. It was 2 weeks ago.

Recently, Iran has also sent word to U.S. officials in Iraq, through the U.N., through Shiite persons in Iraq, that the Iranians would also like to send, I believe, their national security adviser to meet in Iraq with our representatives there. I am told that our administration, apparently, is not prepared to give the green light for those talks, arguing that any talks should involve much lower level Iranian representation.

The words of another Arab leader we spoke to on this subject are instructional. That Arab leader said to us during our stay—he was talking about the U.S. unwillingness to join multilateral talks over Iran's nuclear policy but this monarch said to us:

> Ignoring someone doesn't mean they cease to exist.

Think about those words: ''Ignoring someone does not mean that they cease to exist.'' I would encourage our own administration to give American officials in Iraq the green light and find out what is on the Iranians' minds. It is hard to imagine much damage coming out of such a conversation, and there may be some upside to it. Time will tell.

If we are willing to engage in multilateral discussions with some of those wild and crazy North Koreans, I don't know that there is a lot of danger in sitting down and being involved in direct or multilateral relations with Iranians, all the while making clear that their possession of nuclear weapons is not acceptable to us and the views they have toward Israel and pushing Israel into the sea is anathema to us and something we would never countenance.

Let me conclude on the Middle East by sharing with my colleagues an old Navy story. Long before I came here, I served as a naval flight officer during the Vietnam War in Southeast Asia and later on as a Reserve naval flight officer and mission commander of a Navy P–3 airplane, a four-engine airplane. Our Presiding Officer may have seen the Navy P–3s land at Jacksonville, FL, any number of times in our job to hunt for Red October and patrol the oceans of the world.

Every now and then, we would have to change an engine in one of our planes. They break. You land the plane. You pull into the hangar and pull off the engine and put another one on. It takes a day or two, and you have to test it before you go up in the air again. In the Navy, if you had a really hard job to do, we would liken it to changing an aircraft engine in one of our planes. But a really tough job is one that we had to do by changing the engine of the airplane while the airplane was in flight. When you are doing that, that was a tough job.

What the Iraqis face in the coming weeks and months is the political, economic, and military equivalent of changing the aircraft engine while the aircraft is in flight. Tomorrow, they are going to hold elections. The good news is that for 275 parliamentary seats, some 6,500 candidates have filed and are running. That is an astounding number. When the smoke clears literally and figuratively later in the week, they will have to figure out who won and who of those 6,500 lost. They will have to seat a parliament. Then they will have to start putting together a coalition government, not unlike what the Israelis do from time to time. Nobody is going to have a majority. The Shiites may have 100 or 120. But they will need other forces. Or maybe some of the rest of the people who are there, the Kurds or the Sunnis and others, can create a majority coalition on their own.

They will have to figure out who is going to be the prime minister or deputy prime ministers. They have to figure out who is going to be the minister of finance, of foreign affairs, of transportation, of housing, the environment, petroleum, on and on. They have to put the right people in the leadership roles of those agencies and have good people up or down the line in those agencies so they can formulate, implement, and execute policy.

While they are doing all of that, they will have to rewrite their constitution, or at least part of it. To make matters more challenging, they have to do it all while in the face of an armed insurgency. I suggest to my colleagues, doing any of those things in and of itself—going through the elections tomorrow, electing a parliament, standing up a government, putting the right people in place to lead those ministries, rewriting the constitution—any one of them by itself is a hard thing to do. Doing them all almost simultaneously during the course of an armed insurgency, achieving that would be

like the triumph of man's hope over experience.

I returned from Iraq more hopeful than when I left. I acknowledge that a lot of hard work lies ahead for us and, hopefully, for a new coalition of the willing in the Middle East. While there are no easy choices or solutions, I acknowledge that. I think we know that. But if we do begin to alter course, as I have outlined earlier, I believe we increase the likelihood that America, Iraq, and its neighbors will arrive at the destination we all seek.

SERGEANT FIRST CLASS JAMES ''SHAWN'' MOUDY

Mr. CARPER. Mr. President, I rise to talk about a young man who lost his life last Sunday in Iraq. He is an Army sergeant first class who grew up in Delaware, a graduate of Tatnall High School. His name is James ''Shawn'' Moudy. He is the ninth soldier from Delaware to have died in Iraq.

Shawn epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. Shawn exhibited unwavering courage, dutiful service to his country and, above all else, honor. The way he lived his life and how we remember him, Shawn reminds each of us how good we can be.

Shawn was born in Wilmington, DE, on July 14, 1968, to James and Thelma Moudy who now reside in Newark, DE. Shawn attended the Independence School and graduated from Tatnall School in 1986, where he enjoyed playing football and lacrosse. Shawn then attended 1 year at Marion Military Institute in Marion, AL.

After earning a nomination to the Coast Guard Academy, Shawn decided instead to enlist in the Army. For almost two decades, Shawn traveled the world on tours of duty in Korea, Germany, Bosnia, and later at Ft. Benning, GA. It was in Korea that he met his wife Myong Sun, and today they have a daughter, Sandra Rebecca. She is 13 years old.

In September 2004, Shawn was transferred to Ft. Drum in Watertown, NY, where his family resides today. He was deployed to Iraq in August 2005, a few months ago. Shawn's mission was to train Iraqi troops, and he joined in the security patrols there. Shawn was a member of the 71st Cavalry Regiment of the 10th Mountain Division. He always knew he wanted to be a soldier. He had several uncles who served in the military. As a child, his mom and dad told me, he always drew pictures of soldiers. According to his mom, with whom I was privileged to speak the night before last, Shawn believed that ''the world needs to be safe and protected and free. That's what his whole life was dedicated to.'' Those are her words and his.

Shawn's parents take comfort in knowing their son was doing what he believed was right. Their son was resolute in his belief that the United States should not leave Iraq until a free society has been established. He died Sunday in western Baghdad when the humvee he was driving struck another one of those roadside bombs we hear so much about.

I rise today on behalf of Senator BIDEN and our whole congressional delegation and the people of Delaware to celebrate his life, to commemorate his life, and to offer his mom and dad and family our support and our deepest sympathy on their tragic loss and on ours.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. CARPER. Mr. President, on behalf of our leadership, I ask unanimous consent that the following Senators be recognized to speak as in morning business:

Senator CLINTON for 1 hour, followed by Senator COLLINS for a time to be determined; Senator KENNEDY for 30 minutes to make a motion to instruct; Senator LANDRIEU for 20 minutes.

I further ask unanimous consent that Republican Senators be accommodated, if seeking recognition, in between two Democratic Senators, and that Republican Senators be allocated time that is equal to that consumed by the minority Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO INSTRUCT CONFEREES

Mr. KENNEDY. Mr. President, tomorrow, we are going to have a series of votes in the Senate to give instructions to our conferees. It is an expression of the Senate to give instructions to conferees on priority items that are going to be before the conference. In this particular instance, it is dealing with the issues of higher education.

I intend to address the Senate again tomorrow. I want to urge a favorable vote by Republicans and Democrats alike because the resolution I will be offering is a reflection of the action that was taken in our HELP Committee, chaired by Senator ENZI, in which there was extremely broad bipartisan support—virtually unanimous support—for that position. That position basically was that the committee would have $8 billion in additional savings for need-based aid.

Our intention is to give this additional aid to Pell eligible students. We would also offer an additional grant of up to $1,500 to Pell-eligible juniors and seniors who are majoring in math or science.

We know that one of the great challenges we are facing in the United States is how we are going to deal with the challenges of globalization.

We have to ask ourselves as Americans whether we are going to be consumed by globalization or whether we are going to accept the challenge and equip every man, woman, and child with the ability to compete in a global market and to equip our country with the ability to succeed in a global market. That means we must be the country, the society, the economy that is innovative and creative, and that is going to mean new opportunities that are presented. That is going to be essential not only for our economy but for our national security. The kind of investments we have and those recommended by our committee are a good start.

I believe we are going to have to do more, and I welcome the opportunity to do more in the next session of this Congress.

This motion that I offer and others support, that will be voted on tomorrow, is a reaffirmation of the importance of strengthening higher education. There are many different aspects of the education budget which are of concern to us. Senator HARKIN and others have outlined those concerns. I join them in expressing our anxiety and disapproval at the fact that we are either going to support education or support greater tax incentives, essentially giveaways, to the wealthiest individuals in our country.

This is really the issue. This is the question. We will have an opportunity to express ourselves tomorrow. The whole battle over the budget is an issue about priorities for our Nation. We can say expending more resources in the area of education isn't going to solve all of our problems, but it is an expression of a nation's priorities: investing, investing, investing to make sure that every young person who has ability, who wants to continue their education is going to be able to do it.

Finally, I will just mention that the additional reason this motion is needed is because the Republican proposal from the House could actually increase the cost of college loans by more than $2,000.

Mr. President, I send a motion to the desk. As I understand, the leadership will work out the voting sequence, and we will have an opportunity tomorrow to go into greater detail on this motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to insist that the Senate provisions increasing need based financial aid in the

bill S. 1932, which were fully offset by savings in the bill S. 1932, be included in the final conference report and that the House provisions in the bill H.R. 4241 that impose new fees and costs on students in school and in repayment be rejected in the final conference report, for the following reasons:

(1) The cost of public college tuition and fees has increased by 46 percent since 2001.

(2) The lowest income student at a 4-year public college faces an average of $5,800 in unmet need.

(3) For families in the lowest income quartile, the average cost of attendance at a 4-year public college represents 47 percent of their income.

(4) More than 5,300,000 students received Federal Pell Grants in 2004 through 2005.

(5) The buying power of the maximum Federal Pell Grant has decreased from 57 percent of public college tuition to 33 percent in the last 20 years.

(6) The gap between the cost of attendance at a 4-year public college and the maximum Federal Pell Grant has increased from $5,282 in 2001 to $8,077 in 2005 through 2006.

(7) The typical student who borrows money graduates with a bachelor's degree from a public college with $15,500 of debt.

(8) A person with a bachelor's degree makes $1,000,000 more over the course of the person's lifetime than a person with only a high school degree.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I associate myself with the comments of the Senator from Massachusetts and underscore the importance of the points he was making about the need for us to be better prepared to compete in the global economy. I look forward to supporting the Senator's motion, and hopefully the conferees will pay heed to the Senator's strong admonition about what is in our Nation's best interest in terms of investments. I hope I may be added as a cosponsor of that very important effort.

Mr. President, the holiday season is upon us, presenting an opportunity to give thanks for our blessings, reflect on the past year, and consider how we can better demonstrate goodwill to one another. That is the true spirit of this wonderful and blessed season.

Sadly, the budget we are debating this week and, quite frankly, the work of the Congress this entire session has failed to keep faith with the spirit of the season or the priorities of the American people. We are not following through on the promise to rebuild New Orleans. We are not taking the necessary steps to reduce health care costs or make energy more affordable. We are not investing in education as we should to prepare the next generation.

This entire legislative season has been about the misplaced priorities of the White House and the Republican majority in Congress who are unable or unwilling to recognize the realities facing America's families.

Washington Republicans seem oblivious to the fact that 1.1 million more Americans fell into poverty last year for a total of 37 million of our fellow citizens, including 13 million children. In New York City, one in five residents lives below the poverty line. They have turned a blind eye to the fact that 45 million Americans are without health insurance, including almost 3 million New Yorkers.

They have ignored the devastating effects of the job losses that workers at GM, Ford, and Delphi face and our huge and growing national debt, now $8.1 trillion, that threatens the future of our children.

The Republican budget lays bear the priorities of Washington Republicans: Loopholes for oil companies instead of student loans for middle-class families; irresponsible tax breaks instead of affordable health care for the working poor. Now these are choices that would even give Ebenezer Scrooge pause—choices that not only ignore the challenges facing American families but make those challenges more difficult to overcome.

Congress is on the verge of enacting a fatally flawed budget plan that finances further irresponsible tax breaks on the backs of Americans who struggle to pay college tuition, to provide health care coverage for their families, and keep their homes warm in winter.

This budget plan is written in the full spirit of the ''Grinch Who Stole Christmas.'' But instead of taking away the presents and the Christmas decorations like the Grinch did, Congress is ringing in the holiday season by taking away Medicaid benefits, food stamps, child support enforcement, childcare programs, affordable housing grants, and student loan benefits.

At the end of the story, the Grinch sees the error of his ways. I can only hope that the Members of this Chamber experience a similar revelation.

We have been told that these steps are necessary to pay down the deficit. We have been told that the proposed additional cuts and tax breaks are the priorities of the American people necessary to continue economic growth.

Cutting Medicaid, food stamps, childcare, affordable housing, and student loans is no way to balance the budget or secure our children's futures. It is not in the long-term interest of our country, and it is not in keeping with the values of the American people.

What is more, under the Republican majority's budget proposals, the budget deficit would actually increase by anywhere from $10 billion to $20 billion.

Democrats in the Congress know what real deficit reduction looks like. It involves difficult choices on both the revenue and spending side. During the Clinton administration, making the tough choices not only eliminated the deficit but produced the largest budget surpluses on record. If those in Congress who support this budget, the Grinch budget, were truly concerned about deficits, then they would not have opposed the restoration of the pay-go rule, a very simple rule which means you don't spend money you don't have. They certainly would not have approved an additional $70 billion in tax breaks along with the budget cuts, tax breaks skewed toward the most affluent among us that will worsen our Nation's growing fiscal imbalance.

What this bill represents is not only an abandonment of our responsibility to middle-class and working families but the steady erosion of the work support programs that have enabled millions of Americans to find work, get off the welfare rolls, and rise above the poverty line.

The right way to cut the deficit is clear.

Instead of cutting programs that help working families get ahead, cut the subsidies flowing to corporate tax breaks, delay further tax cuts on capital gains and dividends while passing those cuts that benefit the middle class such as AMT reform. The tax cuts going already to the wealthiest in this country are nearly seven times larger than all of the proposed budget cuts in the House and Senate. Moreover, there are tax cuts not yet in effect, such as the repeal of the phaseout of personal exemptions and limitations on deductions that go into effect next year, which will cost over $27 billion in the next 5 years.

We could also allow the Government to negotiate with drug companies to lower the cost of prescription drugs, which was prohibited in the flawed Medicare drug benefit. If Medicare were able to reap the kinds of savings we have seen through the VA system's negotiations, seniors could expect to save more than $100 billion over the next decade in drug costs. This alone is more than four times the savings achieved through the harsh budget cuts being proposed.

We could establish a fund for alternative energy investments by requiring that oil companies, which as we know are experiencing amazing record profits this year, to invest in alternative energy. We could require that they help with people's heating bills this winter. We could bring in $20 billion a year with the right energy investments through the strategic energy fund that I have recommended that would have the benefit of making us less energy dependent on foreign oil.

Of course, we could eliminate the $2.6 billion in new tax breaks that those same record profit-making oil companies lobbied for and won in this year's Energy bill. Why do we not take the oil companies off welfare? I think that is an idea we at least ought to debate in this Chamber. Unfortunately, the Republican majority and the administration have made their choice: Breaks for the special interests instead of compassion for common citizens who face new hardships. They must literally wake up each morning and ask, what are we going to do to help our friends today? Never has so much been done for so few who need it so little.

Look at their plans for Medicaid. The Republican majority is recommending cuts of up to $11.4 billion over the next 5 years. The Congressional Budget Office has estimated that these cuts will

result in higher premiums and copays for over 7 million people, including 3.5 million children. Some 70,000 people may lose their health care altogether. A family just above the poverty line could see an increase of more than $1,000 annually to maintain their health care coverage.

New York would bear a disproportionately high burden of these cuts, as we would stand to lose over $1.37 billion, putting at risk the more than 4 million New Yorkers who depend on Medicaid. Over 97,000 New York children and 12,400 New York seniors would lose a substantial portion of their services under the cuts being debated. Instead of closing tax loopholes, Washington Republicans are cutting health care. It is very difficult to understand how we could be doing this. If we took that $2.6 billion in new tax subsidies for oil companies that are having an aggregate year of profits of—give or take a billion or so—around $100 billion, with that $2.6 billion we could cover the health care costs of an additional 1.7 million children nationwide.

Sadly, the majority has chosen health care cuts and Medicaid as the tip of the iceberg. We can take a look at other damage that will come to American families because of these misplaced priorities. Working parents struggling to pay for child care, health care, and housing will now have the added burden of losing their food payment assistance. Two hundred and twenty-five thousand people will see their food stamps vanish, including up to 14,000 New York residents and some 5,000 New York children.

To put this in perspective, the Republican majority is proposing an approximately $700 million cut in food stamps. If we simply reinstated the Superfund polluter tax, which forces companies that pollute to bear the expense of cleaning up instead of passing it on to the average taxpayers to clean up their mess, that would generate $7.3 billion over the next 10 years, more than 10 times the cost of the food stamp cut.

Additionally, children in households receiving food stamps are automatically eligible for school meals. The Republican bill in the House, while reducing the number of people who will receive food assistance, also eliminates the automatic link and makes it more difficult for hundreds of thousands of low-income children in New York State, as well as many more around the country, to qualify for free or reduced priced meals at school. The House budget is literally taking food from the mouths of children.

Then, what are they thinking when it comes to child support enforcement? If there ever was a win-win program, it is this. It is designed to go after deadbeat parents, collect the money that is owed, which in turn can be provided to the families that are in need, helping lift those single-parent families out of poverty by requiring that their parents work and make regular payments to support their children. Well, no, that is going to be cut as well. Funding would be slashed by $16 billion. That means some $24 billion in child support payments would go uncollected. In the next 10 years, children in my State would stand to lose over $1.4 billion in child support payments.

It is almost impossible to imagine this happening at any time but here we are in the Christmas season, and we are giving a boon to deadbeat parents, taking food out of the mouths of children, cutting people off of health care and, of course, under the radar screen, the Republican majority is trying to use this budget reconciliation process for a major overhaul of our Nation's welfare rules.

I am very proud of welfare reform. In 1997, we created a welfare program that valued work, built around the notion that people should work and that people who do work should not still be poor after they have worked. And that work leads to dignity and self-sufficiency and provides strong role models for children. Back then—it was not so long ago—Republicans claimed to agree that we should support working families, but the policies they are pushing today will punish working parents. It will push those who are literally tottering on the brink of poverty over the edge.

Under their proposal, 330,000 families would lose child care assistance and cities and towns throughout my State would be the ones that would have to provide some kind of help but not with Federal assistance because they would be required to eliminate subsidies for working families. They are the ones down at the local level who will see the results of these wrong-headed policies.

As working families grapple with rising home prices, the Republican majority is trying to eliminate critical grants that create more affordable housing. These grants have been an invaluable source of funds, providing for the rehabilitation of homes that would otherwise be out of reach for low-income working families.

Since 1995, New York has saved 1,746 units of housing as a result of this program; on the chopping block. Goodbye to help for housing. I do not know where the working families in my State or other States will end up living. A lot of them will end up being homeless.

Then we come to a program that is about the future. It is particularly stunning—I am sure many in this Chamber and the House believe that a college education is certainly critical for their own children and grandchildren and is part of the route to success in today's competitive global economy. Well, one would not know by the budget numbers that are coming out of the Republican majority that they have any value for education at all because they are instituting an additional $14.3 billion in charges for student loan recipients, making an education even more difficult to finance. This would be the largest cut in student aid in the history of the loan program.

So while with one hand we paint college education as the path to achievement, with the other we are erecting an even higher barrier for middle class families and working families, let alone poor families, who all of a sudden are going to be told they better try to get their kid to go to college, but tuition is rising so we know it is more and more expensive. Instead of giving more help as we used to do, we are going to make it harder to get the financial assistance that is needed to go to and complete college.

An average student would be saddled with a lot more in costs. For example, if a student had $17,500 in student loans they might pay an additional $5,800 under the Republican plan. In my State, approximately 472,000 students would see an increase in their costs. I do not understand what we are trying to achieve. If we simply took the $18 billion revenue-raising package adopted by the Senate in its tax bill, which repeals among other loopholes another $4.3 billion tax giveaway to oil companies—honest to goodness, don't the oil companies ever get enough tax breaks? I mean, it is not enough that we are paying so much money to them out of our daily paychecks, now they are going to ask us to pay it out of our tax payments—more and more and more subsidies to companies that are making tens of billions of dollars in profits. It doesn't add up to me.

But if we took away those $4.3 billion in new tax giveaways to oil companies and we cracked down on abusive corporate tax transactions such as setting up offshore tax havens in places such as Bermuda to avoid paying United States taxes, we would not have to make it more painful and costly for students to go to college.

So what is the tradeoff here? More subsidies for the oil companies, more offshore tax havens for companies that call themselves American but are not willing to pay their fair share to fund our young men and women in uniform, to help pay for the victims of Katrina or literally anything else? We could keep doing that. I guess that is the Republican philosophy. Or, we can say: Wait. Enough is enough. We don't have to give the oil companies any more tax breaks and let's close these loopholes. It is unpatriotic for these companies to pay not one penny in taxes to this Government, to our national defense, for the blessings that make it possible for them to do business and have a good standard of living. It is wrong.

Apparently that is not the way the Republican majority sees it. What they say is that these spending and tax cuts are progrowth. They are right about that. They are progrowth for the oil companies. They are progrowth for the tax haven companies. But they are sure not progrowth for somebody trying to get through college or some working mom who needs to collect child support

from an ex-husband. I do not see anything progrowth about that for them.

They do not even make economic sense. You know, we know how to do the economy right. We did it in the 1990s. We not only balanced the budget and created a surplus but helped to create 22 million new jobs and lifted millions and millions of people out of poverty. We enjoyed a long period of sustained economic growth. We took on the challenges of the day and we tried to prepare for the future.

That is not what is happening in Washington today, and I am deeply troubled and regretful about the choices that are being made on both ends of Pennsylvania Avenue.

I have spent many years working on behalf of children in foster care. They are probably the most vulnerable of all of our children, the poorest of the poor—abused, neglected, children who get taken away from their families because their families are unable or unwilling to care for them. When they are taken away by the police or by a court or social worker—maybe they are turned in by a neighbor or relative—they become our children. They become the responsibility of every single one of us and we have to work very hard to try to get them reunited with families, to try to find a relative who will love and care for them; absent that, to try to make sure they are safe and secure in foster care while hopefully we try to find a permanent, loving family for them.

It is going to be a lot harder because the Republicans are choosing corporate tax breaks instead of foster care. They are going to slash $600 million from foster care support.

I grew up loving the Christmas season, telling the story over and over again about how Mary and Joseph found themselves with no place to stay and how Jesus was born in the manger. Many people say: Look, they were shut out, left behind. We are shutting out and leaving behind a lot of our children with these budget decisions. It is wrong. It is wrong to reward special interests who can do perfectly fine for themselves and slam the door on foster children who need all kinds of help to even have a chance in life.

It is wrong to give more tax breaks to oil companies and not be sure we are going to have enough money to help families pay their heating bills this winter. It is wrong that we are using Orwellian language to call a budget bill that actually raises the deficit a deficit reduction bill. It may be clever. You might fool some of the people but not for long. The deficit will continue to be a drag on our economy and a burden for future generations.

The American people, and particularly our children, deserve better. The Republican majority's proposals for this budget are not in the best interests of America. They will undermine the hopes and dreams of a lot of hardworking people, people who took us at our word 8 years ago. They got off welfare and they are working now. I see them every day. I go into offices or restaurants all over New York and somebody will come up to me and they will say: Senator, I used to be on welfare, but I am working now and my children are so proud. Thank you. Tell your husband thank you.

I always say: Well, God bless you, take care of those children.

Now what are we doing? We are going to cut the childcare that people need to help take care of their children while they are at work. We are going to cut the housing assistance that people need in order to be able to afford a house or an apartment in most places of which I am aware. We may be cutting their children off Medicaid with all these cuts in Medicaid, so that little girl who needs that expensive asthma medicine in order to keep going to school may be out of luck. We are going to be cutting child support so we are not going after those deadbeat parents to collect money that will help that family stay on the right path, stay out of poverty.

It doesn't make any sense to me, but those are the choices that the elected representatives of the people of this country are about to make. It is time that we go back to arithmetic and reality; we go back to a conservative fiscal policy that pays as you go, doesn't spend what you don't have, produces balanced budgets and surpluses, and takes care of people who are working as hard as they can or who are vulnerable and need our help.

There is a lot of talk about family values. Well, let's value families and let's do it, not just with rhetoric, but with money, decisions, budgets that show what our values are.

So in the spirit of this holiday season I call on the Members of this body to reflect on the choices they will be making in the next few days. These choices are going to have a profound impact on millions of people, less fortunate than we are, but there but for the grace of God go any of us. It will not just be for a holiday season, it will be for years to come.

I think we can do better. I know America deserves better. We can get back on the right path of fiscal responsibility and moral decisionmaking that takes into account the needs of the least among us.

We can build a nation that reflects the best of what we can and should be. I hope we will take this opportunity to do so. If we do not, there will be consequences, and they will reflect badly on our Government.

Let us have a happy ending to the story. The Grinch had an epiphany. The Grinch came back and said: I don't want to be a bad guy. I want to share in the Christmas spirit.

So let us replace this ''Grinch budget'' with an American budget that does what it should do for all the people of our country.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN PRIORITIES

Mr. ISAKSON. Mr. President, I thank the Presiding Officer. I thank you for the opportunity to speak.

I had not intended to come to the floor today but I passed my television set in my office, and I caught the preceding speech regarding American priorities and certain allegations regarding leadership at both ends of Pennsylvania Avenue. I felt compelled for a second to try to answer some of the rhetorical questions that were asked but never responded to in the speech. If I heard it right—I could be corrected—one of the questions was ''I don't understand what we are trying to accomplish.'' It was stated in the context of extending the tax cuts, I presume the tax cuts the House passed—to extend on capital gains and dividends. I will assume for a second that was part of them. There may have been others, and I will address some of them, but I thought it was time, at least for those who might be watching and listening today.

There are two distinct philosophies in Washington, DC. One has just been characterized. My hope is, in the few minutes I have been allocated, to be able to characterize the other.

When George Bush took office at the beginning of his first term, this country was moving into a serious recession which was realized shortly after that term began.

In September, on the 11th day of September, in the year 2001, America had the most unbelievable, heinous attack upon us that has ever been perpetrated, even worse, both in death toll but also in tragedy, than that of Pearl Harbor. That event, on top of the declining economy which was inherited in large measure by the administration, this President, and in turn this Congress, set on a new course to do two things: One, empower the great economic engine of America, which is American business and free enterprise. We did so by strictly passing legislation in terms of tax cuts and changes in tax policy that would empower American business, offer the incentives for more jobs and bring us out of the economic difficulty we were having.

I submit that is precisely what has happened. If you look at the last 5 years, we have gone from a period of recession, which began in 1999, peaked probably in 2000–2001, and since, we have continued to climb and improve. Why have we done so? We have done so because we empowered the American business person and the American employer and the American employee by allowing them to keep a little bit more of their business and invest it in this great country, spend it in discretionary spending, buy a new home. Economic

enterprise breeds economic enterprise which breeds more economic enterprise.

We know from the standpoint of our side of that philosophical issue, if you empower business to do more business, the American Government will prosper. Our revenues have gone up in this country. They have not gone down because of tax cuts. June 15, 2005—this year—was the largest single take in tax revenue in the history of the United States of America. It was because our country is running on all cylinders, or almost all cylinders.

When I went to college, 95 percent employment was full employment. We have that today. We have had an unbelievable sustained period of very positive interest rates. We have had an economy that has not been attacked by inflation, and inflation continues to be under control. The jobs that were lost because of the recession in the early part of this decade are coming back, and they are coming back at a rapid rate. Business formations, prosperity, American home ownership is at an all-time high. The real estate industry is at an all-time high. American business enterprise is thriving, and I submit it is not confusing to me. I do understand what we are doing. What we are doing is we are empowering that which has always taken this country to great heights: the American free enterprise system, the American taxpayer, the American employer, and the American employee. We are empowering them with their money and believing they can do it better, and we can prosper together.

The other side's philosophy is, you charge the people more money to take care of the problems you perceive. Instead of empowering them, you shackle them with less money, you empower government, you breed mediocrity. That is wrong.

No one predicted September 11. Nobody could have ever predicted September 11. But while in the process of reinvigorating the American economy through strategic tax cuts, this administration has confronted the most horrible fate a country could confront on September 11 in the attack of terrorism. We have pursued terrorists around the world. We have secured our airports. We are securing our ports. We have been fortunate not to have an attack on our soil since that date. That did not come cheap. It came at a great price. A great price we have financed, in part, obviously, with the deficits that were referred to. But we paid for an awful lot of it with the growth in our revenue from an empowered taxpayer and an empowered employer and an empowered employee.

I just want to make a couple things clear. I am one member of the majority party of this Senate, and I can only speak for myself. But I take issue with being characterized as someone who is trying to cut health care, someone who is trying to take food out of the mouths of children, somebody who is trying to take welfare and turn it back around and hurt people on welfare to recovery, someone who is trying to make it harder for kids to go to college.

All of those examples that I heard in the previous speech were examples of taking an issue and distorting an issue to make it appear that one side is against children, for hunger, against education, for ignorance—all those negative connotations. So for a second I will address them, if I can.

We had an earlier motion in the Senate today with regard to Medicaid. We have a lot of Governors in this country who are attempting to get flexibility with Medicaid. I happen to be one who supports giving the Governors flexibility from the standpoint of Medicaid. Why? First of all, they and their legislatures administer Medicaid, we don't. We pay for two-thirds of it, but we hold them accountable for its administration. If they are accountable for its administration, and they are paying a third of the costs, and we are holding them accountable, by golly, they ought to get flexibility to use some of the tools. I know the distinguished Presiding Officer knows about tools in medicine today and applies them to health care for our poorest.

Being more flexible for our Governors to deal with one of the largest single expenditures of State government, the largest in my State, is good common sense. It is not cutting health care. It is empowering the people who are helping to get it to the people who need it.

This business of taking food out of the mouths of babes, I do not know what the Senator from New York was referring to specifically, and I will give her the benefit of the doubt. But I will say, cutting the rate of growth in programs is not taking food out of the mouths of people who are getting it. Cutting the rate of growth in spending is trying to manage our budget. I have never seen a time, even back in the early 1990s, when the Republicans were attacked in the House for taking the food out of the mouths of young children. It was the rate of growth in programs that was talked about. It was not real dollars. I submit the reference today was probably precisely the same thing.

As far as welfare rules are concerned, one of the great legislative initiatives of the 1990s was welfare reform and welfare-to-work. I have been to the centers in my State. I have seen the bulletin boards, the success stories today of people who were on welfare, shackled for a lifetime, and then empowered by welfare-to-work legislation. We have reduced our roles in this country tremendously. We have not really reduced the cost of welfare that much because we are providing childcare, we are providing training, we are providing transportation, and we are providing education.

But do you know what we did. We slowed the growth of the cost of welfare to the American taxpayer. In the process of doing it, we empowered Americans who thought they were shackled for a lifetime in poverty, in welfare, because we got them job training. We got them child assistance while they were being trained. We empowered them and challenged them to go off of welfare and on to work. And they are there today. That is a great accomplishment.

As to the student loan business, I do know a little bit about that. We were tasked in the Health, Education, Labor, and Pension Committee on budget reconciliation with finding some savings. The characterization in the previous speech was it will cost students more money to go to college and to borrow on student loans. There are going to be some costs, that is correct. We still, however, as a government, provide through Pell grants and through assistance in the College Loan Program unparalleled assistance to students wanting to go to college and to finance that education. We are merely trying to make that program accountable and live to a certain extent within our means.

There was a comment in the preceding speech that it is time to get back to arithmetic and reality. I will address my remarks to that for just a second.

There is not one Member in here who likes the deficit situation we have been in. I applaud the White House for encouraging us, and I applaud Senator GREGG in his diligent leadership to force us to try to bring about savings and begin to reduce the rate of spending in programs. The reconciliation bill we passed, which I believe was $39.4 billion in savings, is a start. It is only a start. We will have to do more.

In the case of the reconciliation and those savings, whatever the program might be, there is going to be somebody who says: Don't cut here, cut there. But for us eventually to make this budget process accountable, we will have to be able to open all of government, look at all of government, analyze all of government, and make hard choices. The reality of arithmetic is you cannot tax America into prosperity. You cannot solve everyone's problem by taxing those who are producing the jobs that employ the people of the United States of America. What you can do, however, is hold yourself accountable on the spending side and empower those who produce the revenues to do more.

The arithmetic of our tax cuts is simple, because of capital gains reductions, mature assets which were held and not liquidated because of the tax rate were sold, and new money was made, and it was deployed in new investments with growth because dividends became equalized with capital gains and, in fact, were lowered in a rate of taxation. Wall Street began to focus on dividends as being a positive thing for companies to do.

There has been a tremendous move on Wall Street, and the market is

stronger and investment in America is stronger because of what we did in bonus depreciation, because of what we did in expensing. In every one of those things that was called a cut, we raised revenue, and we did so because we empowered American business.

But if the Senator from New York or anybody else thinks that if you have a billion-dollar problem, you can just raise taxes by a billion dollars and solve it, and that is the way for us to go in the 21st century, they are dead wrong. Because there is a point at which when you tax, you suppress prosperity, you cause people who have money to make the decision not to deploy that money anymore. You cause the exact opposite of what has happened in this country for the past 3 years since the tax programs were passed.

So while I may have missed some of the points because I caught this in passing and stopped at the TV to listen, I did not miss one point. The point was the question: I don't understand what it is we are trying to accomplish. I will tell you what we are trying to accomplish. We are trying to accomplish empowering the great locomotive of prosperity, American free enterprise, the American employer and employee to do better. And as they do better, the American Government does better, and revenues go up, not because we raised rates but because we raised hope and we raised opportunity.

Secondly, I know where we are trying to go in budget reconciliation. We are trying to go where every American is every day of their life. We are trying to sit around the kitchen table, setting priorities, looking to the future, seeing where we can slow the rate of growth of Government expenditures. We are not trying to take food out of the mouth of a single person, nor to take health care away from a single person. Nor do we want a deadbeat dad not to get caught. We want every child support payment to be made. To characterize one party as being for those things and the other being against them, to me, is quite ludicrous. But you have to go through a budget process of reconciliation and savings by looking at programs, analyzing programs, setting realistic goals for the future, and trying to make them more accountable.

The United States of America is a great and prosperous nation for a lot of reasons. But the most important reason of all, it is a land of hope and opportunity. Taxation can destroy the hope and, in turn, destroy the opportunity when it is carried to the excess no matter how noble the cause on which it is levied.

Mr. President, I thank you for the time yielded to me. I thank you for the opportunity to serve with you in this body. In the next few days, as we close out this legislative session, I hope we can, in the end, be where we started this year, with a goal of empowering the American taxpayer, doing a better job handling the expenses of this country, and doing what we always do in giving thanks to live in the greatest Nation on the face of this Earth, the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I commend the Senator from Georgia for his excellent statement. He presented the themes and the basic philosophy which are behind this bill, the deficit reduction bill, which includes that we, as a government, need to come close to living within our means. Hopefully, we could live completely within our means. Secondly, the American people should not always have money taken out of their pockets to support the largess of the Federal Government. We should have a tax burden that is reasonable, but to the extent we can, we should allow Americans to keep their hard-earned money and allow them to make decisions as to where their money should go.

If we increase taxes dramatically, we basically reduce the incentive of people to go out and be productive, which translates directly into a loss of jobs because people are not willing to take risks, are not willing to be entrepreneurs because if their tax burden is so high, the practical effect is they do not create jobs. A job, of course, is the ultimate economic benefit for any family.

So I congratulate the Senator from Georgia. I think his statement was right on. I especially appreciate his comments relative to trying to put in context the comments of the Senator from New York because the Senator from New York used a few hyperboles, referring to ''The Grinch That Stole Christmas.'' ''How the Grinch Stole Christmas,'' of course, is a classic story. First, I congratulate her. I do congratulate her for using the term ''Christmas'' and recognizing this is the Christmas season, not the holiday season, something which my wife continually reminds me about. We don't have a holiday tree; we have a Christmas tree.

But independent of that small aside, let me point out that ''How the Grinch Stole Christmas'' is a wonderful story. It was written by a fellow who went to school in New Hampshire. It is a fantasy. He wrote some other things such as ''The Cat in the Hat.'' And quite honestly, I think the Senator from New York was talking through her hat when she delivered her statement because it, first, was inconsistent with all the facts on the ground, and, second, it represented a philosophy which essentially says, as the Senator from Georgia has pointed out, if you simply tax people more, you can solve your problems as the Federal Government. All it takes is you take more of people's money and we can solve any problem around here.

Where is it factually inaccurate? Well, to begin with, the deficit reduction bill which we passed was a very unique bill. It has only been done once in the last 8 years. This is the first attempt to do it again. It was unique because the way it was structured, as it came out of the Senate—and I congratulate the various chairmen who did this, especially the chairman of the HELP Committee and the chairman of the Finance Committee and the chairman of the Agriculture Committee, which bore the biggest reductions here, and the chairman of the Commerce Committee. Other chairmen also participated, but they had the big, heavy lift.

The way it came out of the Senate was this: It actually ended up saving about $70 billion. But there were decisions made that as we saved some of this money we should reallocate it toward better ideas and better concepts. The practical effect of this was that we significantly, under this bill, expanded the availability of loans called Pell grants to people who want to go to college, low-income people who want to go to college. We significantly expanded it. So 5 million more people, 5 million more kids who want to pursue a college career or college path are going to be able to do so under this bill because of the expansion of the Pell grants.

Why was that decision made? That decision was made because we believe, as Republican Members of this Senate, that if you give people a good education, you give them a better chance to be productive, you give our Nation a better chance to be productive, that as we give more people a better education, we become globally more competitive, and we create more jobs and more economic activity in the United States. As a result, we end up probably benefiting the Federal Treasury because we have more people earning higher incomes who pay more in taxes. But we believe very strongly in that type of commitment.

So this bill, rather than as was represented earlier by the Senator from New York as being some sort of a negative event around here for low-income people, was actually the most significant expansion of the Pell grant program for low-income individuals, certainly in the last 12 years since the beginning of the Pell grant program.

Secondly, the bill again, under this same philosophy, dramatically expanded the availability of funds for low-income and disabled children under Medicaid. This bill, as it passed the Senate, will add 1.1 million people, make Medicaid available for 1.1 million people, basically kids who are disabled and of extremely low income so they will have health care coverage. So some of the savings we took and we applied there.

In addition, the bill expanded the effort to try to help out people who have been impacted by Katrina—unfortunately, a lot of people have been devastated by that storm—and had the effect, and will have the effect, if it is passed, of helping 1.9 million people

who were dramatically impacted by Katrina get Medicaid coverage. Again, that was a decision that was made to reallocate resources.

So the bill itself is probably the biggest and most aggressive effort to try to help people of low income that has gone through this Senate in recent history, probably since the welfare reform bill that was signed by the husband of the Senator from New York.

How were these savings generated which were able to be reallocated? Remember that the bill overall, on a net basis, as it left the Senate, saved about $39 billion. My hope is, after we go to conference, it will save about $45 billion, maybe $46 billion, maybe be as high as $48 billion, $49 billion in net savings. But there are other savings that we have taken and reallocated. Where did those savings come from? Did they come from low- and moderate-income individuals? Were they slashing programmatic activity that benefited low-income individuals, as would be represented by the statement of the Senator from New York that the Grinch has been at work? No. As I said, a more appropriate analogy would have been the Cat in the Hat because she was talking through her hat on that issue.

The savings that expand the Pell grant come directly out of the lenders who, if we do not act under this bill, will realize a $12 billion windfall because the interest rate which students will have to pay will be artificially high unless we adjust that rate to appropriately reflect the marketplace. What this bill did, under the leadership of Chairman ENZI—and interestingly enough, this language came out of that committee in a bipartisan way.

The Senator from New York serves on that committee, as do I. I don't think there was any opposition to this proposal. We essentially said, rather than allowing this $12 billion windfall, which will occur if we don't act by the end of the year, which will occur so that these lenders, these corporations which lend this money to students, and they do a service for the Nation by doing that, but they are getting this artificially inflated rate of return. Because of the way the law was structured, it didn't reflect the actual interest costs or what the real interest costs are today, if we don't act, they will get a $12 billion windfall.

What Chairman ENZI and the HELP Committee said was: That doesn't make any sense. Let's take back that windfall, which was artificially created by Federal law, and take a significant amount of it and expand the Pell grant program so 5 million more kids will be able to get Pell grants, low-income kids. In fact, the whole program is targeted to the lowest of low-income kids who want to go to college. And take another big chunk of it and use it to reduce the debt of the Federal Government. That is a pretty logical approach, certainly not a Grinch approach. It is a rather thoughtful approach, a good approach.

I would say the characterization of the Senator from New York of this bill is inconsistent with the facts on the ground and inappropriate.

The Finance Committee looked at places where we could save money in the Medicaid system. It came to the conclusion that a considerable amount of money could be saved by changing the way pharmacies are reimbursed under Medicaid. So they made a decision. They said: Rather than having an artificially high reimbursement for pharmacies and drug manufacturers, they would rather more accurately reflect the cost of those drugs and what those drugs would go for on the open market and thus take the savings from that and, once again, split those savings. They said: Part of those savings should go to expand assistance to low-income kids, adding another 1.1 million kids to the SCHIP program, the Medicaid Program for low-income kids, and taking another part of the savings and applying it to debt reduction, creating a deficit reduction event.

In addition, they said: Listen, if we don't do something about doctor reimbursements, doctors will end up with their fees being cut by 4.8 percent at the end of the year. We are going to have doctors dropping out of the Medicare system. That is not a very good idea. Low-income senior citizens who want to go see a doctor aren't going to have doctors to see because doctors are going to say: I am not going to practice because my income is being cut. Everytime I see one of these patients who is a Medicare patient, I am losing money. I have to pay insurance, my nurses. I have to pay my overhead. I can't take a 4.8-percent cut.

So the committee said: Let's hold the doctors harmless, basically give them no cut. Well, they gave them a 1-percent increase, but it basically amounts to no cut. And they paid for that, again, by basically reducing areas of Medicare which legitimately should be reduced. Specifically, there is $5.6 billion sitting in the Medicare Part D trust fund, which is actually in Part C, but it applies to Part D, which was euphemistically called the stabilization fund, which essentially was walking-around money for the Department of Health and Human Services to basically pay out to various insurance companies, HMOs, and drug companies in order to buy them into the drug program because there was some concern that not enough people would participate in the drug program.

It turns out, in every State, there has been an overwhelming number of different drug companies and insurance companies offering pharmaceuticals that have been willing to participate. In my State, we have 41 different plans. The problem isn't that there aren't enough. The problem is there are so many people getting confused as to what is available. And that is good news. We hope that there are so many participating. We hope to be able to clarify who is offering what. The fact is, the logic behind the stabilization fund didn't come to fruition. So there was no need to have this walking-around money. It has been referred to as a slush fund. So this committee decided to take that walking-around money and basically use it to make sure that patients, when they go to see somebody under Medicare, when they need a doctor, will be able to find a doctor.

Tell me what is Grinchlike about that. What is Grinchlike about the idea of creating a system where there is actually a doctor when a senior citizen wants to find a doctor because they have a problem and having a proposal which accomplishes that? Obviously nothing. Once again, on the facts of it, the Senator from New York was inaccurate as to the implications of this bill and how it affects seniors and low-income seniors.

Yes, this bill does reduce the debt by, as it passed the Senate, $39 billion. And I suspect if we get it back from conference, it will probably be closer to $45, $46, maybe even higher, $48 billion. Again, what is Grinchlike about that? I ask: What is wrong with reducing the Federal debt? What is the Federal debt? It is our generation spending money to benefit, in most cases, people today, and then taking the bill for that and saying to our children and our children's children: You have to pay for it. It is akin to using a credit card only you don't pay the credit card. You give the bill for the credit card to your children or grandchildren. That is not very nice. That is Grinchlike. If the Senator from New York wants to talk about something that is Grinchlike, it is having a Government that continues to run up debt for current expenses, passing those current expenses on to the next generation and the next generation after that to pay for it. That is unfair. That is stealing the Christmas of our children and our children's children or at least undermining their capacity to go out and have the funds to have as good a life as we have had.

The purpose of this bill was, for the first time in 8 years, to step up to the plate on the most significant part of the Federal budget where the most money is spent and where the most growth is occurring which is the entitlement accounts. As I mentioned before, people need to understand how the Federal Government works in the area of spending. We have the account called appropriations. It represents 30 percent of the Federal Government. It is everyday expenses such as national defense, education, laying out roads, environmental expenses. Those dollars are a decision we make every year to spend. We decide to spend dollars to buy our military equipment. We decide to spend dollars to assist a State in laying out a road. But we don't have to spend that money. We can decide not to buy that piece of military equipment or not to lay out that road.

We can do it every year, and it is called the appropriating process.

In the appropriation accounts, we have essentially frozen spending, under this budget, under the budget which was passed in nondefense discretionary activity. But again, it only represents 30 percent of the Federal budget. The rest of the Federal budget, outside of debt financing, is entitlement spending or mandatory spending. Those are programs where people, because of their situation, or institutions or corporations, because of their situation, have the right to come to the Federal Government and get paid.

They may be veterans, students, senior citizens on health care or on Medicaid or on Social Security. They have a right to that benefit because they fit certain criteria—age or income or experience. Those entitlement accounts are the fastest growing element in the Federal Government. They have been for years. Now they are projected to explode in their rate of growth because of the fact that we have something called the baby boom generation that is about to enter the Federal system. A CBO report is coming out that reflects that it is going to overwhelm our capacity as a society to support it.

The concept that you can tax your way out of this, which appears to be the proposal of the Senator from New York, cannot stand in the face of facts. It cannot stand in the face of facts. Three programs—Social Security, Medicare, and Medicaid—make up about 80 percent of the mandatory spending. Those 3 programs today absorb I think probably around 8 or 9 percent of the Federal budget. Maybe it is higher.

When the full baby boom generation has retired by the year 2030, those three programs will cost the American taxpayer 20 percent of the gross national product of the Federal Government. Why is that an important number? Because 20 percent of the gross national product is how much we have, historically, as a Federal Government been willing to spend for all Government activity, including defense spending, education, environmental protection and health care for senior citizens and Social Security. But by 2030, those three programs alone will cost as much as the entire Government spends today as a percentage of our gross national product.

What are the implications of that? The implications are that in order to pay for that, and to have a functioning government, you would have to raise taxes on our children and grandchildren over this 20 percent level. That number keeps going up because the unfunded liability of Medicare and Medicaid alone is $27 billion. The unfunded liability of Medicare and Social Security and Medicaid together and all of the other entitlement programs is about $44 billion. So the number keeps going up well beyond 20 percent, so by 2040 you are looking at 25 to 30 percent gross national product for those three programs. Maybe the Senator from New York is willing to raise taxes as a percentage of the gross national product well above what we have done as a Nation, generally. We have never had a tax rate which has exceeded 21 percent. That has been hit occasionally, but usually the tax rate has been about 18 percent of GDP. Once you get above 18 percent of GDP as your tax rate, you suppress the Nation's ability to be productive. People will come to the conclusion that there is no point in going out and working harder because the Federal Government is simply going to take their money.

That is what happened in the late 1970s when tax rates were up to 70, 75 percent. People said: Why should I go out and work hard to produce that extra dollar? They are just going to tax it away from me. So Ronald Reagan came along, following the ideas of John Kennedy, and said: Let's cut the tax rate, and it will produce more incentive for productivity, more entrepreneurship, and therefore more jobs and more revenues, and that is exactly what happened.

That is also what happened with George W. Bush. He cut the tax rate in the middle of a very severe recession, followed by the attack of 9/11. As a result of the tax-rate cut, we have seen a huge increase in revenues in the last 2 years. That revenue increase is a direct result of the fact that we have created an incentive for people to be productive and create jobs.

So you cannot, as a practical matter, even if you wanted to do this, follow the course that has been outlined by the Senator from New York, which is essentially trying to tax your way out of the problem we confront, which is called the Federal deficit, and the spending of the Federal Government resulting from entitlement spending. The only way you can address this issue is if you take a hard look at the entitlement programs and begin to restructure them so that they become affordable for the next generation.

I wish this deficit reduction bill was much more expansive than it is. I wish it took a hard look at Medicare. I wish we were addressing Social Security. Both of those issues were taken off the table through the political realities of the time. Our colleagues on the other side of the aisle, in I think an act of real fiscal irresponsibility, basically demagogued the President when he suggested that we address the Social Security issue. So we could not move forward on that. Regrettably, the President took Medicare off the table because he said we should let Medicare Part D go forward before we start to move to try to restructure Medicare. I think that was a mistake, but that was the decision. We were left with a narrow number of entitlement programs to look at. Even within those narrow programs, we were asked to limit significantly the scope of our review.

For example, in the area of Medicaid, which we will spend $1.2 trillion to $1.3 trillion on over the next 5 years, our suggestion was simply to reduce that rate of growth of spending by $10 billion. So the rate of spending in Medicaid, instead of being 40.5 percent, would fall back to 40 percent. Even with that, less than a one-tenth-of-1-percent reduction in the rate of growth of Medicaid, it has been described as Grinchlike, even though none of it, as proposed in the Senate, came out of beneficiaries. In fact, as I mentioned, the number of beneficiaries that will receive Medicaid under the Senate bill will expand by 1.1 million people. Rather, the savings came out of pharmacy and drug manufacturers as a result of pricing. But that, under the theory of the Senator from New York, is Grinchlike.

It is hard to accept that on its face, if you look at the facts behind this bill. But what we do know will be Grinchlike is if we pass on to our children a continued expansion of the Federal debt and deficit, so that undertakings which we pursue today as a Government that benefit people today—they are not capital expenses, but they are basically the ordinary operating expenses of the Government from day to day. Those undertakings will continue to be paid for by our children and our children's children. That would be Grinchlike. That takes away from them the opportunity to have as high a quality of life as we have had because their tax burden to pay for our bills will be added to their general tax burden to pay for their bills and, as a result, they will have less money available to do things for their kids, whether it is buying toys, putting them through college or buying a decent family home.

So this deficit reduction bill, which was structured in a very careful way to make sure it expanded benefits to low-income individuals, adding 5.5 million new people to Pell grants, 1.1 million kids to Medicaid, and 1.9 million people who were impacted by Katrina relative to health care costs.

At the same time, it moves forward for the first time in 8 years in an attempt to address the issue of reducing the debt. It is the right policy and it is, rather than being a Grinchlike event, truly an appropriate gift, should we get around to passing it, to our children and our children's children and to those people who benefit from this bill.

Mr. President, at this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to join my colleague from Rhode Island in offering a motion to instruct the conferees to include $2.9 billion in additional funding for the Low-Income Home Energy Assistance Program as part of the budget reconciliation bill.

This funding is absolutely critical to help our Nation's low-income citizens keep warm this winter. I believe we simply must provide more LIHEAP funding this year. Let me describe the situation we are facing in my home State.

Just yesterday, I was in northern Maine, in Aroostook County, which is where I come from, and the high for the day was 12 degrees. That was the high temperature for the day. In weather like this, people simply have no choice but to devote a very large part of their household budget to heating their homes. Unfortunately, with the escalating cost of home heating oil, many people simply cannot afford to do so.

In Maine, 78 percent of the households use home heating oil to heat their homes. Currently, the cost of home heating oil is approximately $2.34 per gallon. That is 38 cents above last year's already inflated prices. These high prices greatly increase the need for assistance, and at least 3,000 additional Mainers are expected to apply for LIHEAP funding this year.

So we have a situation where there are more people in need of assistance compared to last year. The prices are much higher than last year, and yet the average benefit is expected to fall by roughly 10 percent to $440 per qualifying household. Unfortunately, at today's high prices, $440 is only enough to purchase 188 gallons of oil. That is far below last year's equivalent benefit of 251 gallons. I can tell you, that is not nearly enough to get even through the first half of the winter in Maine. With rising prices and falling benefits, we have a real problem. Just to purchase the same amount of oil this year as last year, the State of Maine would need an additional $10 million in LIHEAP funds.

Just a few months ago, we passed and the President signed into law the Energy Policy Act of 2005. This law passed the Senate overwhelmingly, and it authorizes $5.1 billion for the LIHEAP program for fiscal year 2006. The chairman of the appropriations subcommittee, Senator SPECTER, worked very hard to find some funding to increase LIHEAP. He increased it to $2.2 billion. I commend him for his efforts and hard work, but $2.2 billion is not nearly enough.

Our Nation has been struck by three extremely powerful hurricanes. These hurricanes have been devastating to the people of Florida and the gulf coast, but we need to remember that they have had a major impact on the rest of the Nation as well. Just as the Nation should have been building oil supplies for the winter heating season, these hurricanes disrupted our already strained supplies and sent both home heating oil and gasoline prices to painfully high levels.

While high energy prices have been challenges for many Americans, they impose an especially difficult burden on our low-income families and on our elderly living on limited incomes. Low-income families already spend a greater percentage of their incomes on energy, and they have fewer options available when energy prices soar. High energy prices can even cause families to choose between keeping the heat on, putting food on the table, or paying for much-needed prescription medicine. In America today, in a country as prosperous as our country, no family should have to make such a choice. No elderly person should have to choose between buying the fuel oil they need to keep warm to avoid hypothermia and filling a much-needed prescription to stay healthy.

With winter upon us and energy prices soaring, home heating oil bills are already pounding family budgets mercilessly. For low-income families, LIHEAP funds can be the factor that prevents them from having to choose between paying their bills and putting food on the table.

I call on my colleagues to support this motion to instruct the conferees to include this vital assistance as part of the budget reconciliation bill.

I wish to recognize the efforts of my colleague from Rhode Island. We have worked very closely toward this common goal. Those of us who live in the Northeast or the Midwest or cold-weather States have a special appreciation for just how much hardship will be imposed if we do not increase this funding.

I commend the administration for calling for $1 billion in additional funding, but, frankly, that is simply not enough. We need to do more. I hope that just as many of us are responding to the needs of those victims of the hurricanes in the gulf region, that our colleagues from that area of the country and from other areas of the country will join us in averting this looming crisis.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first, I commend my colleague, Senator COLLINS, for her leadership on this issue and for the eloquence and persuasiveness of her statement today. She has truly been in the forefront of all these efforts to increase the funding for the Low-Income Home Energy Assistance Program.

MOTION TO INSTRUCT CONFEREES

Mr. President, I send to the desk a motion to instruct conferees on behalf of myself, Senator COLLINS, Senator KENNEDY, Senator SNOWE, Senator LIEBERMAN, Senator LEAHY, Senator BINGAMAN, Senator COLEMAN, Senator SALAZAR, Senator STABENOW, Senator CLINTON, Senator LUGAR, Senator HARKIN, Senator SMITH, Senator KOHL, Senator DAYTON, and Senator CORZINE.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendments to the bill S.1932 (to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95)) be instructed to insist on a provision that makes available $2,920,000,000 for the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), in addition to the $2,183,000,000 made available for such Act in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006, for the following reasons:

(1) High energy prices threaten to overcome low-income households in the United States. On average, households heating their homes primarily with natural gas will likely spend 38 percent more for home energy this winter than last winter. Households heating their homes primarily with heating oil will likely spend 21 percent more for home energy this winter than last winter. Households heating their homes primary with propane will likely spend 15 percent more for home energy this winter than last winter. For many low-income households, including households with individuals with disabilities or senior citizens living on fixed incomes, those price increases will make home energy unaffordable.

(2) An appropriation of $2,920,000,000 would bring funding for the Low-Income Home Energy Assistance Act of 1981 for fiscal year 2006 to $5,100,000,000, the amount authorized in section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)), as amended by the Energy Policy Act of 2005, for fiscal year 2006.

(3) In the United States, no family should be forced to choose between heating its home and putting food on the table for its children. No senior citizen should have to decide between buying lifesaving pharmaceuticals or paying the senior citizen's electric bill.

Mr. REED. Mr. President, I have very little to add to what Senator COLLINS said. Her remarks were compelling and eloquent. With the increase in prices, with the severity of the winter which is already upon many parts of this country, Rhode Island, and particularly Maine, it is obvious we need more funds just to keep what we were able to do last year. In fact, even if we are successful—and I hope we are—in authorizing the full allocation of $5.1 billion, there will still be a significant number of Americans who qualify for the program who will not be able to receive any type of help this winter. So this is an important step, but it is certainly not a complete solution to the problem of low-income people struggling to heat their homes.

As the Senator also pointed out so accurately, there is a real dilemma. Many families will have to give up food to heat their homes, and they will have to make other sacrifices. This is an extraordinary burden and particularly so this winter because of the huge increase in heating costs and the severity of the weather that is predicted for the region.

There has been some suggestion, or objection, I should say, to our proposal on several grounds. There is a suggestion that we have been inconsistent in what we have asked for. Last September, Senator COLLINS and I authored a letter, and we were joined by 40 of our colleagues, for an increase of about $1 billion. Forty-three Senators, including myself and Senator COLLINS, wrote to the Appropriations Committee. What we were asking for was allocation of emergency funding, funding that would go to the President so that at his discretion he could identify

areas of the country under severe conditions and make allocation of these funds.

What we are talking about today is fully funding the State grant program. One of the reasons it is essential to fully fund the State grant program at the level of about $5.2 billion is because of the complexity of the formulas. Unless we fully fund this program, many of the States that are in the most dire circumstances won't receive funding.

Essentially, what happens is there is a front loading of funds to the areas of the country that are affected by winter, but as the funds in LIHEAP increase, appropriations and allocations go to areas of the country—the Southwest, the Southeast—that have problems in the summertime and need cooling assistance. The irony would be if we increase money but do not really increase it to the full level, we would be funding—and I think it is appropriate to do that—States that are not affected by the winter and providing very little for the States such as Wisconsin, Maine, New Hampshire, and others that need the heating assistance today. So that is the rationale underlying our request.

I point out that we have brought this issue to the floor on numerous occasions, and we have had the support of a majority of the Senators on both sides of the aisle and across the country. This is not a regional issue; this is a national issue. This is not a Republican or Democratic issue; this is a bipartisan issue. We have had that support because the majority of our colleagues recognize the reality. Prices are up, the temperature is down. People are going to suffer if we do not act.

There has also been a suggestion that this is inappropriate because it is not offset by cuts in other programs. Well, I would hasten to add that in the next few weeks we are going to consider many programs and funding requests that are not offset. Today, if one reads the newspapers, the Pentagon is preparing about a $100 billion supplemental request for funding in Iraq and Afghanistan. That may come down; it may go up. No one is proposing that we not consider that because it will not be offset by cuts in other programs. I think we are going to see, at least in the House version of the tax reconciliation bill, significant tax cuts which I believe are not offset. I think we should move to a balanced budget. I think we should take the tough steps that we took in the 1980s. I came here as a Congressman in January 1991, and we were running huge deficits every year. It took us a while. It was under the leadership of President Clinton that we were able to reverse that.

At the end of the 1990s, in the year 2000, we were looking at a projected surplus. Lo and behold, it is now the year 2005, and we are back into annual deficits and a projected deficit over many years before us. So we can do it, but I suggest those are not strong arguments to stop us from doing what we have to do today to help people who really will suffer if we do not take appropriate action.

I hope my colleagues would join Senator COLLINS and I—and again I would point out that this is a bipartisan, broadly based group of Senators who are coming together to make a simple request that I think is compelling, given the obvious reality, huge increase in prices, falling temperatures, people who will give up eating to heat their homes, people who will take drastic steps. Unfortunately, we read about it every winter in our part of the country, Senator COLLINS and I, where they turn the stove on at night, they go to sleep, and there is a fire, an explosion, a terrible tragedy. They are just trying to keep warm. We can help them. I hope we will.

I am pleased and proud to be doing this with my colleague and friend, Senator COLLINS from Maine.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I wanted to take a few minutes to just kind of talk a little bit about the process of the end of the year here in the Senate and something that I do not think is healthy for the American people. It is certainly not healthy for the Senate, but in the long run it is not healthy for our country.

I have thought a lot about this, considering the campaign I went through to become a U.S. Senator. The theme that keeps recurring in my mind is that we are all Americans. There are multiple parties, there are differences within parties, there are conservative Republicans, liberal Republicans, conservative Democrats, liberal Democrats, but we are all Americans. If there ever was a time our Nation required leadership instead of partisanship, it is now.

We are on an absolutely unsustainable financial course. We have heard great criticisms today, not by a member of any party but by a person who chooses to make those criticisms of the direction it is trying to go in terms of trying to get us off that unsustainable course. It kind of grieves me for our country that we lack the leadership to stay focused on what is important for the country and instead focus on what somebody else does wrong or is perceived to do wrong.

We can have tremendously intelligent and respectful debate that is directed toward a difference of opinion about issues. But the problems that face this country today are greater than any in my lifetime. This last year, we charged to our children and our grandchildren $528 billion. That $528 billion is how much the debt grew last year. It is going to require absolutely zero partisanship over the next 20 years in this country for us to try to attack the structural problems that are going to undermine the future opportunities of our children.

I am reminded of history because Franklin Delano Roosevelt, facing a similar situation to what we have right now in our country, cut out three of his most favorite programs and cut discretionary spending by 22 percent so he could do what was right for the next two generations.

I worry we lack that foresight, or if we do not lack it, we place partisan political positioning and elections that are coming ahead of the best interests of our Nation.

We have heard about cuts. We have heard about taxes. We have heard about all sorts of things, described in a way so you would think anybody who believed opposite of that would just be terrible. That is not the truth. It is not anywhere close to the truth. Anybody who is a Member of this body cares immensely about this country. They just differ about how they want to go about getting to a solution.

If we have half a trillion dollars that we added to our children's debt this year and we are on a course, with Medicare, Medicaid, Social Security, and interest on the national debt—by the way, which nobody ever speaks of, which is the fourth largest item and will soon become the largest item—if we do not have the desire and the will to work together as loyal opponents, with the best interests of our country at heart, taking the partisanship out of it—nobody is bad, they just have a different idea.

I hope as we wind up the Senate year that we will keep in mind that what I believe to be true throughout the country and that is that country is nauseated by partisanship. It doesn't build our country, it tears our country down. It doesn't promote unity, it promotes division, it promotes polarization, and our problems are so great that we ought to be following the advice of John Kennedy. We ought to be following the advice that says: Don't ask what your country can do for you, ask what you can do for your country.

If there is ever a time that we needed to be doing that, both as Members of the Senate and as citizens of this country, it is now. The numbers that face us in the future—a war in Iraq, the devastation on the gulf coast, and a structural deficit—require that we have a shift, and the shift is that we look to the long run, that we don't try to gain the short run, and that we do what is in the best interests of the country, and the first thing we do that is in the best interests of the country is to put partisanship aside.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, if I might inquire of my friend and colleague from Louisiana, I know she is preparing to speak. Might I ask about how long she may speak? I have a speech. I ask unanimous consent, after the Senator from Louisiana finishes speaking, that I be recognized for up to half an hour.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. I thank the Senator. I will probably speak for about 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT

CLOTURE MOTION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 3199, the PATRIOT Act, and I send a cloture motion to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Conference Report to accompany H.R. 3199: The U.S. PATRIOT Terrorism Prevention Reauthorization Act of 2005:

Chuck Hagel, Jon Kyl, John McCain, Richard Burr, Conrad Burns, Pat Roberts, John Ensign, James Talent, C.S. Bond, Johnny Isakson, Wayne Allard, Norm Coleman, Kay Bailey Hutchison, Mel Martinez, John Thune, Jim DeMint, Jeff Sessions, Bill Frist, Arlen Specter.

Mr. FRIST. Mr. President, we will be very brief. I know we have two of our colleagues on the floor prepared to speak.

What we have just done is turn to the conference report on the PATRIOT Act, a vitally important piece of legislation, that in bipartisan way our colleagues have addressed, in a bicameral way, and it is now our intention to address the PATRIOT Act, discuss it over the course of, I am sure, later this evening as well as tomorrow.

Because we were unable to come to a unanimous consent agreement to address this bill in a limited amount of time, in an appropriate amount of time, and then to vote up or down on the bill, I filed a cloture motion, and that cloture vote will actually be Friday morning. I will have more to say about that.

Let me briefly turn to my distinguished colleague, who is chairman of the Judiciary Committee, who has put together, again in a bipartisan way with a lot of negotiation and compromise over the long period of time, a bill that, as we all know, has passed the House of Representatives earlier today with I believe 44 Democrats voting for the PATRIOT Act in the House of Representatives, a bill that we now will be addressing on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I shall be brief. I know two Senators are waiting to speak.

I congratulate the House of Representatives for approving the conference report by a significant margin.

I thank the majority leader for moving ahead procedurally with filing of the cloture motion. There have been a number of public statements made by Senators about an intention to filibuster. We are obviously at the conclusion of our work and we want to proceed. I am advised by the distinguished majority leader that this conference report will be on the floor tomorrow.

I urge my colleagues to come to the Senate to debate the issue. It is a complicated bill. I addressed it at some length the day before yesterday with a floor statement, moving into the critical areas. Yesterday, Senator FEINGOLD and I had an opportunity to discuss the bill for almost an hour. It is valuable for our colleagues to know the details as to what is in the bill. That can be best accomplished by an interchange of ideas, those who have objections stating them, and hearing the responses so that we may fulfill our responsibility as the world's greatest deliberative body. I look forward to that exchange and debate.

I believe it is an acceptable bill, a good bill, not a perfect bill. I am prepared to go into detail. I have talked to many of my colleagues one on one, individually, and I have found, understandably, because of the complexity of the bill, that many of its provisions are not fully understood as to what they mean and what the import is and why we have come to this.

Ideally, I would like to have seen the Senate bill go through unanimously, passed by the Judiciary Committee 18 to 0, and then on the unanimous consent calendar here, which is, I think, unprecedented for a bill of this magnitude. But we have a bicameral system, and we conferred at length with our colleagues in the House of Representatives and are presenting the conference bill, which I submit is a good bill that I am prepared to advocate tomorrow.

I urge those who want to speak to come to the Senate tomorrow morning when we take up the bill and have a constructive debate so our colleagues may be informed about the contents and vote on the cloture motion in a timely way and hopefully move forward to consideration on an up-and-down vote.

I thank my colleagues from Louisiana and Iowa for yielding this time.

Mr. FRIST. Mr. President, let me very briefly close in stating my strong support for the legislation, the substance of the legislation, but also underscore the importance of this Senate acting on this legislation. I encourage our colleagues who have talked about filibuster to do exactly what our distinguished chairman has talked about, and that is look at the substance of the bill. A lot of changes and modifications have been a product of compromise and negotiation and have been put into the bill. It is very strong in terms of issues such as terrorist financing and protection of our ports and addressing issues surrounding mass transit and privacy and personal liberties.

This bill does present us with a stark and clear choice: Should we take a step forward, which we have an opportunity to do in the next several days, or take a step backwards in that goal to make America safer? It does expire on December 31. The PATRIOT Act expires on December 31, but the terrorist threat does not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I begin as my leader is in the Senate to say the bill they most certainly have presented for our consideration is one that needs attention and needs deliberation. The PATRIOT Act is a very important part of the security of our Nation. We can debate the inside and pieces of it, but I strongly suggest to the leadership that protecting America is more than just the chapters and statutes related to the PATRIOT Act.

Protecting America is about protecting patriots in the gulf coast, in Louisiana, in Mississippi—not just citizens who are patriots, taxpayer citizens, hard-working citizens who have come to believe the notion that in America they are safe, or should be safe, and if disaster does strike, the government, with the private sector and with their own effort, will be there to help.

What about the patriots on the gulf coast who are veterans themselves, the 400,000 veterans in Louisiana, the 250,000-plus veterans in Mississippi—just for two States that were affected—men and women who have put on the uniform, served their time, true patriots. What are we doing to secure their homes, their schools, their churches?

I suggest to the leadership that while the PATRIOT Act itself has many pieces of what helps make America secure, it is one piece but not the only piece. We should most certainly not be comfortable leaving here without securing the homes and businesses and dreams of average Americans, patriots, on the gulf coast.

As I speak for just a few minutes this afternoon, it has been over 100 days

since two of the deadliest storms hit the coast of America: Katrina and Rita, Katrina on the southeastern part of Louisiana, on the Mississippi section as well, and Rita, just a little over a week later hitting the southwest part of Louisiana and Texas counties as well.

As the days and weeks have unfolded and as there have been investigations and hearings and committees that have looked into what happened, I suggest it was not just a natural disaster that led us to this point but a manmade disaster.

The Times-Picayune, the major newspaper in New Orleans, and other papers in the region, have written extensively on this subject. I ask unanimous consent that this article, ''Evidence Points to a Man-Made Disaster,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times-Picayune, Dec. 8, 2005]

EVIDENCE POINTS TO MAN-MADE DISASTER

(By John McQuaid, Bob Marshall and Mark Schleifstein)

As investigators and residents have picked through the battered New Orleans levee system's breaches, churned-up soil and bent sheet pile in the 100 days since Hurricane Katrina struck, they have uncovered mounting evidence that human error played a major role in the flood that devastated the city.

Floodwall breaches linked to design flaws inundated parts of the city that otherwise would have stayed dry, turning neighborhoods into death traps and causing massive damage. In other areas, poorly engineered gaps and erosion of weak construction materials accelerated and deepened flooding already under way, hampering rescue efforts in the wake of the storm.

These problems turned an already deadly disaster into a wider man-made catastrophe and have made rebuilding and resettlement into far tougher and more expensive challenges.

That's the picture that emerges from investigations of the levee system by teams sponsored by the state government, the American Society of Civil Engineers and the National Science Foundation, as well as from dozens of interviews with local residents, officials and engineers.

Experts say the New Orleans flood of 2005 should join the space shuttle explosions and the sinking of the Titanic on history's list of ill-fated disasters attributable to human mistakes.

The evidence points to critical failures in design and construction, as well as a lack of project oversight and responsibility that allowed small problems to metastasize into fatal errors. Twisted lines of authority led to cursory inspections, communications snafus and even confusion about such basic information as wall dimensions.

Outside engineers, political leaders and many New Orleans residents now question the judgments and even the once-unassailable competency of the Army Corps of Engineers, which had final authority over the system. The corps and some of the same firms involved in the original design and construction of the levees are spearheading the effort to repair the system and already are planning to build stronger protections.

Sen. David Vitter, R-La., who sits on two Senate committees investigating the levee failures, says the U.S. system for building flood defenses is broken. The corps, he said, should be overseen by outsiders who can ensure it will do the job right.

''We need a new model, a new structure, a new process to get this done which has to include outside, independent review of the corps by outside, independent engineering experts,'' he said.

''THE BEST MINDS''

The levee flaws also raise troubling questions about the integrity of flood defenses elsewhere.

''Everybody who has a levee out the back door now has to look out and wonder, is this going to fail? Was it designed right?'' said Steve Ellis, vice president of Taxpayers for Common Sense, a Washington fiscal watchdog group critical of the corps' priorities.

Corps spokesman David Hewitt said the agency has several experts and engineers from outside agencies, private firms and academia to aid its investigation. ''We are determined to find out exactly what happened both in the technical engineering and the planning and execution process so that we can prevent another occurrence,'' Hewitt said. ''We are engaging the best minds and professional expertise in this important effort.''

Engineers say most structures that fail do so not because they're hit by overwhelming forces, but because of flaws that creep in unnoticed during design, construction and upkeep. A paper published this month by Robert Bea, an engineering professor at the University of California at Berkeley who is studying the levee failures, concluded that 80 percent of 600 structural engineering failures he studied in the past 17 years were caused by ''human, organizational and knowledge uncertainties.''

Bea said everything he has seen about the New Orleans levee system so far tells him it belongs in that category.

NOT AS GOOD AS ADVERTISED

The levee system's design dates to the 1950s, when understanding of hurricane risks and flood dynamics was primitive compared to today. The system was never built to take a hit from the most powerful hurricanes, storms in Categories 4 or 5 on the Saffir-Simpson scale. The levees were designed by congressional mandate to fend off floodwater heights—up to about 11 or 13 feet, depending on location—that Category 1 or 2, and some Category 3 storms would kick up.

But the investigations show that the levees did not live up even to that billing. When Katrina's storm surge rolled in from the Gulf of Mexico before dawn Aug. 29, the huge dome of water followed a path up the Mississippi River and then along the Mississippi River-Gulf Outlet into Lake Borgne.

In a matter of hours, the sheet of water—reaching 25 feet high at some locations—moved relentlessly north and west, pouring over the tops of and eroding large stretches of levees surrounding Chalmette, clearly exceeding their design capacity.

When the surge reached New Orleans' southern edge along the Gulf Intracoastal Waterway, it caused as much as five miles of the 17.5-foot tall levee there to disappear, creating a back door for water into eastern New Orleans.

Water pushed west through the waterway into the Industrial Canal, where it met water already rising from storm surge that had entered Lake Pontchartrain. The water topped levees on both sides of the canal, causing walls to fail on the east side, flooding the Lower 9th Ward, and leaking through smaller levee breaks and a pump station on the west side, flooding the rest of the 9th Ward.

BREACHES BY DESIGN

Later that morning, as surge rose in Lake Pontchartrain, floodwalls along the 17th Street and London Avenue canals breached, even though the water was well below their tops. Investigators say those breaches shouldn't have happened. Observational data and computer modeling indicate that storm surge entering the canals from the lake reached heights ranging from 9 to 11 feet in the 17th Street Canal and 11 to 12 feet in the London Avenue Canal. The walls were 13.5 feet high or higher along much of the two canals and were designed to withstand water rising to 11.5 feet.

Investigators say the walls broke when floodwater, pushing through the soft, porous earth under the steel sheet pile foundations, started moving the soil. In the 17th Street Canal, one breach opened on the east side, and in the London Avenue, two breaches occurred. Water poured into the Lakefront area and moved south, inundating much of central New Orleans over the course of the day and night.

Engineers say some systemic design problem—not merely a localized fluke—caused the breaches because walls gave way in two canals and some walls appear to have been close to breaching at other points.

While it's easy to second-guess after a disaster, outside engineers say the depth of the sheet pile foundation appears too shallow. A survey by Team Louisiana, the state-sponsored forensics group, found—and the corps confirmed last week—that the sheet pile depth was about 10 feet below sea level in the breached areas at both canals, much shallower than the 18.5 foot below-sea-level depth of the canals and 7 feet shorter than the corps thought.

Modjeski & Masters, the firm that designed the 17th Street canal wall, said last week it had initially recommended a 35-foot depth for the piling on the 17th Street Canal, then shortened it at the corps' behest, but the firm offered no documentation to back the claim.

SOIL AND SAFETY

It's still unclear exactly what went wrong, though engineers suggest the soil's resiliency was overestimated.

New Orleans soil is swampy and mushy, with alternating layers of peat, clay and sand. Along the length of a floodwall it varies wildly in consistency and strength. Along both canals, a layer of peat—the weakest and spongiest of soils—lies directly under breaches a few feet below the base of the sheet pile. Along the London Avenue Canal, coarse sand underlay the peat and now lies throughout nearby residential yards and homes, another layer of weakness, the engineers said.

''Those are the kinds of subsurface conditions that lend themselves to having weak pockets or stronger pockets, and Mother Nature will always find the weak pockets,'' said Joseph Wartman, a Drexel University geotechnical engineer studying the levee failures. ''What makes levee design and engineering so challenging is you can have a system that's many, many miles long and you only need the weakest 150 feet to rupture for the whole system to fail.''

Another factor in the breaches, one with national implications, is the low safety factor used in constructing the levee banks and floodwalls. A safety factor is a kind of cushion that engineers include in a structure's design to ensure it can withstand all the punishment it's designed to take, plus a little more.

Corps standards for levees and floodwalls date back decades, officials say, and were intended to protect sparsely populated areas, not cities and billions of dollars of infrastructure. The safety factor of 1.3 used in the designs is significantly lower than those used in structures with similarly large-scale tasks of protecting lives and property.

With data from soil borings spaced at more than 300-foot intervals along the canals, engineers could develop only a fragmentary picture of what is underground. They were supposed to account for that uncertainty. That is typically done by raising the safety factor or by making conservative estimates of soil conditions.

Team Louisiana investigators said last week that based on new calculations, they think engineers working for contractors Eustis Engineering and Modjeski & Masters miscalculated the depths of the 17th Street Canal walls. The team has not yet released detailed findings. University of California engineers say the designers might not have accounted for storm surge's effects on the soil.

According to project and court documents, those designs were reviewed and approved by corps engineers.

It's not clear yet whether additional factors such as cost-cutting or specific on-site construction problems contributed to the levee breaches, but the failures can also be linked to a chain of political and managerial decisions.

The corps originally proposed building floodgates at the mouth of each canal—and at the mouth of the Orleans Canal that runs along the west side of City Park—to block surge. But local officials, including those at the Orleans Levee Board and New Orleans Sewerage & Water Board, insisted on building floodwalls because floodgates would have made it difficult to pump water out during a storm. Engineers say the obvious, though expensive, solution is to build pumping stations at the lakefront rather than miles inland.

A 1980s-era Sewerage & Water Board dredging project in the 17th Street Canal next to the breached area left the Orleans Parish canal-side levee wall much narrower than that on the Jefferson Parish side. Investigators say that change probably contributed to the failure of the wall.

Pittman Construction, the contractor that built the 17th Street Canal wall, ran into trouble driving sheet piles in 1993. When the concrete tops to the walls were poured, documents show, the walls tipped slightly. Though the corps attributed this to Pittman's methods, not the site conditions, and a judge agreed, some engineers say the difficulty they encountered was an early warning sign.

WHAT LIES BENEATH

Meanwhile, state and local officials have admitted they generally skipped the canal floodwalls in annual inspections of levees—and the levees they did inspect were examined in a cursory fashion.

Though necessary, visual inspections are of limited use. Absent an obvious problem like water bubbling to the surface, most levee problems go on out of sight, meaning a system's problems can go undetected for years without a more aggressive inspection program that includes probing beneath the surface with soil sampling, sonar or other methods.

''It looks perfect from the outside. It looks in good shape. Even if you had a 10-man crew walking along there every day, you would not have seen the problem,'' said Jurjen Battjes, a retired professor of engineering from the Technical University of Delft, Netherlands, who is on an American Society of Civil Engineers panel reviewing the corps' investigation.

To the east, assessing the levee system's performance is a more complicated task. Water flowed over levees and floodwalls along the Industrial Canal, Gulf Intracoastal Waterway and Mississippi River-Gulf Outlet. In many spots, the water scoured out earth along the dry side and the walls gave way.

In general, engineers say that once a levee is topped, its structural integrity cannot be guaranteed. But the speed with which many of the walls breached or eroded and the large scope of the damage have alarmed investigators. The outer levee along the Mississippi River-Gulf Outlet protecting St. Bernard Parish and the levee along the north side of the Gulf Intracoastal Waterway protecting part of the Lower 9th Ward were all but washed away by the storm, for example.

Engineers say that if a wall is sturdy enough to remain in place while water flows over it, flooding will be minimized, lasting only until the surge drops. When a breach opens, adjacent neighborhoods basically become part of nearby waterways and the scale of the flooding is many times greater.

THE FUNNEL EFFECT

One source of the scouring and multiple breaches is actually a corps policy, dictated by Congress. Corps officials say they are not allowed to put rip-rap, concrete or other forms of scour protection on the dry side of levees. Doing that anticipates flood level higher than the walls are designed for, which is beyond the corps' mandate for Category 3 protection.

A report published last month by the American Society of Civil Engineers and National Science Foundation teams identified other unanticipated weaknesses in the levee system. Builders used weak, sandy soils in the now-obliterated St. Bernard Parish hurricane levee, and that likely contributed to its rapid destruction. In areas where two different levee sections came together, investigators found many awkwardly engineered transitions that allowed water through.

A much larger problem lies in the overall design of the levees along the city's southeastern flank. Unlike areas fronting Lake Pontchartrain, southeastern areas are more or less directly exposed to waters from the Gulf, and hurricane floods are more likely to strike there and rise higher when they do.

The levee system forms a V-shape where the MR–GO and Intracoastal Waterway meet. That acts as a giant funnel, driving water heights even higher and channeling storm surge directly into canals leading into the city.

Computer modelers have complained for years that the corps had underestimated the risk to those areas, and former corps modeler Lee Butler estimated the actual risk was double the corps estimate in a 2002 study done for The Times-Picayune. The corps only recently announced it will stop dredging the MR–GO.

WAITING FOR ANSWERS

It will take months, and possibly years, to arrive at a detailed assessment of what went wrong and assess responsibility, engineers familiar with the situation say. Investigators must determine not only why individual wall sections failed, but they also must trace the roots of decisions, untangling overlapping responsibilities of the corps, private contractors and local agencies. A federal interagency team investigating the system won't make its report until June. A National Research Council team is only now being formed.

So far, the scope of the disaster, and the human element central to it, have only begun to sink in among political leaders and agency heads, including the corps, which is at the center of all the inquiries. The corps has declined to comment on the causes of the levee failures, pending the outcome of its own studies.

People familiar with the agency say the disaster means things might never be the same.

''In the old days the corps used to get criticized for being way too conservative in their designs,'' said Don Sweeney, a corps economist for 22 years who left after exposing irregularities in the agency's economic impact statements and now teaches at the University of Missouri. ''They would design a structure with a safety factor of 4 or 5. They did have that reputation of building things with integrity that were built to last. And if they said it was built to do something, it would do it.''

Ms. LANDRIEU. I also ask unanimous consent to have printed in the RECORD ''Corps' Own Study Backs Critics of Levee Engineering.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CORPS' OWN STUDY BACKS CRITICS OF LEVEE ENGINEERING

[From the Times-Pacayune, Dec. 10, 2005]

(By Mark Schleifstein)

An internal review by the Army Corps of Engineers supports most of the criticisms leveled against the New Orleans area levee system by an independent team of engineers, including questions about soil strength, levee maintenance and whether the system was built as designed.

In a Dec. 5 interim report released Friday, the Interagency Performance Evaluation Task Force said its conclusions already have been passed on to engineers who are working to restore the levee system to its authorized protection level before it was overwhelmed by Hurricane Katrina, flooding more than 70 percent of the city.

''The IPET team vigorously agrees that everything possible should be done to reconstitute an effective and resilient flood protection system for the New Orleans area,'' the report said.

While the level of protection is still limited by past congressional authorizations to the equivalent of a fast-moving Category 3 hurricane, the report said the task force will evaluate the risk and reliability of that system.

''This will provide a clearer perspective of the overall performance capacity of the system for use by individuals and governments in their decision making,'' the report said.

The task force concurred with the independent engineers from the American Society of Civil Engineers and the National Science Foundation that the failure of levee walls at the 17th Street and London Avenue canals were likely caused by failures in the foundation soils beneath them. The engineers also have noted that sheet piling beneath the walls was too short to properly support the walls.

The independent engineers said soft peaty soils under the 17th Street levee and a combination of soft peat and sand beneath the London Avenue levees allowed water from the canals to push the walls and earth beneath them out of the breach areas, allowing water to flood into much of the city.

''Extensive observations by a number of teams found no signs of major overtopping of these systems at the breach sites,'' the report said, pointing to a structural failure of the floodwalls at those sites.

ANALYZING FAILURES

The corps task force is studying a variety of other factors that also may be involved in the failures at those two canals:

The potential for differences between how the levee and floodwall structures were built and the plans and specifications that were supposed have guided their construction.

Properties of soil layers beneath the levees to a depth of 60 feet below sea level.

The kinds of soil materials, including whether they were natural deposits or were

compacted properly to remove moisture and be more dense.

Whether the soil layers included tree stumps or other organic materials.

The way the soil may have coped with the forces imposed by Katrina's wind and water.

The effect of trees, swimming pools and other objects in nearby back yards that may have affected the levee strength.

How close the levee failures were to bridges, and whether the connection between them was adequate.

Whether operations and maintenance practices by the corps and individual levee boards differed from the corps' Operations and Maintenance Manual.

The task force said it had found evidence that scour, probably from water going over the top of the levee, occurred along the London Avenue Canal at the southeast corner of its intersection with the Robert E. Lee bridge, near a part of the wall that looks deformed. That levee section is directly across from a breach.

Damage near a pump station at the southern end of the Orleans Canal also appears to indicate water topped the levee wall there, the report said.

Along the levee walls of the Industrial Canal and along earthen levees on the Gulf Intracoastal Waterway and Mississippi River-Gulf Outlet, Katrina's storm surge went over the top, causing scouring or in some cases simply washing away large parts of the levees, the report said.

At the Industrial Canal, the water pouring over the wall scoured the levee on what was supposed to be the protected side of the I-shaped levee wall.

''The erosion appeared to be so severe that the sheet piles may have lost all of their foundation support, resulting in failure,'' the corps report said.

PROTECTING BACK OF LEVEES

The task force also agreed with the independent engineers that those designing repairs to the levee systems should consider ways of protecting the back sides of levees from the effects of water scour in the event another major hurricane's storm surge tops the levees.

Officials with the corps' Task Force Guardian, which is in charge of the rebuilding effort, already have said they plan to use more protective inverted-T levee walls in the 17th Street and London Avenue canals where breaches occurred. Water topping such a wall would splash down on a concrete strip before running off.

The investigative task force also said the use of erosion protection, including riprap, concrete mats or slabs, or paving, should be considered in areas where erosion by waves and surge are possible. The report said additional study is under way into where structures in the levee system are most likely to sustain unusually large surge and wave conditions.

And the report recommended using stronger clay soils in building levees ''to improve their survivability chances.''

The investigative task force also recommended that in rebuilding, more effort should be put into assuring that connections between different types of protective systems—such as walls and earthen levees—be better designed.

''A common problem observed throughout the flood protection system was the scour and washout found at the transition between structural features and earthen levees,'' the report said. Similar problems occurred where ''penetrations,'' such as streets or railroad tracks, went through levee structures, the report said.

The task force also agreed with the independent engineers' conclusion that a lack of access to the land side of levees and levee walls, such as found along the canals in New Orleans, led to major problems for emergency personnel attempting to make repairs.

In the aftermath of Katrina, corps contractors had to build a road behind homes along Bellaire Drive to reach the 17th Street canal breach.

Corps officials told the Orleans Levee Board this week that they expect to expand the canal levee walls' rights of way by 15 feet to build an access road.

LOOKING FOR WEAKNESS

The task force also recommended that corps officials undertake an in-depth investigation of the area's levees to determine where other weaknesses might lie.

''Detailed inspection of the entire hurricane protection system using appropriate remote sensing, surveying, inspection and investigation techniques and equipment implemented and analyzed by properly trained and experienced professionals is recommended to identify those structures that have been weakened but have little visual evidence of degradation,'' the report said.

The corps task force held off on agreeing with a recommendation from the independent engineers to keep sheet piles in place along bridges on the northern end of the 17th Street and London Avenue canals so they could be easily plugged in advance of a storm during the next hurricane season.

That decision will require further study, the report said.

The report said it was outside the task force's authority to concur with the independent engineers' recommendation that the corps should retain an independent board of consultants to review the adequacy of interim and permanent repairs.

The report points out that Katrina's sustained winds were at 147 mph when it crossed the Louisiana coast early Aug. 29.

''The sustained wind speeds for the standard project hurricanes used to design many of the flood protection structures in and around New Orleans were in the neighborhood of 100 miles per hour,'' the report said. ''While wind speed alone is not a complete measure of the surge and wave environments experienced by specific structures, it is a clear indicator of the level of the forces to which the system was subjected.''

According to National Weather Service records, the highest winds recorded in the immediate New Orleans area were gusts of 105 mph at Lakefront Airport and Belle Chasse Naval Air Station. But much higher wind speeds were believed to have occurred in eastern New Orleans and St. Bernard and Plaquemines parishes, which were directly in the path of Katrina's eye.

The report said the task force is conducting an analysis of Katrina's surge and wave effects in Lake Borgne and the rest of the New Orleans area so the data can be used in determining the forces acting on levees and floodwalls throughout the area.

Ms. LANDRIEU. The point is, this was not just a natural disaster, it was a manmade disaster. One of our columnists captured it correctly. You could almost argue, based on the evidence that is in, independent evidence, that it was a Federal Government-sponsored disaster.

Let me repeat, these are strong words: A Federal Government-sponsored disaster because it was the Corps of Engineers, the failing of a sophisticated and supposedly a strong levee system that failed, that put a major American city underwater 10 to 15 feet for 2 weeks and flooded a region, with multiple levee breaks in an urban area.

It has never happened in the recent hitory of America. It has not happened since the great floods of 1927 when the Mississippi system was designed. It is written and documented beautifully in John Barry's book, ''Rising Tide.''

We have a natural disaster of unprecedented proportion coupled by a manmade disaster of neglect, poor design, faulty design, and no telling what else will be discovered. This is the result. These are homes that resulted. A hurricane did not do this. Katrina did not do this. Rita did not do this. We did this. The Federal Government sponsored this disaster by not securing and supporting the levee system, by not engineering it properly, and this home that is in Chalmette, which is in St. Bernard Parish which lost almost every home in the parish. This is why I say we shouldn't go home because people in St. Bernard, in St. Tammany, in Orleans, in Vermilion, in Cameron, in Calcasieu, in counties along the Mississippi gulf coast from towns such as Biloxi and Waveland, this is what their homes look like.

Let me show another picture. The sun is shining, but it is not a happy time for the family that lived in this home. This could have been done from a hurricane, from wind damage. There may or may not have been flooding in this home. I am not sure if this was on the gulf coast, but I can promise, hundreds of thousands of homes along the gulf coast looked like this.

What our delegation has said with the rising voices of the Mississippi delegation, as well as the Louisiana delegation, without action, homes are going to stay looking like this for months, if not years.

I do not know how to express any more clearly that what we have done to date is wholly insufficient. FEMA, on its best day, being led by the finest executive you could find in the country, is not designed to meet the challenges of this kind of disaster. Let me repeat, on its best day, with the finest executive we could find, it is not designed to meet this disaster. So when people continue to say, and legislators and Congressmen, ''Well, we have sent $62 billion to FEMA. We have done enough,'' I, please, want to plead with my colleagues and the citizens of our Nation, do not confuse sending money to FEMA with giving help to homeowners, businesses, large and small, in Mississippi and Louisiana. Please do not confuse that. They are two separate things. You can send money to FEMA and then maybe cross your fingers to see if any of that money gets to solve this problem.

This is a picture I have used a lot because it reminds me of my own grandmother who had a camp a lot like this. There is virtually nothing left of the camp we owned. But this is typical of senior citizens throughout the gulf coast. This would be what most of our grandparents and parents are going to do this holiday. This picture—it really is one of the most heart wrenching,

moving pictures, and I have seen thousands of them.

What does this woman do? FEMA is not enough to help. That is why I have said we are going to slow this process down. I know people are anxious to get home for the holidays. I know this is not the only issue before America. But it goes to the heart of what homeland security is about—or should be about. If you cannot be secure in your own hometown, if you cannot be secure in your own home, if you cannot be secure when you are kneeling in your own church or when you are in your own business, where can you be secure? I am not suggesting we are powerful enough to stop hurricanes, but I am suggesting we should be smart enough and powerful enough to mitigate against their damage, to prevent manmade disasters by underinvestment in civil works systems that are important for the growth of the country, and men and women enough when the disaster does happen to step up and think outside the box and do something that actually helps people. So I am not anxious to go home because the people I represent do not have any homes to go home to.

Now, this next picture is not as dramatic a picture, but it will tell you the story. In the South, we have been talking about Hurricane Andrew since it hit. I think it was in 1992. Yes, here it is, 1992. Hurricane Andrew in the South is like a legend. People talk about Camille, they talk about Betsy, but then everybody says: Andrew. It hit Florida. It did not hit us, but a lot of our people went over to Florida to help. We remembered Andrew. We saw pictures of Andrew for months, and we did everything we could to try to help in Florida. And it was the worst, costliest storm ever to hit.

Can I show you what Katrina is? This is not even counting Rita. For Katrina, insured losses are twice—twice—that of Hurricane Andrew. And this is not even showing the costs for Rita. It could be triple the costliest storm in the history of the United States. It is not because the hurricanes were really maybe as bad. And maybe they were equal. But this differential is about a levee break in an urban area, putting 200,000 homes underwater and uninhabitable, and 18,000 businesses.

I believe, if I am not wrong about Hurricane Andrew, we lost 28,000 homes. That is a lot of homes. Think about a town with 30,000 people. That is a pretty big-sized town. Think about every home in the town being destroyed. That is a very terrible tragedy. We had 205,000 homes totally destroyed, uninhabitable, from Katrina. These are not homes with blue tarps on the roof until the roofer can come in, with people in the kitchen; these are homes that you cannot stay in for more than 5 minutes or maybe an hour or two to clean up. There is no water. There is no electricity. There is mold. There is mildew. People are gutting their homes, basically sitting on slabs. That is 205,000 homes totally destroyed. Mississippi had 68,000 homes totally destroyed, we had 205,000 homes totally destroyed, for a total of almost 300,000 homes—poof—gone, destroyed. That is not damaged. That is not thousands of homes that have a tree through the roof or the porch fell off or there was water in the kitchen and the appliances do not work but you can sleep in the bedroom and just kind of wait for the kitchen to get back. These are 300,000 homes gone.

Many of them did not have insurance because they were not required to because our laws were not written correctly to require them to. They were sitting in high places, in places that had never flooded before. And they looked up, and because our levee system failed, they have lost their house, they have lost their business, they have lost their financial future. Their children are not going to college. Their kids are not in the school. They are not worshiping in their church. And we are sitting around here passing 100 bills that have nothing to do with helping them.

Yes, this chart is what I was looking for. Sometimes I cannot keep numbers in my head and sometimes I can. There were 28,000 homes lost from Andrew. Charley, Frances, Ivan, and Jeanne—we still talk about those hurricanes. They were terrible hurricanes and 27,000 homes destroyed. Look at Katrina—275,000 homes destroyed.

Now, this graph is why we are struggling to a point where I just cannot quite describe that if we do not get some real help real soon, this region is not going to be able to stand back up. Now, we will eventually—I will get to that point in a minute—but it is going to be very difficult. We lost 18,752 businesses in Louisiana alone. Mississippi lost close to 2,000. Let me repeat: 18,000 in Louisiana, 2,000 in Mississippi.

Now, I am not saying this to minimize what happened to the gulf coast. As I have shared with Senators with whom I serve, I grew up on the gulf coast. I love Pass Christian probably as much as they do, but they had 2,000 businesses destroyed. But when levees break in a major city, this is what happens. This is virtually every small business or a large part of the small businesses in the metropolitan area.

Now, we stand up here in this Senate all the time and say: Small business is the backbone of our economy. Please, let's help small business. Could somebody tell me how FEMA is actually going to stand up these 18,752 businesses that pay taxes, that were patriots, that played by the rules, paid their employees? These are not big corporations. We only have one Fortune 500 company. But we have a lot of good people who worked hard to build those businesses, and—poof—they are gone. Some of them had insurance, but some of them did not.

So we put in a bill 7 weeks ago. OLYMPIA SNOWE and JOHN KERRY passed a bill almost unanimously in the Senate. It is sitting somewhere because we just cannot get out of the box enough to help these people. We have to go through the same old regular process that is not working. And last time I checked, under the administration's proposal, we had processed a grand total of six—six—six—GO Loans in Louisiana. I have 18,000 businesses gone, and we processed 6 GO Loans last week.

When I suggest we have been about as patient as we can be, that is why we may be staying here through Christmas.

The system is not working. Business owners are losing everything they worked for, not in one lifetime, three lifetimes—grandfather, father, son, or grandmother, daughter, granddaughter, 60, 70 years, businesses gone. And this Congress can't figure out how to help these businesses. But we are building infrastructure in Iraq. We are building businesses in Iraq, but we can't help our own American businesses.

Political allies of the White House have said that more has been accomplished than any other American disaster including 9/11. The claim cannot be justified. That claim is inaccurate. It is not valid. It cannot be substantiated. It is not justified under any objective criteria. What might be true is that we have sent more money through FEMA to try to help, but it is anemic. It is not functioning well. And the money is not getting to the people who need it.

That is why Senator COCHRAN and Senator BYRD have stepped up with a reallocation and said: OK, we hear you Louisiana. We hear you Mississippi. Let's not add any money, but let's take $30 billion of the FEMA money, since it is sitting in a bank account not being used, and move it over, give it to our Governors with community development block grants, full accountability, full flexibility.

We will send you some money, $6,000 per child for your education, because the schools took these children in. They knocked at the door. The schools took our children in, 370,000. They were never asked if they could pay. They have been educating these children for 6 months. The Federal Government has yet to give one of these school systems in Houston or Baton Rouge or Lafayette or Jackson, MS, one penny for taking these kids in. I don't know, do we expect schools that are having trouble anyway to take in children and educate them for free? They have added teachers, classrooms, and the Federal Government sits here giving money out right and left through every door as fast as it can get out, and we can't give money to school systems educating kids whose homes flooded and whose parents have no business anymore.

Senator COCHRAN has put that in his bill, mostly for Louisiana. We don't think that we have to keep saying that if we don't get better levees, not only can we not rebuild our city and region,

but it would be morally the worst thing that could be done not to help people feel safe and protected as they make decisions to go back. We have put a substantial amount of money in the budget with Senator COCHRAN's proposal for category 3 real levee protection and a downpayment on category 5 which is essential to us as we rebuild. With the community development block grant, the Governors, along with our parish presidents and municipal officials, can take that money and fashion it to help match private sector donors, to help supplement insurance payments, to help with some strategic housing initiatives and begin getting tools and capital and money out in these communities in the right ways to help stand them up.

We have to argue about this, not adding money to the budget, reallocating FEMA, and yet we are still arguing with the House on the total amount. Maybe they don't want to do 17, so we are down to this or that.

This week we cannot leave until we pass a Cochran-Byrd reallocation of the President's supplemental. With all due respect to the administration, the supplemental that was sent to us was a bill of $17 billion, except for some serious levee money which I thank the administration for. I thank the administration for putting that money—I think it was $1.6 billion—in their original request. We appreciate it. But the rest of the money in that bill was basically to refurbish Federal facilities.

I want to show again the picture of the lady. This is what I want to refurbish. I understand we have to refurbish Federal facilities. I know that Federal bureaucracies are important. But this is where we are trying to get the money, to citizens such as this woman who have worked hard their whole life, raised their family, never asked anybody for too much. Now they are sitting in a house with nothing. This is whom we are trying to help. We are trying to get money to the private sector, to private property owners, not to refurbish Federal Government buildings. So Senator COCHRAN took that bill and said: If you want to help refurbish Federal buildings, fine, but we need to add money to help citizens, patriots, business owners in our States.

I sure hope we can do that because it will be a shame if we do not.

I want to add a quote from Governor Haley Barbour. There has been a lot of discussion about Mississippi's approach and Louisiana's approach. But pain has a way of bringing people together.

Governor Barbour said yesterday:

> We are at a point where our recovery and renewal efforts are stalled because of inaction in Washington, D.C., and the delay has created uncertainty that is having a very negative effect on our recovery and our rebuilding.

If this is coming from Governor Barbour, who is part of the party in power and was head of the Republican Party for many years, who lost a fraction of the homes that we lost, how do you think the people of Louisiana are feeling about the stalled recovery effort and the desperation as they see Congress winding down for the holidays? They ask: Why aren't people in Washington understanding what we are going through?

I want to read for the RECORD an appropriate and moving quote, right on target as far as I am concerned, from Vanity Fair in November. It says:

> . . . when the damage is this catastrophic, the people so helpless, the government so weak and clumsy, we expect it to take place somewhere else—on the coast of Sri Lanka or Bangladesh, for instance—somewhere distant and more poor. . . . We do not expect to see our government so impotent and indifferent that it is completely paralyzed . . .

I know the men and women with whom I work. I don't find them to be incompetent or paralyzed. I believe they are sensitive and smart and intelligent people. What is it that is keeping us in this Congress from understanding FEMA isn't working. The Red Cross is not sufficient. People are suffering. New tools are needed. Let's get about helping people here at home.

There has been some unbelievable debate about whether New Orleans should be rebuilt. Our city has been there for 300 years. Thomas Jefferson leveraged the entire Treasury to buy the city of New Orleans because of its strategic advantage, which was true then. It is true now. Andrew Jackson took his troops and defeated the British to protect it in 1815 because it is the greatest port system in America. It is America's only energy coast. You can't have a great nation without protecting your Southern border. You can't have great trade. What thought of anyone would be that we can't rebuild New Orleans in the region of south Louisiana after we have given so much to this economy? We are not a charity case. We need help, we need respect, and we need a partner.

We will rebuild New Orleans and south Louisiana and the gulf coast of Mississippi. The people have spoken, and the spirit is strong. We may not have houses to live in or businesses to go to, but the people who have lived in this part of the world are strong people. We are Black and White, Hispanic, different socioeconomic levels, but we have lived there. The question is, Will we have a partner in the Federal Government? This week we will see if we have a partner.

Let's get on to the business of getting these bills passed. We will be slowing it down until we do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, is there a speaker designated to go next?

The PRESIDING OFFICER. The Senator from Iowa is previously designated to follow the Senator from Louisiana.

Mr. FEINGOLD. In light of the fact that the Chair indicated that the Senator from Iowa is to be next, I ask unanimous consent that I may speak next, and that I may use as much time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

CHILDHOOD OBESITY

Mr. HARKIN. Mr. President, over the last several years, we have repeatedly heard alarming reports about the rising tide of overweight and obesity in the United States, particularly among young children. Over the past two decades, the rate of obesity has doubled in children and tripled in adolescents. Fifteen percent of the children in this country are now overweight. In fact, the United States has a higher percentage of overweight teens than any other industrialized country.

This comes at a high price for our country, both in terms of the long-term physical health of our citizens and the enormous health care costs our Nation faces. Just last week, the Institute of Medicine of the National Academy of Sciences released a new report: ''Food Marketing to Children and Youth; Threat or Opportunity?''

The report focused on one big factor that contributes to the childhood obesity epidemic: the relentless multibillion-dollar marketing of junk food to our children. This landmark report is the most comprehensive and systematic review to date of the impact of food marketing on the diets of American youth. Its conclusions are troubling, but they hardly come as a surprise to parents who know well the effects of food marketing on their children.

In a nutshell, the Institute of Medicine concluded that there is strong scientific evidence that food marketing influences food preferences, the purchases and diets of children age 12 and below. Even more important, the Institute of Medicine confirms what many had suspected before, that ''television advertising influences children to prefer and request high-calorie and low-nutrient food and beverages.''

Let me just read two sentences from the executive summary. I am quoting directly from the Institute of Medicine's finding:

> It can be concluded that television advertising influences children to prefer and request high-calorie and low-nutrient foods and beverages.

That is a key finding. Next, on the broad conclusions: Food and beverage marketing practices geared to children and youth are out of balance with healthful diets and contribute to an environment that puts their health at risk.

There you have it. Now, 2 years ago, I requested this study to be done. We put money in the appropriations bill for the CDC to do the study. They contracted with the National Academy of Sciences and the Institute of Medicine to do the study. This is an unbiased landmark study. It proves conclusively that our kids are being inundated nonstop with advertising that puts their health at risk.

The food industry is a $900 billion-a-year business. It spends billions of dollars promoting food products, much of it targeted at kids. The IOM report is important because it outlines in great detail how over the past decade advertising directed at our children has grown to a point where they are bombarded nonstop with ads. Indeed, food marketing has expanded in both intensity and variety into nearly all areas of kids' lives.

The food industry spends more than $11 billion a year targeting kids with marketing campaigns through television, movies, magazines, Internet, in-school marketing, kids clubs, toys, coupons, and product placement in movies and books. Marketing to kids has become so pervasive and sophisticated that over the past several years marketing firms have even begun to employ child psychologists who specialize in this field to help devise their strategies.

On the advice of these psychologists, advertisers make use of media fantasy figures, celebrities, and cartoon characters. They use messages crafted to imply that products will give kids power, make them popular. The aim is simply to exploit kids' imaginations and their vulnerabilities and to sell them products or to get them to nag their parents to buy certain products.

What kind of foods are they marketing to our kids? We are not talking about apples and pears and peaches and broccoli and carrots. We are talking about high-fat, high-sugar, high-sodium foods with little or no nutritional value.

The food industry contends it is concerned about the health and nutrition of our children, and that it is taking active steps to change its marketing practices to introduce new products that are healthier for our children. But is that really the case?

In limited instances, the industry has taken some positive steps. For example, in the past year, both Kraft Foods and Pepsico have announced they will take steps to curb the marketing of unhealthy food products to children, and instead focus on the promotion of healthier products. I have commended publicly, and I do so again today on the floor of the Senate—both Kraft and Pepsico for taking a leadership position in this area.

But here is the problem. This Institute of Medicine report is clear that such responsible actions are far from the industry norm. As you can see from this chart, the number of new products that the food industry has targeted to kids have gone up tenfold over the past 10 years, from around 50 to just under 500 in 2004—500 new products per year—not apples, not salad bars. According to the Institute of Medicine, these 500 products are high in calories and sugar and low in nutrients. This is what dominated those products.

Let's take a look at some of the examples of what is happening to our kids. Many advertisements for junk food snacks use characters popular with children. Here is one. They range from Spiderman to Sponge Bob Square Pants. Kids know these characters. They admire these characters. Quite frankly, when I saw ''Shrek 1'' and ''Shrek 2,'' I kind of liked Shrek. He became a loveable, nice guy who wanted to do good. Now what do we see? Here is Shrek advertising Twinkies, green Twinkies with a green filling.

Now Shrek has a powerful appeal to kids' minds. Kids see the movie Shrek and they like Shrek. And Shrek, why, he likes Twinkies, so Twinkies must be OK to eat. That is what that message says.

What do we know about Twinkies? The nutritional value is zero, harmful to kids' health.

Shrek now becomes a bad guy trying to get our kids to eat unhealthy food. Shame on the advertisers who take a likable, loveable character when he was first introduced to kids in the movies and now using Shrek to poison our kids. I use the word ''poison'' because that is what this food does, it poisons our kids by making them obese and unhealthy.

Then what you can do when you see this ad, you can visit twinkies.com. I will show that a little bit later in my presentation.

It is not just limited to television. Food marketing has gone on in numerous ways that we are just beginning to explore. The Institute of Medicine report was shocking. One thing—I didn't know this—only 20 percent of all food and beverage marketing in 2004 was devoted to the traditional methods of television, radio, and print. Only 20 percent. Eighty percent is going to new forms of marketing—product promotions, character licensing, school marketing.

At one time, our schools were considered safe havens for our kids, places of learning that insulated our kids from crass commercial influences. No longer is that the case. Our schools have been inundated with commercial messages that are now a major advertising medium that these food companies are using to establish brand loyalty and to get kids to eat junk food.

Here is a photograph of a hallway in a high school. You have the Coke machine, you have a POWERade machine. You have a vending machine with potato chips, Fritos, cookies, candy bars, M&M's. Nothing in this entire display is of any nutritional value. That is what is happening in schools.

Let's not forget that a lot of these food marketing companies have exclusive contracts with schools and school districts to link the sale of soda pop to cash payments or equipment assistance to schools. These are the very foods that are making our kids obese, contributing to their unhealthy lifestyles.

I often ask parents, What would you think of a parent who sat down with his or her child before they went to school in the morning and measured out 15 teaspoons of sugar, put it in a little plastic bag and told the kid: Here, you can take this to school and eat it. Or, on second thought, measure out 30 teaspoons of sugar, give it to the kid and say: Here, take this to school and eat it. You would think no parent would ever do that. But some children to buy two soda pops every day and two of those 20-ounce soda pops will have 15 teaspoons of sugar each. One 20-ounce soda pop equals 15 teaspoons of sugar. That is why others call this liquid candy. A 20-ounce Coke, liquid candy, that is all it is, 15 teaspoons of sugar.

Why do we allow this? Why do we allow this in our schools? It is sending a message to our kids that this is OK? It is in school, it is promoted by the schools, so it must be OK. That is a new marketing technique they have.

Now we have other techniques such as branded toys and new marketing techniques aimed at babies? Hang on, wait until you see this one: A baby with a 7-Up bottle. Here is a baby being nursed on a bottle that has a 7-Up logo on it. One might say, well, that baby can't buy 7-Up. No, but that baby's eyes are picking up things. When that baby gets older, that is going to be stuck in that baby's mind somewhere in the deep recesses, that was good because what that baby got out of that bottle was good healthy milk, formula probably. And now they are going to associate that with 7-Up. Imagine that, that early in life.

You think that is bad, hang on, you haven't seen anything yet. Look, before I put this picture up here, let's agree on one thing. We all agree—I know the occupant of the Chair and I bet he agrees with this, being a doctor—that the most beneficial, nutritious food for a newborn baby is a mother's milk, breastfeeding. We all know that breastfeeding is the best, and any doctor will tell you if you are capable, you ought to breastfeed your child.

Now look what we have here: A billboard with a baby breastfeeding on a McDonald's Burger. That just about borders on the obscene. It can't get any worse. I understand this did not run in the United States, but it ran on billboards in Europe. Here is a baby, obviously less than a year old supposedly breastfeeding on a McDonald's hamburger bun. Not only does this ad imply that fast food is a developmentally appropriate product for infants, it suggests that fast food is an appropriate replacement for the nutrition of breastfeeding, which is the perfect form of nutrition for babies.

Equating a McDonald's hamburger with breastfeeding, while it might be intended to be humorous, is no laughing matter. It sends very subtle messages that breastfeeding is nutritious and so are McDonald's hamburgers.

Now we have other ways of marketing. I tell you, these are psychologists who devise these ads. They know what they are doing. How about the candy counting books? Here we have ''Reese's Pieces Count by 5,'' ''Hershey's Subtraction'' book, the

''Skittles Riddles Math'' book, the ''Twizzlers Percentage'' book, the ''Hershey's Fraction'' book, and the ''Hershey's Kisses Addition'' book.

Here is where I am going to pay tribute again to Kraft Foods. On this floor periodically in the past I have shown the Oreo counting book. Kraft Foods discontinued that practice. Kraft Foods does not allow that any longer. God bless them; good for Kraft Foods.

But here is the problem: You get one company who actually acts responsibly, and look what the rest of them do. They move into the marketplace and take market share away with their counting books.

Again, 2-year-olds, 3-year-olds learn with counting books—Hershey's, M&M's, and Reese's Pieces. I don't have it here, but I saw one counting book where you lay it out and you actually put the M&M pieces on there, and when you count one, you get to eat that one piece, and when you count two, you get to take the two pieces of M&M's off and eat those two, until you get to 10 M&M pieces. Junk food, building brand loyalty early.

Then we have toys. How about the toys? It is an emerging trend that puts the food on the toy so you don't just get it for 30 seconds, you get it all the time you play with your toys.

Here we have a Coca Cola princess, whatever, a cheerleader. We have a Jell-O Barbie. We have a McDonald's Barbie.

So little kids play with these and they build that brand loyalty. They play with a Barbie wearing a McDonald's logo or a Jell-O or a Little Debbie brand. That is what we have come to, where kids are inundated day after day not with just 30-second ads but with everything they play with, everything they see. Now they go to school, and they see the same thing in school. This is a recent innovation. It was not like this 20 years ago.

Now we have the Internet, which is becoming a growing segment of the food marketing industry. Remember, I said earlier that Shrek urges children to visit twinkies.com, well, here you go. If one goes to twinkies.com, they go to Planet Twinkie. At Planet Twinkie, there are all of these little interactive things, visit the Twinkie shop, the Hostess Hall of Fame, the chocolate and cupcakes and snowballs. That is Planet Twinkie.

So a kid sees Shrek, Shrek says: Visit my Web site, visit twinkie.com.

Well, again, what are they saying to kids? They are saying: Eat junk food. It is fun and it is an adventure just to eat junk food and eat Twinkies and to eat candy and stuff, and it is good for you. And guess what, it will make you smart because we do it in school; you go there to school to learn, so since we do it all in school it makes you smart, too.

So when one looks at all of these marketing techniques together, television, schools, product tie-ins, promotions, the Internet, branded baby products, what we are seeing is that the food marketers seek to do nothing less than envelop our children every day during all of their waking hours in a commercial environment that encourages them to eat unhealthy food.

For years the food marketers have been saying: One cannot really prove that food marketing influences children's diets. Not anymore. With this study, food marketers can no longer say that food marketing does not influence children's diets. The evidence is quite clear that marketing has a negative influence on children's food preferences and on their diets.

Some might say: Well, that is obvious. The food industry does not spend $11 billion a year on marketing to kids because it does not work, because they want to throw that money away. They spend it because it works brilliantly, inducing children to purchase it themselves or to beg, whine, and cajole their parents into buying it for them.

Some might say: What about the parents' responsibility? Parents should be responsible, but parents' control is being eroded. Food marketers are inserting themselves between parents and their kids. Their control is being eroded in the face of a highly sophisticated billion-dollar industry. This is not a level playing field.

Again, what can we do? Someone who has been listening to me might say: Well, OK, HARKIN, what can you do? That is the way business works. What can we do about it?

There is plenty we can do about it. The IOM report makes recommendations on what we ought to do. First, they say the industry needs to exhibit a greater level of corporate responsibility. Amen. Some of them have. But here is the problem: If it is not industrywide, one food company may do something good such as Kraft did, got rid of the Oreo cookie counting book. So what happens, their competitor moves in with other counting books. So it has to be industrywide.

IOM calls for sweeping change in the way the food industry, the beverage industry, the fast food restaurant industry, the media, and the entertainment industries do business. They call on all of those industries to use the same creativity, resources and marketing practices that they currently use to sell junk food to instead promote healthier diets for kids. They call on the food companies to change the products they advertise as well as the products they produce. They say that business as usual has to change and has to change now.

I hope corporate America is listening because if they do not change, then we in Congress will make them change. Almost 25 years ago, the Federal Trade Commission warned Congress about the dangers of advertising aimed at children. What did Congress do? We attacked the FTC and took away its regulatory authority as it pertains to children's ads.

In 1978, the FTC undertook an investigation and found that TV advertising directed at young children was both unfair and deceptive. They found that the advertising of high sugar foods to children is unfair and deceptive. They suggested that restrictions on ads directed at the young and vulnerable minds might be appropriate. But the broadcast industry went nuts. The food industries went nuts. The advertisers went nuts, and they got Congress to kill the messenger.

In 1981, this Congress stripped the Federal Trade Commission of its regulatory authority as it pertained to children's advertising. It expressly prohibited the Federal Trade Commission from following through on its proposals to ban or restrict advertising directed at children. This new law made it next to impossible to regulate advertising directed at kids. It is a little known fact that right now the FTC has more authority to regulate advertising at me and you and adults than it does to our kids, and here is how it does that.

There are two ways the Federal Trade Commission can regulate advertising: If it is unfair or deceptive.

In 1981, this Congress cut off one arm of the FTC in regulating advertising to kids. The FTC can only regulate advertising to kids if it is deceptive, not if it is unfair. Interesting point. One might say: Well, an advertisement of junk food is not deceptive, but is it unfair? It is, according to the Institute of Medicine because the Institute of Medicine said that kids lack the cognitive ability to discern between advertising, persuasive intent advertising and a program.

It stands to reason, if one is a young kid, they do not understand what advertising is all about. They get inundated with all of this, and it makes an impression on them, sticks with them, but they do not understand this is advertising. That is what the Institute of Medicine says. This is a medical report.

So I submit that any advertising that advertises high-calorie, high-in-fat junk food to kids that has no nutritional value, that is inherently unfair because kids do not understand the intent. Forget about deceptive. It is unfair. It may not be unfair to adults, since we understand what advertising is about—we should have that ability—but it is to kids. That is why we need to give the Federal Trade Commission the authority to regulate advertising to children both on unfairness and deceptiveness, as it does to adults. I want to point out, in closing, that I have introduced legislation to give FTC that authority.

In addition, the IOM talks about Government responsibility. It says that:

> Government at all levels should marshal the full range of public policy approaches (e.g., subsidies, legislation, regulation, federal nutrition programs), to foster the development and promotion of healthful diets for children and youth.

It says, ''Government and industry should work together to set higher standards for marketing to children.''

They called for changes in the school environment, to get rid of the junk food and the vending machines.

When we come back next session, Senator SPECTER and I will introduce the Child Nutrition Promotion and School Lunch Protection Act. This legislation will, per the recommendation of the IOM, require the Department of Agriculture to update its nutritional guidelines for school food sales and ensure that the foods available to kids during the school day promote, rather than undermine, their health and learning.

We in this Congress have a responsibility to protect America's children from the sophisticated, aggressive, relentless marketing of junk food to our children. We have a responsibility to stick up for our parents. Our parents don't have a chance when our kids are inundated, day after day, hour after hour, even in places where parents don't have control—in our schools, when they watch a movie, when they pick up a book, a counting book.

I was in a school not too long ago, looking at some renovations in a school, an elementary school. Do you know what the kids had to sit on? Coca-Cola chairs; little chairs with the Coca-Cola legend, red and white, with Coca-Cola written on it. I assume that they donated the chairs to the school. But this is the idea, to get it into the kid's head early, that education and having a high sugar soft drink go hand in hand.

Late in her life, Jackie Kennedy said a very wise thing. She said, ''If you botch raising your children, nothing else you do in your life matters very much.''

With what we now know, thanks to the IOM report, what we know about the destructive impacts of junk food marketing to the kids, with the new insights thanks to the Institute of Medicine, it is clear by allowing the food industry to market junk foods to our kids we are botching the raising of all of our children.

Again, this is enough. This report makes it clear that it is time to say to those who are enveloping our kids in this sort of 24-hour-a-day, 7-day-a-week nonstop advertising, that it is enough. Foods that are high in fat, sugar, and salt have their place. We all like to have a cookie. I enjoy a piece of candy as much as anybody else. They have their place. But they ought to be kept in their place—not in schools, not in advertising. They ought to be kept in their place and the place to start is with sensible, long overdue regulation of the advertising and marketing of junk food to children.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. On behalf of Senator DODD, I wish to inform our colleagues that for health reasons Senator DODD will necessarily be absent from Senate business for the remainder of the week. He thanks his colleagues for their courtesy and understanding.

Mr. President, I commend my colleagues who came to the floor yesterday to discuss the PATRIOT reauthorization, and I thank Chairman SPECTER for initiating a very interesting debate with me when we were both on the floor. That is exactly the kind of dialog we want to see on the floor more often. I hope we will see a lot more of it over the next few days. The PATRIOT Act reauthorization conference report has come to the Senate and the Senate will be faced with a very important choice. I expect this debate will be lengthy and hard fought, so I wanted to take some time tonight to lay out the background and the context for this debate, and to discuss my concerns about the conference report with some specificity.

Because I was the only Senator to vote against the PATRIOT Act in 2001, I want to be very clear about something from the start. I am not—not—opposed to reauthorization of the PATRIOT Act. I supported the bipartisan compromise reauthorization bill that the Senate passed earlier this year, that had no Senator at all objecting. I believe the bill should become law. The Senate reauthorization bill is not a perfect bill, but it is a good bill. If that were the bill we were considering today, I would be on the floor speaking in support of it. In fact, we could have reauthorized the PATRIOT Act several months ago if the House had taken up the bill the Senate approved without any objections.

I also want to respond to those who argue that people who are demanding a better conference report want to let the PATRIOT Act expire. That is actually nonsense. Not a single Member of this body is calling for any provision of the PATRIOT Act to completely expire. As Senator SUNUNU eloquently argued yesterday, just because we are coming up against the end of the year does not mean we should have to compromise the rights of law-abiding Americans. There are any number of ways we can get this done and get it done right before the end of the year.

Let me also be clear about how we ended up voting on a badly flawed conference report just days before certain provisions of the PATRIOT Act expired. The only reason we are debating this conference report in the middle of December, rather than in the middle of September or October, is because the House—the House—refused to appoint its conferees for 3½ months. It passed its reauthorization bill on July 21, but it did not appoint the conferees until November 9. In the Senate, on the other hand, we passed a bill by unanimous consent on July 29 and we appointed our conferees the very same day. We were ready and willing to start the process of resolving our differences with the House right away, leaving plenty of time to get this done without the pressure of the end-of-the-year deadline.

So when I hear Members of the House already attempting to place blame on those of us in the Senate who object to this conference report, I am a little bit frustrated. If there is anyone to blame, it is the House leadership for playing a game of brinkmanship with this crucial and controversial issue. Senators who are standing strong for the rights and freedoms of the American people will not be at fault if parts of the PATRIOT Act expire.

I also want to clear up one related misconception. I have never advocated repeal of any portion of the PATRIOT Act. In fact, as I have said repeatedly over the past 4 years, I supported most of the provisions of the bill. There are many good provisions in the bill. As my colleagues know, the PATRIOT Act did a lot more than expand our surveillance laws. Among other things, it set up a national network to prevent and detect electronic crimes such as the sabotage of the Nation's financial sector, it established a counterterrorism fund to help Justice Department offices disabled in terrorist attacks to keep operating, and it changed the money laundering laws to make them more useful in disrupting the financing of terrorist organizations. One section of the PATRIOT Act even condemned discrimination against Arab and Muslim Americans.

Even some of the act's surveillance sections were not troubling. In fact, one provision authorized the FBI to expedite the hiring of translators. Another added terrorism and computer crimes to the list of crimes for which criminal wiretap orders could be sought. And some provisions helped to bring down what has been termed ''the wall,'' the wall that had been built between intelligence and law enforcement agencies.

This week we have heard a lot of people saying we must reauthorize the PATRIOT Act in order to ensure that this wall does not go back up. Let us make this clear. I supported and continue to support the information-sharing provisions of the PATRIOT Act. One of the key lessons we learned in the wake of September 11 was that our intelligence and law enforcement agencies were not sharing information with each other, even where the statutes permitted it. In the PATRIOT Act we tore down the remaining legal barriers.

Unfortunately, the law was not so much a legal problem as a problem of culture and the report of the 9/11 Commission made that very clear. I am sorry to report that we have not made as much progress as we should have in bringing down those very significant cultural barriers to information sharing among our agencies.

The 9/11 Commission report card that was issued last week gave the Government a ''D'' for information sharing because their agencies' cultures have not changed enough these 4 years after the change in the law in the PATRIOT Act.

There is a statement issued by Chairman Kean and Vice Chairman Hamilton that explained:

You can change the law, you can change the technology, but you still need to change the culture. You still need to motivate institutions and individuals to share information.

So far, unfortunately, our Government has not met the challenge.

Talking about the importance of information sharing, as administration officials and other supporters of the conference report have done repeatedly, is part of a pattern that started several years ago. Rather than engage in a true debate on the controversial parts of the PATRIOT Act, as Senator SPECTER did yesterday, unfortunately many proponents of the PATRIOT Act point to noncontroversial provisions of the PATRIOT Act and they talk about how important they are. They say this bill must be passed because it reauthorizes those noncontroversial provisions.

That doesn't advance the debate. It just muddies it further. In fact, it is a red herring.

I have news for those who would try to use that tactic. It won't work. We don't have to accept bad provisions to make sure that good provisions become law. I hope the Senate will make that lesson very clear this week.

Tonight, I want to advance the debate, spend some time explaining my specific concerns about the conference report in some key areas. It is very unfortunate that the whole Congress could not come together, as the Senate did around the bipartisan compromise reauthorization bill. Back in July, the Senate Judiciary Committee, on which I serve, voted unanimously in favor of a reauthorization bill that made meaningful changes to the most controversial provisions of the PATRIOT Act to protect the rights and freedoms of innocent Americans. Shortly thereafter that bill passed the full Senate by unanimous consent. It was not easy for me to support that Senate bill which fell short of the improvements contained in the bipartisan SAFE Act.

At the end of the day, the Senate bill contained meaningful changes to some of the most problematic provisions of the PATRIOT Act, provisions that I have been trying to fix since October of 2001. So I decided to support it. I made it very clear at the time, however, that I viewed that bill as the end point of negotiations, not the beginning. In fact, I specifically warned my colleagues that the conference process must not be allowed to dilute the safeguards in this bill. I meant it. But it appears that people either weren't listening or weren't taking me seriously.

This conference report, unfortunately, does not contain many important reforms of the PATRIOT Act that we passed in the Senate. So I cannot support it. In fact, I will fight it with every ounce of strength I have. And I am delighted to be part of a strong bipartisan consensus that believes, as I do, that this conference report is unacceptable.

Let me start with section 215, the so-called ''library'' provision, which has received so much public attention.

I remember when the former Attorney General of the United States called the librarians who were expressing disagreement with this provision ''hysterical.''

What a revelation it was when the chairman of the Judiciary Committee, the Senator from Pennsylvania, opened his questioning of the current Attorney General during his confirmation hearing by expressing his concern—the chairman's concern—about this provision of the PATRIOT Act. He got the Attorney General to concede that, yes, in fact, this provision probably went a bit too far and could be improved and clarified. That was an extraordinary moment. It was a moment, I am afraid, that was very slow in coming and long overdue.

I give credit to the Senator from Pennsylvania because it allowed us to start having, for the first time, a real debate on the PATRIOT Act. But credit also has to go to the American people who stood up despite the dismissive and derisive comments of Government officials and said with loud voices: The PATRIOT Act needs to be changed. And these voices came from the left and the right, from big cities and small towns all across the country. So far, over 400 State and local governmental bodies have passed resolutions calling for revisions to the PATRIOT Act. I plan to read some of those revisions on the floor of the Senate in this debate, and there are a lot of them. Nearly everyone mentions section 215.

Section 215 is at the center of this debate over the PATRIOT Act.

It is also one of the provisions that I tried unsuccessfully to amend on the floor in October 2001.

So it makes sense to start my discussion of the specific problems I had with the conference report with the infamous library provision.

Section 215 of the PATRIOT Act allowed the Government to obtain secret court orders in domestic intelligence investigations, to get all kinds of business records about people, including not just library records but also medical records and various other types of business records. The PATRIOT Act allowed the Government to obtain these records as long as they were ''sought for''—that is all, ''sought for''—in a terrorism investigation. That is a very low standard. It doesn't require that the records concern someone who is suspected of being a terrorist or a spy, or even suspected of being connected to a terrorist or a spy. It didn't require any demonstration of how the records would be useful in the investigation.

Under section 215, the Government simply said—this is fact—all the Government has to do is say the magic words, that it wanted records for a terrorism investigation, then the secret FISA court was required—required—to issue the order, period. No discretion. The judge had to give the order.

To make matters worse, recipients of these orders are subjected to an automatic gag order. They cannot tell anyone that they have been asked for the records.

Some in the administration and even in this body took the position that people shouldn't be able to criticize these provisions until they can come up with a specific example of abuse.

The Attorney General makes that same argument today in an op-ed in the Washington Post when he simply dismisses concern about the PATRIOT Act by saying: ''There have been no verified civil liberties abuses in the 40 years of the Act's existence.''

That has always struck me as a strange argument since 215 orders are issued by a secret court, a secret court. And people who receive them are prohibited by law from discussing them.

In other words, the way the law is actually designed, it is almost impossible to know if any abuses have occurred. How would we find out? It is a secret court and nobody can talk about it.

The Government should not have the kind of broad, intrusive powers it gave itself in section 215. And the American people shouldn't have to live with a poorly drafted provision that clearly allows for records of innocent Americans to be searched and just hope that the Government uses it with restraint.

A government of laws doesn't require its citizens to rely on the goodwill and the good faith of those who have those powers, especially when adequate safeguards can be written into the laws without compromising their usefulness as a law enforcement tool.

After lengthy and difficult negotiations, the Judiciary Committee came up with language this year that achieved that goal. It would require the Government to convince a judge that a person has some connection—some connection—to terrorism or espionage before obtaining their sensitive records. When I say some connection, that is what I mean.

The Senate bill standard is the following: One, that the records pertain to a terrorist or a spy; two, the records pertain to an individual in contact with or known to a suspected terrorist or spy; or, three, that the records are relevant to the activities of a suspected terrorist or spy.

That is a three-pronged test in the Senate bill. I think it is quite broad. I think it is more than adequate to give law enforcement the power it needs to conduct investigations but also at the same time protecting the rights of innocent Americans.

It would not limit the types of records that the Government could obtain, and it does not go as far to protect law-abiding Americans as I might prefer, but it would make sure the Government cannot go on a fishing expedition into the records of innocent people.

The Senate bill would also give recipients of a 215 order an explicit, meaningful right to challenge business record orders and the accompanying gag orders in court. These provisions

passed the Senate Judiciary Committee unanimously after tough negotiations late into the night. Unfortunately, the conference report just did away with their delicate compromise.

First and most importantly, it does not contain the critical modification to the standard for section 215 orders.

The Senate bill permits the Government to obtain business records only if it can satisfy one or more prongs of the three-pronged test that I just described.

This is a broad standard with a lot of flexibility. But it retains the core protection that the Government cannot go after someone who has no connection whatsoever to a terrorist or a spy or their activities.

What does the conference report do? The conference replaces the three-pronged test with a simple relevant standard. It then provides the presumption of relevance if the Government meets one of the three prongs I just described.

But it is silly to argue that this is adequate protection against a fishing expedition. The only actual requirement in the conference report is that the Government show that the records are relevant to an authorized intelligence investigation. Of course, ''relevance'' is a very broad standard that can arguably justify the collection of all kinds of information about law-abiding Americans.

The three prongs now are just examples of how the Government can satisfy the relevance standard, and that is simply a loophole, or an exception that swallows the rule. The exception is the rule.

In fact, a better way to say it is that this is actually a complete rule, and the exception has been rendered meaningless.

I will try to make this as straightforward as I can. The Senate bill requires the Government to satisfy one of three tests. Each test requires some connection between the records and a suspected terrorist or spy. The conference report says that the Government only is required to satisfy a new fourth test, which is just relevance, which does not require a connection between the records and a suspect. So basically the other three tests no longer provide any protection at all.

The conference report also does not authorize judicial review of the gag order that comes with a 215 order. While some have argued that the review by the FISA court of a Government application for a section 215 order is equivalent to judicial review of the accompanying gag order, that is simply inaccurate. The statute does not give the FISA court any latitude to make an individualized decision about whether to impose a gag order when it issues a section 215 order. It is required by statute to include a gag order in every section 215 order. That means that the gag order is automatic and permanent in every case. This is a serious deficiency, one that very likely violates the first amendment.

In litigation challenges, a semi-permanent national security letter statute, two courts have found first amendment violations because there is no individualized evaluation of the need for secrecy. I have these decisions right here; perhaps I will have a chance to read them in detail during the debate.

I will discuss other provisions in the conference report that fail to adequately address the concerns expressed in this Senate and around the country about the PATRIOT Act. Section 215 is a linchpin of this debate. To keep faith with the American people and with our constitutional heritage, we have to address the problems with section 215 in this reauthorization bill. There is no way around that.

Let me turn next to a very closely related provision that has finally been getting the attention it deserves—the national security letter, or NSL, an authority that was expanded by sections 358 and 505 of the PATRIOT Act. This NSL issue has flown under the radar for years even though many of us have been trying to bring more public attention to it. I am gratified that we are finally talking about these NSLs, in large part due to a lengthy Washington Post story published last month explaining just what these authorities are and reporting that the use of these powers has increased dramatically.

What are NSLs? Why are they such a concern? Let me spend a little time on this because it is important. National security letters are issued by the FBI to businesses to obtain certain types of records. They are similar to section 215 orders but with one very critical difference: The Government does not need to get any court approval whatever to issue that. It does not have to go to the FISA court and make even the most minimal showing. It simply issues the order signed by the special agent in charge of a field office or some other supervisory official. NSLs can only be used to obtain such categories of business records, while section 215 can be used to obtain ''any tangible thing.''

Even the categories reachable by NSLs are broad. Specifically, they can be used to obtain three types of business records: subscriber and transactional information related to Internet and phone usage, credit reports, and financial records. That category has been expanded to include records from all kinds of everyday businesses such as jewelers, car dealers, travel agents, and even casinos.

Just as with section 215, the PATRIOT Act expanded the NSL's authorities to allow the Government to obtain records of people not suspected of being or even connected to terrorists or spies. The Government need only certify that the documents are either sought for or relevant to an authorized intelligence investigation—a far-reaching standard that could be used to obtain all kinds of records about innocent Americans. Just as with section 215, the recipient is subject to an automatic permanent gag rule, and the conference report does very little to fix the problems of the national security letter authorities.

In fact, I disagree with the Senator from Pennsylvania, the chairman of this committee, on this point. In fact, I believe it could be argued that the conference report makes the law worse. Let me explain why.

First, the conference report does nothing to fix the standard for issuing a national security letter. It leaves in place the breathtakingly broad relevant standard.

Some have analogized NSLs to grand jury subpoenas issued by grand juries in criminal investigations to obtain records relevant to the crime they are investigating. So the argument goes, What is the big deal if NSLs are also issued under a relevant standard for intelligence investigations? Two critical differences make that analogy break down very quickly.

First of all, the key question is, Relevant to what? In criminal cases, grand juries are investigating specific crimes, the scope of which is explicitly defined in the Criminal Code. Although the grand jury is quite powerful, the scope of its investigation is limited by the particular crime it is investigating. In sharp contrast, intelligence investigations are by definition extremely broad. When you are gathering information in an intelligence investigation, anything could potentially be relevant.

Suppose the Government believes a suspected terrorist visited Los Angeles in the last year or so. It might want to obtain and keep the records of everyone who has stayed in every hotel in Los Angeles or who booked a trip to Los Angeles through a travel agent over the past couple years, and it could argue strongly that information is relevant to a terrorism investigation because it would be useful to run all those names through the terrorist watch list.

I don't have any reason to believe that such broad use of NSLs has happened. But the point is, when you are talking about an intelligence investigation, relevance is a very different concept than in criminal investigations. It is certainly conceivable that NSLs could be used for that kind of a broad dragnet in an intelligence investigation. Nothing in the current law prevents it. The nature of criminal investigations and intelligence investigations is different. Let's not forgot that.

Second, the recipients of grand jury subpoenas are not subject to the automatic secrecy that NSL recipients are. We should not underestimate the power of allowing public disclosure when the Government overreaches. In 2004, Federal officials withdrew a grand jury subpoena issued to Drake University for a list of participants in an antiwar protest. Why? Because there were public revelations about the demand. That could not have happened if the request had been made under section 215 or for records available via the national security letter authority.

Fortunately, there are many other reasons the conference report does so little good on NSLs. Let's talk about judicial review. The conference report creates the illusion of judicial review for NSLs, both for the letters themselves and for the accompanying gag rule, and if you look at the details, it is drafted in a way that makes the review virtually meaningless.

With regard to the NSLs themselves, the conference report permits recipients to consult their lawyer and seek judicial review, but it allows the Government to keep all of its submissions secret and not share them with the challenger regardless of whether there are national security interests at stake. So you can challenge the order, but you have no way of knowing what the Government is telling the court in response to your challenge. Parties could argue about something as garden-variety as attorney-client privilege with no national security issues, and the Government would have the ability to keep this secret. This is a serious departure from our usual adversarial process. I believe it is very disturbing.

The other significant problem with the judicial review provisions is the standard for getting the gag rule overturned. In order to prevail, the recipient has to prove that any certification by the Government that disclosure would harm national security or impair diplomatic relations was made in bad faith. Now, that is a standard of review that is virtually impossible to meet. So what we have here is the illusion—the illusion—of judicial review. When you look behind the words in the statute, you realize it is a mirage.

I also want to take a moment to address again an argument made yesterday by the Senator from Pennsylvania about the NSL provisions of the conference report. He argued that many of the complaints I have about the NSL provisions of the conference report apply equally to the NSL provisions of the Senate bill. And then he says because I supported the Senate bill, by some convoluted theory, my complaints are, therefore, invalid and I should support the conference report.

As I said yesterday, that does not make any sense.

The NSL section of the Senate bill was one of the worst sections of the bill. I did not like it then, and I do not like it now. But in the context of the larger package of reforms that was in the Senate bill, including the important changes to section 215 that I talked about earlier, and the new time limit on sneak-and-peek search warrants, which I will talk about in a moment, I was able to accept that the NSL section was there even though I would have preferred additional reforms.

The argument was made yesterday that after supporting a compromise package for its good parts, now I am supposed to accept a conference report that has the bad parts of the package even though the good parts have been taken out. Now, that is nonsense. Every Member of this Chamber who has ever agreed to a compromise—and I must assume that includes every one of us—knows it.

The other point I want to emphasize is that the Senate bill was passed before the Post reported that there has been extensive use of NSLs and the difficulties that the gag rule poses for businesses that feel they are being unfairly burdened by them, as reported by the Washington Post. At the very least, I would think that an NSL sunset is justified. But the conferees refused to make that change. Nor would they budge at all on the absurdly difficult standard of review, the so-called conclusive presumption.

I suspect that the NSL power is something the administration is zealously guarding because it is one area where there is almost no judicial involvement or oversight. It is the last refuge for those who want virtually unlimited Government power in intelligence investigations. And that is why the Congress should be very concerned and very insistent on making the reasonable changes we have suggested.

We had an interesting discussion on the floor yesterday also about the sneak-and-peek searches. This is another area where the conference report departs from the Senate's compromise language, and it is another reason I must oppose the conference report.

Yesterday, the Senator from Pennsylvania made what seems on the surface to be an appealing argument. He says the Senate bill requires notice of a sneak-and-peek search within 7 days of the search, and the House said 180 days.

The conference compromised on 30 days. ''That's a good result,'' he says. ''They came down 150 days, we went up only 23. What's wrong with that?''

Well, let me take a little time to put this issue in context and explain why this is not just a numbers game. An important constitutional right is at stake. One of the most fundamental protections in the Bill of Rights is the fourth amendment's guarantee that all citizens have the right to ''be secure in their persons, houses, papers, and effects'' against ''unreasonable searches and seizures.'' The idea that the Government cannot enter our homes improperly is actually a bedrock principle for Americans, and rightly so.

The fourth amendment has a rich history and includes in its ambit some very important requirements for searches. One is the requirement that a search be conducted pursuant to a warrant. The Constitution specifically requires that a warrant for a search be issued only when there is probable cause and that the warrant specifically describe the place to be searched and the persons or things to be seized.

Why does the Constitution require that particular description? For one thing, that description becomes a limit on what can be searched or what can be seized. If the magistrate approves a warrant to search someone's home, and the police show up at the person's business, that search is not valid. If the warrant authorizes a search at a particular address, and the police take it next door, they have no right to enter that house.

But, of course, there is no opportunity to point out that the warrant is inadequate unless that warrant is handed to someone on the premises. And if there is no one present to receive the warrant, and the search must be carried out immediately, most warrants require that they be left behind at the premises that were searched. Notice of the search—notice of the search—is part of the standard fourth amendment protection. Without the notice, it does not mean much. It is what gives meaning, or maybe we should say ''teeth,'' to the Constitution's requirement of a warrant and a particular description of the place to be searched and the persons or items to be seized.

Over the years, the courts have had to deal with Government claims that the circumstances of a particular investigation require a search without notifying the target prior to carrying out the search. In some cases, giving notice would compromise the success of the search by leading to the flight of the suspect or the destruction of evidence. The two leading cases on so-called surreptitious entry, which would come to be known as sneak-and-peek cases, came to very similar conclusions.

Notice of criminal search warrants could be delayed—delayed—but not omitted entirely. Both the Second Circuit in U.S. v. Villegas and the Ninth Circuit in U.S. v. Freitas held that a sneak-and-peek warrant must provide that notice of the search will be given within 7 days—7 days—unless extended by the court. Listen to what the Freitas court said about such searches:

> We take this position because surreptitious searches and seizures of intangibles strike at the very heart of the interests protected by the Fourth Amendment. The mere thought of strangers walking through and visually examining the center of our privacy interest, our home, arouses our passion for freedom as does nothing else. That passion, the true source of the Fourth Amendment, demands that surreptitious entries be closely circumscribed.

That is the end of the quote from that case.

So when defenders of the PATRIOT Act say that sneak-and-peek searches were commonly approved by the courts prior to the PATRIOT Act, they are partially correct. Some courts permitted secret searches in very limited circumstances, but they also recognized the need for prompt notice unless a reason to continue to delay was demonstrated. And they specifically said that notice had to occur within 7 days—7 days.

Section 213 of the PATRIOT Act did not get this part of the balance right. It allowed notice to be delayed for any reasonable length of time. Information

provided by the administration about the use of this provision indicates that delays of months at a time are now becoming commonplace. Now, those are hardly the kinds of delays that the courts had been allowing prior to the PATRIOT Act.

The sneak-and-peek power in the PATRIOT Act caused concern right from the start, and not just because of the lack of a time-limited notice requirement. The PATRIOT Act also broadened the justifications that the Government could give in order to obtain a sneak-and-peek warrant. It included what came to be known as the catch-all provision, which allows the Government to avoid giving notice of a search if it would ''seriously jeopardize an investigation.'' Some think that that justification in some ways swallows the requirement of notice since most investigators would prefer not to give notice of a search and can easily argue that giving notice will hurt the investigation.

The SAFE Act, the bipartisan bill that many of us worked on, worked to fix both of these problems. First, it tightened the standard for justifying a sneak-and-peek search to a limited set of circumstances—when advanced notice would endanger life or property, or result in flight from prosecution, the intimidation of witnesses, or the destruction of evidence. Second, it required notice within 7 days, with an unlimited number of 21-day extensions if approved by the court.

The Senate bill was a compromise from this. It kept the catch-all provision as a justification for obtaining a sneak-and-peek warrant. Those of us who were concerned about that provision agreed to accept it in return for keeping, and actually getting back, in my view, from the court cases, the 7-day notice requirement. And we accepted unlimited extensions of up to 90 days at a time. The key thing was prompt notice after the fact, or a court order that continuing to delay notice was justified.

That is actually the background of the numbers game that the Senator from Pennsylvania and other supporters of the conference report point to. They want credit for walking the House back from its outrageous position of 180 days, but they refuse to recognize that the sneak-and-peek provision still has the catch-all justification, and unlimited 90-day extensions. And here is the crucial question they refuse to answer: What possible rationale is there for not requiring the Government to go back to a court after 7 days and demonstrate a need for continued secrecy? Why insist that the Government get 30 days free without getting an extension? Could it be that they think the courts usually won't agree that continued secrecy is needed after the search is conducted, so they would not get the 90-day extension? If they have to go back to a court at some point, why not go back after 7 days rather than 30? From the point of view of the Government, I don't see the big deal. But from the point of view of someone whose house has been secretly searched, there is a big difference between notice after 1 week and notice after a month.

Suppose, for example, that the Government actually searched the wrong house, as I mentioned. That is one of the reasons that notice is a fourth amendment requirement. The innocent owner of the place that had been searched might suspect that somebody had broken in. They might be living in fear that someone has a key or some other way to enter. Should we make that person wait a month to get an explanation rather than a week? Presumably, if the search revealed nothing, and especially if the Government realized the mistake and does not intend to apply for an extension, it surely will be no hardship, other than perhaps embarrassment, for notice to be given within 7 days.

All of this is about why I am not persuaded by the numbers game on the sneak-and-peak provisions. The Senate bill was already a compromise on this very controversial provision. There is no good reason not to adopt the Senate's provision. No one has come forward and explained why the Government can't come back to the court within 7 days of executing the search. In fact, on a discussion of this last night on one of the television programs, one of my colleagues literally said, 7 days versus 30 days, what is the big deal? That is the strength of the argument. There is no merit to the idea of making the notice be as potentially late as 30 days.

Let me put it this way: If the House had passed a provision that allowed notice to be delayed for 1,000 days, would anyone be boasting about a compromise that requires notice within 100 days, more than 3 months? Would that be a persuasive argument? I don't think so. The House provision of 180 days was arguably worse than current law, which required notice ''within a reasonable time,'' because it created a presumption that delaying notice for 180 days, 6 months, is reasonable. It was a bargaining ploy. The Senate version was what the courts had required prior to the PATRIOT Act. It was itself a compromise because it leaves in place the catchall provision for justifying a warrant in the first place. That is why I believe the conference report on the sneak-and-peak provision is inadequate and must be opposed.

Let me make one final point about sneak-and-peak warrants. Don't be fooled for a minute into believing that this power is needed to investigate terrorism or espionage. It is not. Section 213 is a criminal provision that could apply in whatever kind of criminal investigation the Government has undertaken. In fact, most sneak-and-peak warrants are issued for drug investigations. So why do I say they are not needed in terrorism investigations? Because FISA also can apply to those investigations and FISA search warrants are always executed in secret and never require notice. If you really don't want to give notice of a search in a terrorism investigation, you can get a FISA warrant. So any argument that limiting the sneak-and-peak power, as we have proposed, will interfere with sensitive terrorism investigations is also a red herring.

I have spoken at length about the provisions of this conference report that trouble me. But to be fair, I should mention one significant improvement to the conference report over last month's draft. This new version does include a 4-year sunset on three of the most controversial provisions: Roving wiretaps, the so-called library provision which I discussed at some length, and the ''lone wolf'' provision of the Foreign Intelligence Surveillance Act. Previously, the sunsets on these provisions were at 7 years. It certainly is an improvement to have reduced that number so the Congress can take another look at these provisions or can take a look at these provisions sooner.

I also acknowledge that the conference report creates new reporting requirements for some PATRIOT Act powers, including new reporting on roving wiretaps, section 215 sneak-and-peak search warrants, and national security letters. There are also new requirements that the Inspector General of the Department of Justice conduct audits of the Government's use of national security letters and section 215.

In addition, the conference report includes other useful oversight provisions relating to FISA. It requires that Congress be informed about FISA court rules and procedures and about the use of emergency authorities under FISA. And it gives the Senate Judiciary Committee access to certain FISA reporting that currently only goes to the Intelligence Committee. I am glad to see that it requires the Department of Justice to report to us on its data-mining activities.

But adding sunsets and new reporting and oversight requirements only gets us so far. The conference report remains deeply flawed. I appreciate sunsets and reporting. I know that the senior Senator from Pennsylvania worked hard to ensure that they were included. But these improvements are not enough. Sunsetting bad law for another 4 years is not good enough. Simply requiring reporting on the Government's use of these overly expansive tools does not ensure that they won't be abused. We must make substantive changes to the law, not just improve oversight. This is our chance. We cannot let it pass by.

Last Thursday, after the conference deal was announced, the Attorney General termed it a ''win for the American people in that it would result in continued security for the United States and also continued protection of civil liberties for all Americans.'' In a way,

that comment shows that we have made some progress. The administration seems to understand now that protecting civil liberties is pretty important to our citizens. That is quite an improvement from the days when people who expressed these concerns were termed hysterical. But the Attorney General also said: ''people have seen how the Department of Justice has been very responsible in exercising [its] authorities.'' This comment reflects a fundamental misunderstanding of the relationship of the Government and the governed in our democracy. Trust of Government cannot be demanded or asserted or assumed. It must be earned. This Government has not earned our trust. It has fought reasonable safeguards for constitutional freedoms every step of the way. It has resisted congressional oversight and often misled the public about its use of the PATRIOT Act. And now the Attorney General is arguing that the conference report is adequate protection for civil liberties for all Americans? It isn't.

We sunsetted 16 provisions of the original PATRIOT Act precisely so we could revisit them and make necessary changes, to make improvements based on the experience of 4 years with the act, and with the careful deliberation and debate that, quite frankly, was missing 4 years ago. This process of reauthorization has certainly generated debate. But if we pass this conference report as currently written, we will have wasted a lot of time, and we will have missed an opportunity to finally get it right. The American people will not be happy with us for missing that chance. They will not accept our explanation that we decided to wait another 4 years before addressing their concerns. They will not settle for half a loaf because we ran out of time to reach consensus.

I submit that an acceptable consensus was reached unanimously by this Senate, every one of us, back in July. We should insist that the House pass that bill and give the American people a reauthorization bill that is worthy of their support and their confidence. I am prepared to keep fighting for as long as it takes to make that happen.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some thoughts about the PATRIOT Act and its importance to the security of this country, its reasonableness, the careful way in which it has been crafted and adopted, the full debate to which it has been subjected, and I urge our colleagues not to allow this bill to expire, not to allow the wall to return so that our foreign intelligence agencies cannot share with our domestic intelligence agencies information that may be directly relevant to an attack on the people of the United States. That is exactly what was taking place on 9/11. It is precisely why we have had a failure to share important information. And many people believe that the PATRIOT Act possibly could have prevented the 9/11 attacks. It is easy to contemplate situations where other information not shared could have resulted in the lives of Americans being placed at risk or being lost. That is why we passed this bill.

We have had a full debate about it. This past reauthorization came out of the Senate Judiciary Committee 18 to 0. Senator FEINGOLD supported it. It came out of the Senate floor by unanimous consent. It went to a conference committee with the House. They had some different provisions in their version, as they always do, and the conference committee hammered out the differences. As Senator SPECTER, a civil libertarian himself, and chairman of the Judiciary Committee, who was involved in that process said, about 80 percent of what was disputed was decided in favor of the Senate bill. Now we are faced with a filibuster, an effort to block an up-or-down vote on the PATRIOT Act. It is really an extraordinary thing. In fact, some of the provisions put in by the conference committee strengthened the bill, from a civil liberties point of view, more than the Senate bill that left this body.

I want to just say, first of all, that the provisions in the PATRIOT Act are in no way extreme, in no way novel, in no way contradictory to the principles of the constitutional law this country has operated under since its founding. I mean that very sincerely. I would say that everything here, in any fundamental way that results in a method by which law enforcement can investigate terrorist activity—those procedures, those techniques, those abilities are clarified in this bill. These are standards that they must comply with, and that have been approved by the Supreme Court of the United States.

I remember at one of the hearings I asked witnesses this question: Do you think any of the provisions in this act are going to be found to be unconstitutional by the Supreme Court as required to protect our liberties and enforce the constitutional protections that we as Americans have been given? Every one of them said no. They said that because there is nothing in here that is going to be found unconstitutional. All of these principles and techniques that are provided with clarity, and standards in this act are consistent with what we have already approved in America. But we find that many of the investigatory techniques available to an IRS agent who is investigating somebody for a nonviolent crime involving taxes, or a drug enforcement agent that may be investigating someone for cocaine or marijuana, and many of those procedures that have been approved under the Constitution by the Supreme Court, are not available to investigators investigating terrorists who would kill us.

Everybody knows that it is a different matter when dealing with international entities, people who operate outside the laws of our country, who represent foreign powers, who represent international terrorist groups or other groups that are hostile to the interests of the United States. We have always understood that there are spies and we need a counterspy system in our country which will protect our Nation from those who would destroy it. We have always had principles that deal with that. For example, there have been complaints about the national security letters and section 215. Many of these complaints and those who oppose these provisions worry and suggest that something in the PATRIOT Act is novel, unusual, or unprecedented. But it is not so. I think we have had people who are utterly misinformed or sometimes maybe even deliberately failing to accurately articulate what is important and what is correct.

The national security letters that have been referred to by some of those who oppose this legislation were not created by the PATRIOT Act of 2001. This tactic, this procedure has been available since the 1980's. All the original PATRIOT Act did was add credit reports to the list of things you could get with a national security letter during the course of an investigation involving terrorism. Sometimes you might need a credit report to determine something about an individual, like where he is moving his money, and that kind of thing. That is all that was really added with regard to national security letters. Use of national security letters is limited to six very specific items: telephone toll records, bank records, credit reports, and things of that nature. These are all things that a drug enforcement agent can get with an administrative subpoena this very day to investigate someone for a drug crime.

Yet we don't have similar provisions for the FBI agent who is investigating a terrorist? What kind of idiotic principle of investigation is that? So the bill allows us to do that with national security letters. It has been the law for some time—over 20 years. So we added to the original PATRIOT Act the ability to use a national security letter to get credit reporting records of suspected terrorists—a big change that won't be used much. The conference report more than adequately addresses concerns about the national security letters by setting an extremely high requirement for nondisclosure.

Under the report, in order for the recipient to be precluded from telling others that they received a national security letter, a high Government official must certify that doing so would

''endanger the national security of the United States or interfere with diplomatic relations.'' That is an extremely high standard. In fact, I think it is too high. I think that in a terrorist or national security case, the disclosure is not such an important principle that needs this type of protection.

In my view, the standard of certification is high because we may not always be able to make such certification. An investigator may not be able to certify to every one of those things and therefore may be denied the right to obtain a record and not have the business notify the person about it.

By the way, I will repeat, we are talking about obtaining by national security letter from a third party, records that belong to the third party, not to the defendant or terrorist. You are not going into their house or their automobile or their desk in order to obtain their personal records. These are records being held at a bank, records to which everybody in the bank has access. These records are being held at a telephone company, and show the telephone toll records that you get on your monthly statements.

They are not in your control. They are in the telephone company's control. What used to happen was people would subpoena the toll records and ask the telephone company not to tell the customer, if it was a sensitive investigation. That has been done by every district attorney in America. They issue thousands of these subpoenas. Tens of thousands, I suggest, literally every month are issued for bank records, toll records every day. You have some expectation of privacy, but you don't have an expectation that those records will be secretly maintained by the bank or the telephone company when they are requested by a law enforcement officer for a law enforcement purpose, and relevant to an ongoing criminal investigation. That is the law, and it has been that way forever.

So now, when asking for these records during the course of an investigation into terrorism, we have to certify that if the recipient discloses to the terrorist that we are investigating their records, it would endanger the national security of the United States or interfere with diplomatic relations. Those are extremely high standards.

I know my colleague—and I respect him—Senator FEINGOLD voted for the less restrictive certification requirements that unanimously passed the Senate Judiciary Committee. He was one of the 18 who voted for it. I don't understand an objection now to the conference report that has a higher certification standard. The conference report makes clear that a recipient of an NSL, such as a bank, can consult with their attorney about the NSL without worrying that the consultation would be an unlawful disclosure. The conference report makes clear that the bank can also file a motion to quash the NSL if it does not want to give the government the information requested, and it makes it clear that the bank could ask the court to quash the nondisclosure requirement and allow them to share that information with the customer. So really, the provisions in this conference report only improve the situation from the perspective of civil libertarians, if we reject the conference report these extra protections will not become law.

Let's be frank about this. I am telling you how it works in the real world. I have been there. The banks simply want to be protected. If it is lawful for them to turn over the documents they have on a customer to a law enforcement agency without notifying their customers, they are perfectly willing to do so. But if they are told that in the law, their lawyers are now telling them to protect themselves by notifying customers that they gave their records, and they routinely do so to protect themselves today. They didn't used to do that 25 years ago, but it is because of the threat of being sued that they do that routinely now.

So it is critical that they not disclose because when you are looking at a terrorist organization, a cell that may be plotting to bomb someone but you are not sure who is in it and what it is about, and you are trying to find out about it, maybe you want their bank records, maybe you want motel records, maybe you want telephone toll records. They can provide incredibly valuable information to an investigator. This can prove whether the person being investigated is connected to terrorists. If you get their toll records and there are 25 phone calls to Yemen to somebody who has been identified by foreign intelligence as being connected to al-Qaida, then you have something. So that is very important. You may not be prepared at that moment to arrest the person. There may not be enough evidence to arrest them, but now you have a series of phone calls from a person who is a suspect in some city or State in this country calling a known terrorist in some other part of the world. You want to proceed with this investigation, but you don't want them to know you are on to them.

That is so basic. Talk to investigators. This is what it is all about. It is not academic. This is life and death. We can't ask too much of our investigators. We can not tie their hands by demanding they prove these things beyond a reasonable doubt, and certify all these facts that they are looking for as true before they do an investigation.

How do you get the facts? How do you get them? You have to gather the facts. But if we are not able to gather the facts in a terrorism prosecution with reasonable investigative tools, then how can we ever investigate a case and make a good case?

I feel strongly that this is an incredibly important provision and, in fact, is more civil liberties protective now as it has come out of conference than it was when it went to conference.

With regard to several other matters, I find the debate to be out of sync with reality.

Let's talk about the delayed notice search warrants, the so-called sneak and peek. This provisions is dealing with an everyday, regular search warrant. These are the type of warrants you need a court to approve if you are going to search someone's private house or office. This is not the same as going to the bank and getting a record on third parties. This is a search warrant to get somebody's own property. You can't take that property without a search warrant approved by a judge, and if it is a Federal case, such as a terrorist case, it will be a Federal judge. To get that warrant, you must prove to that Federal judge through an affidavit by real witnesses that there is probable cause to believe that person possesses evidence relevant to an important criminal investigation.

Senator FEINGOLD is correct, when you get a warrant approved on probable cause and then conduct the search, you should do it and give the return on the warrant to the individual whose property has been searched. If for some reason they are not there, you usually tack it on the door so they will know you have come, and that is the traditional way search warrants are done.

In the course of these kinds of investigations, I have had the personal experience on rare occasion to seek delayed notification, and I have heard of it on other occasions, I have read about situations where delayed notice is needed. Courts have approved through the common law process search warrants which they approve delaying notification to the person being searched. There can be many reasons, as one can imagine, why this delayed notice could be good. It had been done for a long time, long before the PATRIOT Act was passed. The U.S. Supreme Court has approved the procedure for delaying notice of a search.

All the delayed notification language does in the PATRIOT Act is set forth standards about how delayed notice procedure should be done.

The Senate bill, when it came out of our committee and voted on the floor, said you have to either to notify the defendant in 7 days that you did the search or come back to the judge within 7 days and ask the judge for more time before you notify them and set forth a reason for needing more time.

The House passed bill said you could delay notification for up to 180 days before you had to go back to the judge and ask for more time as a reason to delay the notification. Maybe you have gone in there and found they are putting material together to make a bomb, or you may find information that bad guys are coming into town and you need to wait on them, those kinds of things might justify further delaying notification. There may be a very delicate investigation of the most critical national importance. That is

why delayed notice has been around for decades and that is why the PATRIOT Act sought to provide a national standard for delayed notice.

So, the House was at 180 days, and the Senate was at 7 days, and we had a conference. We reached an agreement on 30 days. Well, you would think this is the end of the world if you believed some of my colleagues. If you are going to have delayed notification, how long should it be? Seven days is not a disaster for an investigator, although it is pretty tight deadline that could cause a good bit of problem. Thirty is much healthier, in my view. But whether it is 20 days, 40 days, whatever, this search has to be approved by a judge before it can be conducted. And if the defendant is not notified immediately, then they have to go back and establish to the court through evidence and proof that the delay should continue beyond the time period set.

It is not a big deal. To suggest that 7 days or 30 days is a difference that invokes some sort of huge constitutional principle that we should block this bill over and not even give it an up-or-down vote because of is beyond my comprehension. It is not a critical difference to our liberties whether it is 7 or 30 days. Some might have a different opinion. We had to reach a compromise. We rejected the 180 days. We took the 30 days, which is a lot closer to 7 than 180. In my view, the Senate already won on this issue.

There are a lot of other issues of the same import. I believe we have gone beyond the pale in criticizing this bill. It has been in effect for 4 years. None of it has been found to be unconstitutional. It is now going to be extended. It is already being curtailed by this conference report in a number of different ways to make the act even more friendly to civil liberties than it was when we first passed it. Nothing in the first bill, frankly, represented any reduction in any of our liberties, the claim that it did is simply untrue. This conference report has the full support of Chairman SPECTER and former Chairman HATCH. Senator LEAHY voted for the reauthorization bill before. He voted for it in committee and then did not object to it moving by unanimous consent off the floor this year in the Senate.

So now we have some that are making objections to some of the modest changes that were made in conference. I, frankly, think these changes were very minor. Our colleagues should not do that. To jeopardize the continuation of the tremendously valuable principles of the PATRIOT Act by filibustering this bill—and it will extinguish, critical parts of it will end soon if we do not break this filibuster and pass the reauthorization this week—is unthinkable to me. So I encourage my colleagues, please do not get upset about the conference report by believing the misinformation that is out there, please read and think carefully about what is in this bill. If they do so, they will find that all the provisions in it are consistent with sound constitutional law. All of these actions and provisions will be affirmed by the Supreme Court, many of them already have been, and it will be a tremendous advantage to our investigators who are working their hearts out this very day, this night, some places in this country today, investigating those who would do us harm.

I will probably share some more thoughts on some of the other provisions tomorrow but at this time would yield the floor and in a moment would, on behalf of the majority leader, do a wrap-up before we conclude. So therefore I will not put us in a quorum call at this time.

REPORTING ON THE DEPLOYMENT OF U.S. FORCES

Mr. STEVENS. Mr. President, I rise today to submit for the RECORD the President's consolidated report on the deployment of U.S. Armed Forces to operations around the world.

This report is provided for the information of all Senators and covers operations in support of the war on terror, Kosovo, and Bosnia and Herzegovina.

This report is submitted by the President, consistent with the war Powers Resolution, and addresses the circumstances under which hostilities were initiated, the scope and duration of such hostilities, and the constitutional and legislative authority under which the introduction of hostilities took place.

I encourage all of my colleagues to review this important report.

I ask unanimous consent to have the President's consolidated report printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 7, 2005.

Hon. TED STEVENS,
President pro tempore of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am providing this supplemental consolidated report, prepared by my Administration and consistent with the War Powers Resolution (Public Law 93–148), as part of my efforts to keep the Congress informed about deployments of U.S. combat-equipped armed forces around the world. This supplemental report covers operations in support of the war on terror, Kosovo, and Bosnia and Herzegovina.

THE WAR ON TERROR

Since September 24, 2001, I have reported, consistent with Public Law 107–40 and the War Powers Resolution, on the combat operations in Afghanistan against al-Qaida terrorists and their Taliban supporters, which began on October 7, 2001, and the deployment of various combat-equipped and combat-support forces to a number of locations in the Central, Pacific, and Southern Command areas of operation in support of those operations and of other operations in our war on terror.

I will direct additional measures as necessary in the exercise of the right of the United States to self-defense and to protect U.S. citizens and interests. Such measures may include short-notice deployments of special operations and other forces for sensitive operations in various locations throughout the world. It is not possible to know at this time either the precise scope or duration of the deployment of U.S. Armed Forces necessary to counter the terrorist threat to the United States.

United States Armed Forces, with the assistance of numerous coalition partners, continue to conduct the U.S. campaign to pursue al-Qaida terrorists and to eliminate support to al-Qaida. These operations have been successful in seriously degrading al-Qaida's training capabilities. United States Armed Forces, with the assistance of numerous coalition partners, ended the Taliban regime and are actively pursuing and engaging remnant al-Qaida and Taliban fighters in Afghanistan. Approximately 280 U.S. personnel are also assigned to the International Security Assistance Force (ISAF) in Afghanistan. The U.N. Security Council authorized the ISAF in U.N. Security Council Resolution 1386 of December 20, 2001, and has reaffirmed its authorization since that time, most recently, for a 12-month period from October 13, 2005, in U.N. Security Council Resolution 1623 of September 13, 2005. The mission of the ISAF under NATO command is to assist the Government of Afghanistan in creating a safe and secure environment that allows reconstruction and the reestablishment of Afghan authorities. Currently, all 26 NATO nations contribute to the ISAF. Ten non-NATO contributing countries also participate by providing military and other support personnel to the ISAF.

The United States continues to detain several hundred al-Qaida and Taliban fighters who are believed to pose a continuing threat to the United States and its interests. The combat-equipped and combat-support forces deployed to Naval Base, Guantanamo Bay, Cuba, in the U.S. Southern Command area of operations since January 2002 continue to conduct secure detention operations for the approximately 500 enemy combatants at Guantanamo Bay.

The U.N. Security Council authorized a Multinational Force (MNF) in Iraq under unified command in U.N. Security Council Resolution 1511 of October 16, 2003, and reaffirmed its authorization in U.N. Security Council Resolution 1546 of June 8, 2004. In U.N. Security Council Resolution 1637 of November 8, 2005, the Security Council, noting the Iraqi Government's request to retain the presence of the MNF, extended the MNF mandate for a period ending on December 31, 2006. Under Resolutions 1546 and 1637, the mission of the MNF is to contribute to security and stability in Iraq, as reconstruction continues, until the completion of Iraq's political transformation. These contributions have included assisting in building the capability of the Iraqi security forces and institutions, as the Iraqi people, represented by the Transitional National Assembly, drafted and approved a constitution and progressed toward the establishment of a constitutionally elected government. The U.S. contribution to the MNF is approximately 160,000 military personnel.

In furtherance of our efforts against terrorists who pose a continuing and imminent threat to the United States, our friends and allies, and our forces abroad, the United States continues to work with friends and allies in areas around the globe. United States combat-equipped and combat-support forces are located in the Horn of Africa region, and the U.S. forces headquarters element in Djibouti provides command and control support as necessary for military operations against al-Qaida and other international terrorists in the Horn of Africa region, including Yemen. These forces also assist in enhancing counterterrorism capabilities in

Kenya, Ethiopia, Yemen, and Djibouti. In addition, the United States continues to conduct maritime interception operations on the high seas in the areas of responsibility of all of the geographic combatant commanders. These maritime operations have the responsibility to stop the movement, arming, or financing of international terrorists.

NATO-LED KOSOVO FORCE (KFOR)

As noted in previous reports regarding U.S. contributions in support of peacekeeping efforts in Kosovo, the U.N. Security Council authorized Member States to establish KFOR in U.N. Security Council Resolution 1244 of June 10, 1999. The mission of KFOR is to provide an international security presence in order to deter renewed hostilities; verify and, if necessary, enforce the terms of the Military Technical Agreement between NATO and the Federal Republic of Yugoslavia (which is now Serbia and Montenegro); enforce the terms of the Undertaking on Demilitarization and Transformation of the former Kosovo Liberation Army; provide day-to-day operational direction to the Kosovo Protection Corps; and maintain a safe and secure environment to facilitate the work of the U.N. Interim Administration Mission in Kosovo (UNMIK).

Currently, there are 25 NATO nations contributing to KFOR. Eleven non-NATO contributing countries also participate by providing military personnel and other support personnel to KFOR. The U.S. contribution to KFOR in Kosovo is about 1,700 U.S. military personnel, or approximately 10 percent of KFOR's total strength of approximately 17,000 personnel. Additionally, U.S. military personnel occasionally operate from Macedonia, Albania, and Greece in support of KFOR operations.

The U.S. forces have been assigned to a sector principally centered around Gnjilane in the eastern region of Kosovo. For U.S. KFOR forces, as for KFOR generally, maintaining a safe and secure environment remains the primary military task. The KFOR operates under NATO command and control and rules of engagement. The KFOR coordinates with and supports the UNMIK at most levels; provides a security presence in towns, villages, and the countryside; and organizes checkpoints and patrols in key areas to provide security, protect minorities, resolve disputes, and help instill in the community a feeling of confidence.

In accordance with U.N. Security Council Resolution 1244, UNMIK continues to transfer additional competencies to the Kosovar provisional Institutions of Self-Government, which includes the President, Prime Minister, multiple ministries, and the Kosovo Assembly. The UNMIK retains ultimate authority in some sensitive areas such as police, justice, and ethnic minority affairs.

NATO continues formally to review KFOR's mission at 6-month intervals. These reviews provide a basis for assessing current force levels, future requirements, force structure, force reductions, and the eventual withdrawal of KFOR. NATO has adopted the Joint Operations Area plan to regionalize and rationalize its force structure in the Balkans. The UNMIK international police and the Kosovo Police Service (KPS) have full responsibility for public safety and policing throughout Kosovo except in the area of South Mitrovica, where KFOR and UNMIK share this responsibility due to security concerns. The UNMIK international police and KPS also have begun to assume responsibility for guarding patrimonial sites and established border-crossing checkpoints. The KFOR augments security in particularly sensitive areas or in response to particular threats as needed.

NATO HEADQUARTERS IN BOSNIA AND HERZEGOVINA

Pursuant to the June 2004 decision made by NATO Heads of State and Government, and in accordance with U.N. Security Council Resolution 1575 of November 22, 2004, NATO concluded its Stabilization Force operations in Bosnia-Herzegovina and established NATO Headquarters-Sarajevo to continue to assist in implementing the Peace Agreement in conjunction with a newly established European Force. The NATO Headquarters-Sarajevo, to which approximately 220 U.S. personnel are assigned, is, with the European Force, the legal successor to SFOR. The principal tasks of NATO Headquarters-Sarajevo are providing advice on defense reform and performing operational supporting tasks, such as counterterrorism and supporting the International Criminal Tribunal for the Former Yugoslavia.

I have directed the participation of U.S. Armed Forces in all of these operations pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. Officials of my Administration and I communicate regularly with the leadership and other Members of Congress with regard to these deployments, and we will continue to do so.

Sincerely,

GEORGE W. BUSH,
The White House.

TRIBUTE TO BOB TISCH

Mr. REID. Mr. President, I rise today to pay tribute to the life of Preston Robert ''Bob'' Tisch, who died this past November after a battle with cancer.

Bob left a permanent impression on many lives, including my own. He was a pillar in his community, well-liked and respected, considerate, wise, and passionate about life and serving others. He will be missed.

Bob was born in New York City and proudly lived there for most of his life. He was chairman of the board of Loews Corporation, a company he cofounded along with his late brother, Lawrence. Bob was also chairman and cochief executive officer of the New York Football Giants.

Bob was a proud New Yorker and greatly assisted in enhancing New York's position as an international business center. He held a number of civic posts, including chairman of the New York City Convention and Visitors Bureau, founding chairman of the New York City Convention and Exhibition Center Corporation, chairman of the New York City Partnership and the New York Chamber of Commerce and Industry.

Bob believed that along with success comes great responsibility and exemplified this by giving back to his country and community. He served as chairman of the Citizens Committee for the Democratic National Conventions held in New York City in 1976 and 1980. From 1986 to 1988, he served as U.S. Postmaster General. In May 1990, Mayor David Dinkins appointed him New York City's Ambassador to Washington, DC.

He also served chairman of New York City Public Private Initiatives, a public-private partnership that funds vital community programs, and was a founding director of New York City Meals-on-Wheels. A graduate of New York City public schools, Bob founded Take the Field, a nonprofit organization dedicated to renovating the athletic fields of New York City's public high schools.

With Bob's passing, we have lost an extraordinary philanthropist, businessman, and a great American. I express my heartfelt sympathies to Joan, his wife of 57 years, his sons Steven and Jonathon, daughter Laurie, and the entire Tisch family. May they be comforted by all that Bob did to enrich the world.

PELL GRANT PROGRAM INTEGRITY ADJUSTMENTS

Mr. GREGG. Mr. President, for several years the Pell Grant Program has been accumulating a shortfall. This shortfall has recently been estimated at $4.3 billion. For a program that costs around $13 billion to run each year, this is a significant problem that puts the entire program in jeopardy. The concurrent resolution on the budget for fiscal year 2006 addressed this issue by including a new scorekeeping rule to ensure that the program is fully funded each year and by providing a reserve fund to retire the $4.3 billion shortfall that has already accrued.

Section 303 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, permits the chairman of the Senate Budget Committee to make adjustments to the 302(a) allocations when certain conditions are met relating to retiring the Pell grant shortfall. These conditions having been met in the Labor-HHS appropriations conference report, I am making the reserve fund adjustment. The following table reflects revised 302(a) allocations. The revised allocations for budget authority and outlays are the appropriate levels to be used for enforcement of the congressional budget.

Additionally, the Senate-passed Labor-HHS appropriations conference report included additional funds for three program integrity initiatives as specified in the 2006 congressional budget resolution, and accordingly on July 28, 2005, I submitted changes to the Appropriations Committee's discretionary 302(a) allocation, increasing both budget authority and outlays by $309 million. However, the Labor-HHS-Education conference report does not include these additional funds for the program integrity initiatives. Therefore, the discretionary 302(a) allocation will be reduced by $309 million in budget authority and outlays.

Pursuant to sections 303 and 404, I hereby ask unanimous consent to have the following revisions to H. Con. Res. 95 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[In millions of dollars]

Current Allocation to Senate Appropriations Committee:	
FY 2006 Budget Authority—General Purpose Discretionary	$843,020
FY 2006 Outlays—General Purpose Discretionary	916,836
FY 2006 Budget Authority—Mandatory	531,782
FY 2006 Outlays—Mandatory	512,469
FY 2006 Budget Authority—Total	1,374,802
FY 2006 Outlays—Total	1,429,305
Adjustments:	
FY 2006 Budget Authority—General Purpose Discretionary	−309
FY 2006 Outlays—General Purpose Discretionary	−309
FY 2006 Budget Authority—Mandatory	4,300
FY 2006 Outlays—Mandatory	0
FY 2006 Budget Authority—Total	3,991
FY 2006 Outlays—Total	−309
Revised Allocation to Senate Appropriations Committee:	
FY 2006 Budget Authority—General Purpose Discretionary	842,711
FY 2006 Outlays—General Purpose Discretionary	916,527
FY 2006 Budget Authority—Mandatory	536,082
FY 2006 Outlays—Mandatory	512,469
FY 2006 Budget Authority—Total	1,378,793
FY 2006 Outlays—Total	1,428,996

PASSAGE OF U.S.-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. GRASSLEY. Mr. President, over the past several years the Congress has worked hand-in-hand with the administration to foster greater peace and stability in the Middle East through trade. We have concluded and implemented free trade agreements with Israel, Jordan, and Morocco. We recently concluded negotiations with Oman and negotiations are ongoing with United Arab Emirates. Perhaps soon, we will launch negotiations with our good friend and ally, Egypt.

Yesterday, with the passage of S. 2027, the U.S.-Bahrain Free Trade Agreement Implementation Act, we took another historic step forward. Once this agreement enters into force, 98 percent of our agricultural exports to Bahrain will enter duty-free and 100 percent of our two-way trade in industrial and consumer products will be duty-free. The agreement sets a new standard on services, with broad commitments by Bahrain to open their service sector to our exports.

Passage of the U.S.-Bahrain FTA will help advance the President's goal of achieving a Middle East Free Trade Area, MEFTA, by 2013. This visionary agenda is a key element in our efforts to help foster economic growth and prosperity in an important region of the world. It also reflects keen appreciation by the Bush administration of the 9/11 Commission Report recommendation that ''a comprehensive U.S. strategy to counter terrorism should include economic policies to encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future.''

I am pleased that we are able to take another step toward fulfilling this recommendation with passage of the Bahrain agreement. This would not have been possible without the hard work and dedication of many people. I first want to recognize Ambassador Robert Zoellick. As the former U.S. Trade Representative, Ambassador Zoellick spearheaded our trade agenda, including initiation of negotiations with Bahrain. This year, Ambassador Portman took up the reigns as our U.S. Trade Representative. Ambassador Portman has proven to be an able and effective negotiator who faithfully works with Congress to achieve the best result for America in our trade agreements. Ambassador Portman was assisted by Catherine Novelli, before her departure, as well as her replacement, Ambassador Shaun Donnelly, both serving in their capacity as Assistant U.S. Trade Representatives for Europe and the Mediterranean.

With the passage of this agreement, the Finance Committee continues its tradition of bipartisanship on trade. I appreciate the efforts of my ranking member, Senator MAX BAUCUS, in helping remove any impediments to getting this done. An agreement such as this one also would not have been possible without the professionalism and work ethic of Senator BAUCUS' staff. In this regard, I owe thanks to Russ Sullivan, Democratic staff director, and Bill Dauster, deputy staff director, for their steadfast dedication to the Committee. Brian Pomper, chief international trade counsel to Senator BAUCUS, also deserves special thanks for his efforts as do Shara Aranoff, Demetrios Marantis, Anya Landau, Janis Lazda, and Chelsea Thomas.

I also want to recognize the work of my Finance Committee staff. At the top of the list is Kolan Davis, my chief counsel and staff director. Kolan has been a valuable asset to this committee, lending his counsel and expertise to moving countless bills, including the Bahrain agreement. Everett Eissenstat, chief international trade counsel to the committee, has played an important part in seeing that this agreement is timely implemented. I appreciate his continued dedication to advancing our trade agenda.

Everett manages a strong team of dedicated staff who consistently pull together to achieve our trade agenda. David Johanson, Stephen Schaefer, and Tiffany McCullen Atwell provide valuable support to the team. Their hard work and long hours are much appreciated. I also want to recognize Claudia Bridgeford, international trade policy assistant, and Russell Ugone, who is on detail to my staff from the Bureau of Customs and Border Protection in the Department of Homeland Security. Both Claudia and Russ have contributed a great deal to the work of this committee.

I would be remiss if I did not take this time to thank Mike Smythers, Special Assistant to the President for Senate Affairs from the White House Office of Legislative Affairs. I also want to thank Matt Niemeyer, Counselor and Assistant U.S. Trade Representative for Congressional Affairs. Matt will soon be leaving the Office of the U.S. Trade Representative. Throughout his tenure, he has been a valuable ally in passage of much of our trade agenda. I appreciate his hard work and service to the American people.

Matt was assisted by David ''Andy'' Olson, who provided critical support in moving this agreement. Jonathon Kallmer from the Office of General Counsel at the Office of the U.S. Trade Representative, also played a key role in working with Congress to ensure faithful implementation of the agreement. I appreciate both of their efforts. Finally, I want to take this opportunity to thank Polly Craghill senior counsel in the Senate's Office of Legislative Counsel, for her role in passing this agreement. Polly never falters in her efforts to provide timely technical expertise to this committee and her work is much appreciated.

This is a good day for the United States and Bahrain. I hope President Bush will soon sign this bill and that we will see quick implementation of this historic agreement.

BAHRAIN FREE TRADE AGREEMENT

Mr. FEINGOLD. Mr. President, I oppose this agreement. It is more of the same flawed trade model that has undermined the standards that our firms operate under and has helped ship millions of jobs overseas. From inadequate protections for workers, the environment, and public health and safety, to lax rules of origin, this trade agreement continues the appalling trade policies of the last decade and more.

We should be working to strengthen our ties with Bahrain and forge a trade agreement that is sustainable and that will enhance the welfare of consumers, businesses, and workers in both countries. This agreement will not do that. Tragically, the record of this trade model has been just the opposite.

My own State of Wisconsin has been hit especially hard by this trade policy. Nor have our trading partners fared well under this flawed trade model. Eleven years of NAFTA have lowered living standards in Mexico, both for urban workers and in rural areas. As I have noted before, Professor Riordan Roett of Johns Hopkins has noted that at least 1.5 million Mexican farmers have lost their livelihoods under NAFTA.

And while this agreement with Bahrain may not have the same devastating impact that NAFTA has had

and that CAFTA will have, it is cut from the same cloth as those two trade agreements. Certainly neither the United States nor Bahrain is likely to benefit when the trade agreement's rules of origin provisions invite gaming. As Robert Baugh, executive director of the AFL–CIO, testified before the Senate Finance Committee, the provision permits multinational corporations to manipulate production and purchasing ''to ship goods made primarily in third countries through Bahrain for a minimal transformation before entering the U.S. duty free. The rule of origin fails to promote production and employment in the U.S. and Bahrain, and it grants benefits to third-party countries that have provided no reciprocal benefits under the agreement and that are not subject to the agreement's minimal labor and environmental standards.''

Mr. President, Wisconsin has paid a heavy price for our trade policy in recent years. Since 2000, Wisconsin has lost nearly 92,000 manufacturing jobs. NAFTA, the GATT, and Most Favored Nation treatment for China have devastated local businesses and punished working families, taking away family-supporting jobs, and offering lower paying jobs, if any, in return. I regret that this trade agreement promises more of the same. Instead of building on this failed model of trade, we should scrap it and establish a new model of trade that is fair to American businesses, workers, and farmers, as well as the small businesses, workers and farmers of our trading partners.

PATRIOT ACT IMPROVEMENT

Mr. JEFFORDS. Mr. President, the people of Vermont are proud of the important role that Senator PATRICK LEAHY is serving in trying to improve the USA PATRIOT Act.

My colleague from Vermont rightly believes that security and civil liberties need not be mutually exclusive objectives. We can and we should advance both goals. As the ranking member of the Judiciary Committee, Senator LEAHY worked closely with Chairman ARLEN SPECTER in helping to produce a bipartisan bill to renew and improve the USA PATRIOT Act. That bill was unanimously approved both by the Judiciary Committee and by the Senate. Now he is working with Senators of both parties in trying to win further improvements in the proposed conference report on that bill.

Just as he did in 2001, then as chairman of the Judiciary Committee and the leader of the Senate's negotiations with the administration in crafting the initial USA PATRIOT Act, Senator LEAHY now, once again, has worked tirelessly to ensure that we do not hastily pass flawed legislation. Back in the fall of 2001, the Bush administration had demanded that Congress pass the PATRIOT Act in 1 week. The Senator from Vermont knew that rushing such an expansive law through Congress was a mistake, and he secured more time, allowing Congress to add crucial checks and balances to the law. In the best tradition of the Senate, Senator PATRICK LEAHY has championed effective law enforcement and the rights and freedoms that we cherish as Americans.

I ask unanimous consent that two recent editorials which have spotlighted these issues and Senator LEAHY'S role be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bennington Banner, Dec. 9, 2005]

A REAL GREEN MOUNTAIN PATRIOT

Much has been said about what makes someone a patriot. Sadly much of it has come as a result of the response to the terrorists attacks on the World Trade Center and the Pentagon on Sept. 11, 2001. What makes that sad is that an outside attack should have—and did for a brief time—brought the country closer together.

That has been fractured by political opportunists who responded to the attacks with legislation that Americans would never have accepted before their confidence was rattled so vehemently.

One such piece of legislation is the provocatively named USA Patriot Act. The Patriot legislation was drafted to give the government a way to fight terrorism. No one would argue that's an important and necessary goal.

But it contains too many provisions that we find unacceptable despite the fact that we remain staunchly anti-terrorist and pro-America. (We're cutting off that argument at the pass. . .)

The scariest provision is one that allows the government to get warrants that would allow them to find out what books someone is reading or checking out of the library.

That's un-American enough in a society that prides itself on the free and open exchange of ideas. What's worse is that we wouldn't know what books or articles are on that list that makes a reader a suspect.

To make it scarier, those warrants are requested and granted in secret.

We know that there are armchair generals who are rushing to point out that this is the kind of action needed to fight enemies like terrorists. We remain unconvinced that such secret warrants would make us much different or better than nations that support terrorists.

Nor can we justify giving a tool like this to the federal government under an administration that can't convince its people or the world that it's not engaging in torture. We suspect there will be more Abu Ghraibs before the War on Terror is finished.

So what makes somebody a patriot? How about standing up against faulty legislation even when a nation that's still in fear may support that law? Maybe it's recognizing the lessons of history and trying to protect our country from another shameful incident like the imprisonment of Japanese citizens during World War II?

That's exactly what Sen. Patrick Leahy, the ranking Democrat on the Senate Judiciary Committee, is doing by refusing to sign a version of the Patriot Act that would extend these powers for four years.

We're proud that a patriot like that is serving the people of Vermont.

[From USA Today, Dec. 14, 2005]

QUALMS ABOUT ANTI-TERROR LAW UNITE THE LEFT AND RIGHT

Patrick J. Leahy first made his name in politics as a tough-on-crime, attention-grabbing county prosecutor in the turbulent late 1960s and early '70s. His law-and-order aggressiveness propelled him to election as the first—and, so far, only—Democrat to represent historically Republican Vermont in the U.S. Senate.

After the 9/11 attacks, as chairman of the Senate Judiciary Committee, Leahy helped shepherd the questionably named ''USA Patriot Act'' through Congress. Reassuring a frightened nation, the Patriot Act granted unprecedented powers to law enforcement, some of which are set to expire at the end of this year.

Federal investigators and prosecutors have welcomed the law as providing a clutch of much-needed tools in the war on terrorism. Indeed, much of the act is a good fit for threatening times.

But it's also something else: cover for sweeping invasions of citizens' privacy, secret fishing expeditions into privately held records and muzzling of targets who want to complain about it.

All are convenient for law enforcement. All have already been abused.

This year's rewrite fails to solve these problems and, in fact, would add provisions that have nothing to do with terrorism (see box at right).

Leahy is a useful barometer of just how troubling the latest legislation is.

Today, the former prosecutor is leading a bipartisan coalition in the Senate seeking to block renewal of some of the PATRIOT Act's most controversial provisions until more is done to curb the potential for assaults on privacy and civil liberties. ''This much unchecked power doesn't make us any safer,'' Leahy told us Tuesday. ''It makes us less safe. . . . Ultimately, you're secure only if you maintain basic liberties.''

Other Senate critics of the bill range the full breadth of the political spectrum, from Idaho Republican LARRY CRAIG to Wisconsin Democrat RUSS FEINGOLD. Their bid to hold up the legislation is a worthy one.

Since Sept. 11, 2001, using the Patriot Act and stretching authority under other laws, government investigators have collected private information on thousands of people who have no apparent connection to international terrorism. Secret sweeps have been made into library records, hotel bookings, car-rental files and other documents. That material is retained, perhaps forever, in government computers. In at least one case, a lawyer's home and office were searched based on false information.

The Bush administration and its allies in Congress have resisted calls for more meaningful protections against invasion of privacy and abuse of civil liberties. While some of the most troubling provisions have been modified in the latest changes, many of the revisions are cosmetic at best.

The pressure is on because portions of the PATRIOT Act, including several of the most troubling provisions, expire Dec. 31, and lawmakers are trying to get home for Christmas.

Leahy and his allies are proposing to extend the law for three months to allow more time to fix what's wrong. That makes sense. Mistakes made in the heat of post-9/11 anxiety shouldn't be compounded and extended based on an artificial deadline.

As Leahy and others have discovered, there's more to patriotism than the label on an antiterrorism law. True patriotism requires not only giving law enforcement the tools it needs, but also adequately protecting citizens against abuse of that power.

ALITO NOMINATION FILIBUSTER

Mr. HATCH. Mr. President, on Monday United Press International reported the good news that our Democratic colleagues do not plan to filibuster the Supreme Court nomination of Judge Samuel Alito.

I hope that UPI report is true, because this body needs to return to our constitutional and commonsense tradition of fully and fairly evaluating and debating judicial nominations.

Senators may, of course, vote for or against a judicial nominee for any reason, or no reason at all. Our constitutional role of advice and consent, however, requires that after vigorous floor debate, we must vote.

UPI quoted a spokesman for the Democratic leader saying that talk of an Alito filibuster is, in his words, silly and unhelpful.

I can only assume that he was speaking for the Democratic leader and, while I agree with his statement, I am afraid the situation is not quite what he would have our fellow citizens believe.

In fact, not 24 hours earlier, this very same spokesman was himself engaging in some silly and unhelpful filibuster talk of his own, telling the Associated Press that all procedural options are on the table for handling the Alito nomination.

We all know what that means.

The list of all procedural options includes the filibuster, by which those who cannot defeat a judicial nomination on the merits try to do so by preventing any confirmation vote at all.

Before the Democratic spin machine cranks out a press release accusing me of silly and unhelpful filibuster talk, let me remind everyone of some possibly inconvenient facts.

I know that my friend, the distinguished Senator from West Virginia, was on the floor Monday claiming that no Democratic Senator had talked about filibustering the Alito nomination.

With all due respect to him, that is simply not accurate and the public record speaks for itself.

On November 1, for example, the Senator from New York, Mr. SCHUMER, told The Hill newspaper that nothing is off the table.

That same day, the Senator from California, Mrs. BOXER, was more specific, telling the Associated Press that, in her words, the filibuster's on the table.

The next day, the Senator from Iowa, my friend Senator HARKIN, went even further.

The Baltimore Sun quotes him saying that he believes Democrats will indeed filibuster the Alito nomination.

Other Democrats, some of them my colleagues on the Judiciary Committee, have also engaged in what their party's spokesman has branded silly and unhelpful filibuster talk.

The distinguished assistant Democratic leader, Senator DURBIN, said the Democrats' decision whether to allow the nomination to go forward at all will be made after next month's hearing.

Again, we all know what that means.

It means the filibuster is still on the table.

On November 20, the Senator from Delaware, Mr. BIDEN, a former Judiciary Committee chairman, not only suggested a filibuster was possible, but said its prospects had actually increased.

Democratic National Committee Chairman Howard Dean said last month that Senate Democrats should, in his words, absolutely keep the filibuster option on the table.

And finally, the Democratic leader, Senator REID, himself said back on November 1 that an Alito filibuster is possible.

This record is public and very consistent. And this record makes the statement on Monday by the senior Senator from Massachusetts, Mr. KENNEDY, that he does not know a single Democratic Senator who has talked about an Alito filibuster absolutely baffling.

My Democratic colleagues have certainly done so, early and often.

Some Senators, well-meaning Senators, have said that the judicial nomination filibuster issue is really about freedom of speech. The distinguished Senator from West Virginia made that point on Monday here on the Senate floor.

We all believe in freedom of speech. We all believe in full, fair, and vigorous debate. When it comes to the legislation over which this legislative body has complete authority, debate can become an end in itself. That is, after all, the definition of a filibuster, when ending debate proves impossible.

The filibuster has long been, and I believe should remain, part of the legislative process.

Judicial appointments, however, are different than legislation. The Constitution assigns the power to nominate and appoint judges to the President.

And judicial, as opposed to executive, appointments also dramatically affect the third branch of government.

When it comes to judicial nominations, therefore, debate should be a means to an end.

The end of the judicial confirmation process must be an up-or-down vote for nominations reaching the Senate floor.

The Senate can vote to withhold consent to a judicial nomination, and we have done so in the past.

But refusing to vote at all, especially when a judicial nomination clearly has majority support, goes beyond exercising our advice and consent role and attempts to highjack the President's appointment power altogether.

When Republicans were in the minority, we respected President Clinton's primary role in judicial appointments.

This body confirmed his Supreme Court nominee Judge Ruth Bader Ginsburg in 1993 by an overwhelming vote of 96 to 3.

We confirmed his nominee Judge Stephen Breyer in 1994 by a margin of 90 to 9.

Judicial nomination filibusters, then, are not about freedom of speech.

When it comes to the judicial confirmation process, our freedom of speech must be shaped and balanced by the separation of powers, by the Constitution's assignment of authority in that process.

Until recently, the Senate refused to transfer the powerful tool of the filibuster from the legislative process to the judicial confirmation process.

We refused to go down that road and I believe we should put up a permanent roadblock.

With all due respect to my Democratic colleagues, they cannot have it both ways.

They cannot, as they have been doing now for more than 6 weeks, keep filibuster hopes alive by suggestions and hints, and then claim their political hands are clean when Senators on this side of the aisle respond.

I believe that UPI reported the Democratic spokesman's statement accurately, but I am not as confident that his statement is accurate or operative.

Does it mean that Democratic Senators have abandoned their earlier statements and decided that the Senate should indeed debate and then vote on the Alito nomination?

I believe that is what the American people expect us to do, but is that what Democratic Senators will do?

I hope they do.

I hope we can fully and vigorously debate the Alito nomination, and then vote on it.

I also believe that when the Senate and American people get to know Judge Alito, his experience, his character, and his traditional mainstream views of the law and the Constitution at his confirmation hearing, they will like what they hear.

Judge Alito is a good man and a great judge.

My Democratic colleagues can help sort out the confusion their earlier statements have created.

If they mean what they now say, that talk of filibustering the Alito nomination is indeed silly and unhelpful, then let us take the divisive and politicizing option of a filibuster off the table.

Let us agree, right here and now, that this body will do its duty of fully debating the Alito nomination and then voting on it.

The Constitution, Senate tradition, and the American people demand no less.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. LIEBERMAN. Mr. President, because of a severe head cold I decided, after a telephone discussion with the minority leader, not to attempt to

travel on a so-called redeye flight last night from the west coast to arrive this morning back in Washington to vote on 3 motions to instruct conferees. Had I been present, I would like the record to indicate that I would have voted for the motions by Senators HARKIN, CARPER, and BAUCUS. I note that on none of these votes would my vote have affected the outcome; all passed by substantial margins. I want to inform my colleagues that I plan to return by another redeye flight leaving tonight for votes Thursday.●

ADDITIONAL STATEMENTS

HONORING THE LIFE OF PETER H. SORUM

● Mr. KERRY. Mr. President, I would like to take this time to honor the life and accomplishments of Peter H. Sorum, Acting National Ombudsman at the U.S. Small Business Administration. Mr. Sorum passed away at the age of 58, leaving behind an impressive legacy through his work in small business, government, entrepreneurship, publishing, and political fundraising.

In his 4-year tenure at the Small Business Administration, Mr. Sorum served as the Deputy Director of Intergovernmental Affairs, working closely with State and local officials to foster open communication and strong working relationships among Federal, State, and local government officials. Following this, Mr. Sorum became a senior adviser in the agency's Office of the National Ombudsman. In that post, he served a number of roles, including the regulatory fairness board coordinator, trade association coordinator, and Federal agency liaison. Most recently, Mr. Sorum was the Small Business Administration's Acting National Ombudsman where he worked to ensure that small business owners, nonprofit organizations, and small government entities were not faced with unfair Federal regulatory enforcement actions.

Prior to his service in the Small Business Administration, Mr. Sorum, a small business owner himself, was the founder and manager of the software and telecommunications company, Maple Eagle International. Additionally, he published The Word, a Marine Corps Reserve Officers' magazine from 1985–1987 as well as Japan Now from its inception in 1992 until 1994.

Mr. Sorum's commitment to public service and small business lasted until his death. His career spanned several decades, including five Presidential administrations. Mr. Sorum's family, friends, and coworkers should take pride in his service to our Nation.

I offer my condolences to his wife Mary Claire, and to his mother, siblings, and children during this difficult time.●

TRIBUTE TO BILL CARSON

● Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished Hoosier and friend, Mr. Bill Carson, as he steps down at the end of the year after 42 years of dedicated leadership as chief executive of the Indiana Builders Association.

During those 42 years, Bill has overseen the remarkable transformation of the organization to which he dedicated so much time and energy. In that time, the IBA has grown from 12 locals spread across the State to 33 today. Much of the success Bill has enjoyed can be attributed to his ability to work closely with all parties affected by the building industry. I continue to be grateful for the generous counsel and support he has offered to me throughout my career.

Many Hoosiers also know Bill as an accomplished author, having written a best selling pamphlet entitled ''Diary of a Mad Home Builder'', and a book about the building industry entitled ''High Pitches and Other Tall Tales.''

Bill has been recognized by his many friends across Indiana and the Nation for the remarkable contributions he has made to the building industry. He has been awarded Indiana's highest housing award, the John C. Hart Presidential Award, and is a recipient of the Seldon Hale Award for Excellence in Association Management from the National Association of Home Builders. Bill has been recognized by three different Governors as a Sagamore of the Wabash, Indiana's highest honor.

From my days as mayor of Indianapolis through today, Bill has been a trusted friend. I look forward to his continued work across Indiana, even as he attempts retirement.●

TRIBUTE TO GENERAL LEON J. LAPORTE

● Mr. WARNER. Mr. President, I would like to recognize the professional dedication, vision and military service of GEN Leon J. LaPorte who is retiring from the U.S. Army after 37 years of dedicated service. It is a privilege for me to recognize the many outstanding achievements General LaPorte has provided the Army, and our great Nation.

General LaPorte was commissioned a second lieutenant in 1968 upon graduation from the University of Rhode Island. He was commissioned an armor officer and served in numerous positions of increasing responsibility to include the position from which he will retire. General LaPorte's contributions throughout his career have made an historic impact and greatly improved our Nation's security.

General LaPorte assumed command of the United Nations Command, Republic of Korea/United States Combined Forces Command, and United States Forces Korea on May 1, 2002. On October 1, 2005, General LaPorte became the longest serving U.S. commander in Korea. Earning this distinction is a tribute to his performance and the excellent relationships he fostered with our Korean allies. General LaPorte's tenure has been highlighted by several very crucial periods in the alliance. During his time in command, we have witnessed multiple North Korean maritime violations and numerous DMZ and airspace incursions. These threats to the security and sovereignty of Korea led General LaPorte to develop deterrent options and force enhancements that provided increased deterrence against aggression. Despite the tremendous implications involved, General LaPorte remained unflappable and skillfully designed military force packages that could be deployed against anticipated threat scenarios to address the uncertain political-military situations.

General LaPorte has been a principal participant in the fast-paced bilateral military and political discussions. General LaPorte earned the reputation as a well-respected ambassador for the United States. He developed and maintained close ties with the military and civilian leadership of the Republic of Korea in partnership with the U.S. Ambassador to Korea. He is credited with fusing a lasting bond between the two nations.

General LaPorte is a soldier's soldier. Throughout his career foremost in his thoughts and his actions have been initiatives in the best interest of the soldiers, civilians, and family members. These priorities are reflected in every decision he makes. He expects those serving below him to do the same. This was never more evident than when he deployed with the 1st Cavalry Division, Fort Hood, TX as the Chief of Staff in October 1990 during Operations Desert Shield and Desert Storm and more recently during the deployment of one of his battalions to Iraq in support of OIF. General LaPorte was tireless in ensuring that each soldier was properly prepared, trained and equipped for the mission and that every family was cared for by a Family Readiness Group. The reenlistment rates in his units demonstrate the love, loyalty and dedication of those who served under General LaPorte.

During his illustrious career in the Army General LaPorte has been nothing less than brilliant. General LaPorte is a great credit to the Army and the Nation. As he now departs to share his experience and expertise with the private sector, I call upon my colleagues on both sides of the aisle to recognize his service and wish him and his wife Judy well in their new endeavors.●

TRIBUTE TO FRANK M. ''MARK'' NEWTON

● Mr. VITTER. Mr. President, I rise today to recognize Frank M. ''Mark'' Newton, assessor of Grant Parish. Mr. Newton retired on October 31, 2005, after 45 years of service to Grant Parish. Today, I want to take a moment to offer warm thanks for his years of service to the State of Louisiana and Grant Parish and thank him for all of his endeavors.

A life long resident of Grant Parish, LA, he was the youngest child of Will and Laura Newton and graduated from Dry Prong High School in 1953. After proudly serving in the U.S. Marine Corps for 3 years, he immediately enrolled at Northwestern State University in Natchitoches, LA. Upon graduation in 1960, he became an involved and dedicated teacher in the Grant Parish school system. Soon becoming the business manager for the Grant Parish school system, Mr. Newton served proudly in this position until 1977 when he became the chief deputy tax assessor of Grant Parish. He proudly retained this position until his retirement at the end of October.

Known as someone who would always lend a helping hand, Mr. Newton developed and maintained numerous relationships that have lasted a lifetime. During his tenure as a public servant, not only did Mr. Newton create a wonderful working relationship with all of his employees, but he also became known as a dependable and well respected leader of Grant Parish.

Mr. Newton was recently quoted saying ''during my work years, I have tried to follow this motto—follow the law, use common sense, and have compassion for people. Suffice it to say, it's been a good trip.'' All of the citizens of Grant Parish have come to know that he has honorably and courageously stuck by these words. I now come to the Senate floor today to join the residents of Grant Parish in personally commending, honoring, and thanking him for his 45 years service to central Louisiana.●

TRIBUTE TO DAVID L. BRANT

● Mr. WARNER. Mr. President, I take this opportunity to recognize a dedicated law enforcement official at the Naval Criminal Investigative Service, NCIS, David L. Brant, who is retiring after 28 years of service to the United States. Culminating a law enforcement career spanning over 30 years, Director David Brant has announced his retirement from Federal service effective December 9, 2005.

Following graduation in 1975 with a master's degree in criminology from Indiana State University, Mr. Brant began his law enforcement career as a police officer with the Dade County Metropolitan Public Safety Department in Miami, FL. Two years later, he accepted an offer from the Naval Investigative Service and began his service as a special agent assigned to NISRA Norfolk, VA. During his 4 years in the Norfolk area, Mr. Brant served in four different NIS offices and also completed an assignment as special agent afloat aboard the USS *Independence*.

For 13 years, Mr. Brant served NCIS in a number of assignments in the United States and the Philippines, and he earned an appointment to the Senior Executive Service as Assistant Director for Counterintelligence in 1994. Mr. Brant served in that capacity until he succeeded Roy D. Nedrow as Director of the NCIS in May 1997.

Mr. Brant has been widely recognized within the Department of the Navy and the Department of Defense, as well as within the Federal law enforcement community, for his innovative and transformational approaches to enhancing law enforcement and counterintelligence capabilities. He has led NCIS in developing and implementing operational strategies, across all of the agency's mission areas, which serve as models for others to follow. Additionally, Mr. Brant established the Counterterrorism Directorate and built the Multiple Threat Alert Center, MTAC, specifically to enhance the ability of the NCIS to counter threats facing the Navy and Marine Corps.

Other noteworthy accomplishments during Mr. Brant's tenure include the creation of both the NCIS Contingency Response Field Office, CRFO, to improve the capacity of NCIS to deploy agents to meet naval requirements in high-threat environments like Iraq and Afghanistan, and the Deployment Support Office, DSO, to better support those personnel once they are deployed. Mr. Brant has also led the creation of the Law Enforcement Information Exchange, LInX, Program, which has brought local, State, and Federal law enforcement agencies together to great effect in support of naval force protection and crimefighting in the Hampton Roads area and other parts of the country. He has partnered NCIS with the FBI on Joint Terrorism Task Forces, and assigned agents to Defense Department Force Protection Detachments, FPDs, around the world. Moreover, he has been an outstanding spokesman for NCIS and the Department of the Navy in senior level law enforcement, counterintelligence, and counterterrorism venues around the world.

Most of all, Mr. Brant appreciates that what makes NCIS a truly great agency is the quality of its people. He routinely fought to ensure that agents, analysts, and support personnel alike had the equipment, training, and support required to do their jobs. Under his leadership, NCIS gained civilian arrest authority and built a reputation as a first-class law enforcement agency. He established the Director's Advisory Board, DAB, to provide him with direct feedback for the field on emergent issues. Mr. Brant improved upon the NCIS support infrastructure by hiring specialists in the fields of communications, congressional affairs, human resources, and information technology. He increased the number of SES and other high-grade billets while also working diligently for the additional funding that will ensure the success of his agency for years to come.

During his career, Mr. Brant has been recognized as an outstanding leader by multiple organizations. For his distinguished service, he has received the Department of Defense Presidential Rank Award and the Department of the Navy Distinguished Service Award. Recently, he was honored by the Hispanic American Police Command Officers Association, HAPCOA, with the Aguila Award for Law Enforcement and Criminal Justice and by the Women in Federal Law Enforcement, WIFLE, as the 2004 Outstanding Advocate for Women in Federal Law Enforcement.

As he begins his well deserved retirement, Mr. Brant will remain in the Washington, DC, area with his wife Merri Jo, and his children, Emily and Andrew. I salute David Brant for his dedicated service to our country, and I wish him and his family well in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 125. An act to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.

H.R. 280. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

H.R. 452. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Museum located in St. Louis, Missouri, as a unit of the National Park System.

H.R. 798. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

H.R. 853. An act to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

H.R. 975. An act to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes.

H.R. 3422. An act to amend the United States Housing Act of 1937 to exempt small

public housing agencies from the requirement of preparing an annual public housing agency plan.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the ''Maryland State Delegate Lena K. Lee Post Office Building''.

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the ''Mont and Mark Stephens en Veterans Memorial Post Office Building''.

H.R. 4500. An act to designate certain buildings of the Centers for Disease Control and Prevention.

The message also announced that the House has passed the following bill, without amendment:

S. 1047. An act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 218. Concurrent resolution recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century.

At 2:26 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes.

At 3:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the further report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 1047. An act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 125. An act to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; to the Committee on Environment and Public Works.

H.R. 280. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 452. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 798. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes; to the Committee on Environment and Public Works.

H.R. 853. An act to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States; to the Committee on Energy and Natural Resources.

H.R. 975. An act to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3422. An act to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; to the Committee on Energy and Natural Resources.

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the ''Maryland State Delegate Lena K. Lee Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the ''Mont and Mark Stephensen Veterans Memorial Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4500. An act to designate certain buildings of the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4803. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Aviation and International Affairs, received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4804. A communication from the White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of conformations for the following positions: Assistant Secretary and Director General; Under Secretary for Export Administration; Assistant Secretary for Export Enforcement; and Under Secretary for International Trade, received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4805. A communication from the White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a change in previously submitted reported information and the discontinuation of service in the acting role for the position of Under Secretary for International Trade, received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4806. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('Appliance Labeling Rule')'' (RIN3084-AA74) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4807. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision License Requirements and Licensing Policy, and Increased Availability of License Exceptions for Certain North Atlantic Treaty Organization (NATO) Member States'' (RIN0694-AD61) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4808. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Establishment of New License Exception for the Export or Reexport to U.S. Persons in Libya of Certain Items Controlled for Anti-Terrorism Reasons Only on the Commerce Control List'' (RIN0694-AD57) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4809. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska'' (I.D. No. 101405B) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4810. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (I.D. No. 101705A) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4811. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration,

transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits'' (I.D. No. 101805C) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4812. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Suspension of the Atlantic Surfclam Minimum Size Limit'' (I.D. No. 101705B) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4813. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment'' (I.D. No 102505B.) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4814. A communication from the Acting Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments'' (I.D. No. 093005A) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4815. A communication from the Acting Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications Pacific Mackerel Fishery'' (RIN0648-AS59) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4816. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Amendment to the Fishery Management Plans of the U.S. Caribbean'' (RIN0648-AP51) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4817. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Highly Migratory Species Fisheries; Data Collection Requirements for U.S. Commercial and Recreational Charter Fishing Vessels'' ((RIN0648-AT97)(I.D. No. 102903C)) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4818. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 17'' (RIN0648-AT10) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4819. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Christian County, Kentucky Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainable Area to Attainment for Ozone; Correction'' (FRL7999-5) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4820. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indiana: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL8001–3) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4821. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Massachusetts: Extension of Interim Authorization of State Hazardous Waste Management Program Revision'' (FRL7988–8) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4822. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Imperial and Santa Barbara County Air Pollution Control Districts'' (FRL7998–4) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4823. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of 1,2,3-Propanetriol Technical Correction'' (FRL7744–8) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4824. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Underground Injection Control Program—Revision to the Federal Underground Injection Control Requirements for Class 1 Municipal Disposal Wells in Florida'' (FRL7999–7) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4825. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a monthly report on the status of the Commission's licensing activities and regulatory duties for September 2005; to the Committee on Environment and Public Works.

EC–4826. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report recommending authorization of the Napa River Salt Marsh Restoration Project, California for the purposes of ecosystem restoration and recreation; to the Committee on Environment and Public Works.

EC–4827. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report relative to the Louisiana Coastal Area, Louisiana, Ecosystem Restoration Program; to the Committee on Environment and Public Works.

EC–4828. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, (19) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC–4829. A communication from the Acting Under Secretary of Defense for Acquisition, Technology and Logistics, transmitting, pursuant to law, thirteen quarterly Selected Acquisition Reports (SARs) for the quarter ending September 30, 2005; to the Committee on Armed Services.

EC–4830. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of General Leon J. LaPorte, United States Army, and the grade of general on the retired list; to the Committee on Armed Services.

EC–4831. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Steven R. Polk, United States Air Force, and the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4832. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Lieutenant General David D. McKiernan, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

Stephanie Johnson Monroe, of Virginia, to be Assistant Secretary for Civil Rights, Department of Education.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

Donald A. Gambatesa, of Virginia, to be Inspector General, United States Agency for International Development.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

Marilyn Ware, of Pennsylvania, to be Ambassador to Finland.

Nominee: Marilyn Ware.

Post: Ambassador to Finland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Marilyn Ware $4351, 1/24/01, Republican National State Elections Committee (RNSEC); $375, 1/26/01, RNSEC; $5,000, 9/17/01, Republican Federal Committee of PA; $1,000,

10/11/01, Friends of Jennifer Dunn; $1,000, 11/5/01, Collins for Senator; $9.500, 12/27/01, Republican Party of Florida-Nonfederal Account; $2,000, 1/2/02, John Thune for South Dakota; $1,000, 3/14/02, Hagel for Senate; $1,000, 4/1/02, Diane Allen for U.S. Senate; $1,000, 4/15/02, Friends of Joe Pitts; $50,000, 5/16/02, RNSEC; $1,000, 5/29/02, Pat Toomey for Congress; $50,000, 6/11/02, RNSEC; $1,000, 6/17/02, Greenwood for Congress; $1,000, 7/16/02, Friends of Jim Gerlach; $2,000, 7/24/02, Norm Coleman for U.S. Senate; $1,000, 8/22/02, Bill Shuster for Congress; $1,000, 8/29/02, Friends of Scott McInnis; $1,000, 9/16/02, Friends of Melissa Brown; $20,000, 9/30/02, National Republican Senatorial Committee; $1,000, 9/30/02, Friends of Jennifer Dunn; $60,000, 10/23/02, RNSEC; $1,000, 10/28/02, Sandhills PAC; $1,000, 8/27/03, Friends of Joe Pitts; $2,000, 9/11/03, Bush-Cheney '04, Inc.; $25,000, 10/7/03, Republican National Committee; $1,000, 10/7/03, Jim Gerlach for Congress; $5,000, 3/5/04, Ocean Champions PAC; $2,000, 3/31/04, John Thune for U.S. Senate; $250, 5/7/04, Committee to Elect Sheryl S. Perzel; $1,500, 7/27/04, College Republican National Committee; $1,500, 8/9/04, Paterno for Congress; $250,000, 8/11/04, Progress for America Voter Fund; $275, 8/12/04, FED Political Action Committee (aka FED PAC); $5,000, 8/23/04, Specter Senate Victory Committee; $2,000, 8/24/04, John Thune for U.S. Senate; $12,500, 9/24/04, Republican National Committee; $150,000, 9/30/04, Progress for America Voter Fund; $150,000, 10/19/04, Progress for America Voter Fund; $60,000, 10/19/04, Let Freedom Ring; $2,000, 10/30/04, Jim Gerlach for Congress; $1,000, 12/7/04, Republican Federal Committee of PA; $5,000, 4/7/05, America's Foundation-Santorum PAC.

3. Mark A. Strode, son, $250, 10/30/02, Republican National Committee; $2,000, 9/19/03, Bush-Cheney '04 Primary.

3a. Tina Strode, son's spouse, $2,000, 9/19/03, Bush-Cheney '04 Primary.

3b. Scott Strode, son: $800, 7/20/04, Citizens for Arlen Specter.

3c. Amyla R. Strode, daughter: N/A.

4. Marian S. Ware, mother: $25,000, 1/9/01, Presidential Inaugural Committee; $2,500, 3/15/01, Republican Senate Special Election Fund; $10,000, 9/17/01, PA Republican State Committee; $1,000, 10/11/01, Friends of Jennifer Dunn; $1,000, 11/9/01, Susan Collins for Senator; $9,500, 12/27/01, Republican Party of Florida—Nonfederal Account; $1,000, 1/2/02, John Thune for South Dakota; $1,000, 1/2/02, John Thune for South Dakota; $1,000, 4/15/02, Friends of Joe Pitts; $1,000, 6/19/02, Pat Toomey for Congress Committee; $1,000, 6/17/02, Greenwood for Congress; $1,000, 7/16/02, Friends of Jim Gerlach; $1,000, 9/17/02, Melissa Brown for Congress Committee; $25,000, 9/30/02, NRSC; $1,000, 10/4/02, Team Sununu; $75,000, 10/23/02, Republican National State Elections Committee; $2,000, 9/18/03, Bush-Cheney '04; $2,000, 9/30/03, Bush-Cheney '04; $25,000, 10/7/03, Republican National Committee; – $2,000, 10/30/03, Bush-Cheney '04 (Refund); $2,000, 4/7/04, Citizens for Arlen Specter; $2,000, 4/7/04, Citizens for Arlen Specter; $15,000, 7/23/04, Choices for America; $500,000, 8/17/04, Progress for America Voter Fund; $10,000, 9/9/04, National Republican Senatorial Committee; $10,000, 9/9/04, Specter Senate Victory Committee; $1,500, 12/7/04, Republican Federal Committee of Pennsylvania. $250,000, 10/19/04, Progress for America Voter Fund; $2,000, 10/30/04, Jim Gerlach for Congress Committee.

5. Grandparent's: N/A.

6. Paul W. Ware, brother: $2,000, 9/24/01, Republican Federal Committee of Pennsylvania; $1,000, 10/18/01, Citizens for Arlen Specter; $100, 12/21/01, NARAL; $30, 9/16/02, Friends of Tony Allen; $250, 11/15/02, Citizens for Arlen Specter; $1,000, 12/31/02, Citizens for Arlen Specter; $100, 12/31/02, NARAL; $250, 2/24/03, Fund for Choice; $100, 4/8/03, Friends of Dennis Stuckey; $1,000, 4/10/03, Friends of Better Government; $1,000, 4/10/03, Friends of Dennis Stuckey; $1,000, 4/21/03, Citizens for Arlen Specter; $1,000, 4/21/03, Citizens for Arlen Specter; $5,000, 5/15/03, Friends of Better Government; $2,000, 10/31/03, Bush-Cheney '04; $100, 12/24/03, ACLU; $50, 12/24/03, NOW; $1,000, 3/15/04, ''Big Tent'' PAC; $1,000, 3/25/04, Republican Federal Committee of Pennsylvania; $100, 5/27/04, ACLU; $50,000, 8/26/04, Progress for America Voter Fund; $50,000, 8/27/04, Progress for America Voter Fund; $250, 9/13/04, Wenger for Senate Committee; $500, 9/29/04, Friends of Better Government; $2,000, 11/29/04, Friends of John Perzel;

6a. Judy S. Ware, brother's spouse: $250, 4/9/03, Citizens for Arlen Specter; $1,500, 4/21/03, Citizens for Arlen Specter; $2,000, 4/21/03, Citizens for Arlen Specter; $2,000, 10/31/03, Bush-Cheney '04; $250, 11/19/03, Citizens for Arlen Specter.

6b. John H. Ware IV, brother: $12,000, 3/8/01, Republican National Committee; $500, 10/13/04, Friends of Scott Paterno; $500, 10/13/04, Freshman PAC; $500, 12/21/04, Freshmen PAC.

7. Carol Ware Gates, sister: $260, 12/2/01, The Wish List; $1,000, 1/3/03, RNC; $2,000, 3/26/03, Friends of Joe Pitts; $4,000, 4/10/03, Citizens for Arlen Specter; $4,000, 4/16/03, The Jim Geriach for Congress Committee; $4,000, 7/2/03, Republican National Committee; $100, 7/23/03, RNC Life Membership Program; $2,000, 9/10/03, Bush-Cheney '04; $500, 10/29/03, Republican National Committee; $1,000, 2/18/04, The Chairman's Advisory Board; $100, 2/18/04, National Republican Congressional Committee; $2,000, 4/21/04, John Kerry for President; $150, 6/30/04, The Presidents Dinner; $25, 7/21/04, The Chairman's Advisory Board; $2,000, 8/25/04, Kerry-Edwards 2004 GELAC; $100, 8/25/04, Friends of Joe Pitts; $2,975, 2/9/05, The Chairman's Advisory Board; $150, 2/16/05, National Republican Congressional Committee; $1,000, 6/22/05, Planned Parenthood Action Fund PAC.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN (for himself, Mr. DAYTON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2096. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Relations.

By Ms. MIKULSKI:

S. 2097. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, and Mr. BINGAMAN):

S. 2098. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to clarify the eligibility of certain employees of the Department of Energy under that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. ENSIGN, Mr. BENNETT, and Mr. HATCH):

S. 2099. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear utilities to transfer spent nuclear fuel from spent nuclear fuel pools into spent nuclear fuel dry casks and convey to the Secretary of Energy title to all spent nuclear fuel thus safely stored; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. KERRY):

S. 2100. A bill to amend the Internal Revenue Code of 1986 to improve the deduction for depreciation; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2101. A bill for the relief of Charles Nyaga; to the Committee on the Judiciary.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2102. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. LIEBERMAN):

S. 2103. A bill to impose a temporary windfall profits tax on crude oil and provide a rebate to each household from the revenues resulting from such tax; to the Committee on Finance.

By Mr. REID (for Mr. LIEBERMAN (for himself, Mr. COCHRAN, Mr. CARPER, and Mrs. HUTCHISON)):

S. 2104. A bill to amend the Public Health Service Act to establish the American Center for Cures to accelerate the development of public and private research efforts towards tools and therapies for human diseases with the goal of early disease detection, prevention, and cure, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. BURR, Mr. BINGAMAN, Mrs. FEINSTEIN, and Mr. ISAKSON):

S. Res. 331. A resolution expressing the sense of the Senate regarding fertility issues facing cancer survivors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. Res. 332. A resolution honoring the life of former Governor Carroll A. Campbell, and expressing the deepest condolences of the Senate to his family; considered and agreed to.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. LAUTENBERG):

S. Res. 333. A resolution recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century; considered and agreed to.

By Mr. ISAKSON:

S. Con. Res. 69. A concurrent resolution supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 408

At the request of Mr. DEWINE, the name of the Senator from New Mexico

(Mr. BINGAMAN) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 678

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 678, a bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

S. 691

At the request of Mr. DOMENICI, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 716

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 716, a bill to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, and for other purposes.

S. 765

At the request of Mr. WARNER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 765, a bill to preserve mathematics- and science-based industries in the United States.

S. 959

At the request of Mr. SARBANES, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 959, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 981

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 981, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 1033

At the request of Mr. MCCAIN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1033, a bill to improve border security and immigration.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1315

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1315, a bill to require a report on progress toward the Millennium Development Goals, and for other purposes.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1378

At the request of Mr. TALENT, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1378, a bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

S. 1399

At the request of Mr. THOMAS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1399, a bill to improve the results the executive branch achieves on behalf of the American people.

S. 1479

At the request of Mr. REED, his name was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1523

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1523, a bill to amend the Internal Revenue Code of 1986 to make permanent increased expensing for small businesses.

S. 1604

At the request of Mr. CRAIG, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1604, a bill to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States, and for other purposes.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1779

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1930

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1930, a bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 2012

At the request of Mr. STEVENS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KERRY) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2012, a bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes.

S. 2071

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2071, a bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program.

S. 2082

At the request of Mr. LEAHY, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2082, a bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006.

S. 2085

At the request of Mr. BAUCUS, the name of the Senator from Montana

(Mr. BURNS) was added as a cosponsor of S. 2085, a bill to provide a supplemental payment to assist agricultural producers in mitigating increasing input costs, including energy and fertilizer costs.

S. 2088

At the request of Mr. ALLARD, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2088, a bill to assist low-income families, displaced from their residences in the States of Alabama, Louisiana, and Mississippi as a result of Hurricane Katrina, by establishing within the Department of Housing and Urban Development a homesteading initiative that offers displaced low-income families the opportunity to purchase a home owned by the Federal Government, and for other purposes.

S. RES. 33

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 283

At the request of Mr. ALLEN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 283, a resolution recognizing the contributions of Korean Americans to the United States and encouraging the celebration of ''Korean American Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 2097. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, I am here today to talk about a bill I will be introducing that rights a wrong and corrects a terrible injustice. I am introducing legislation called the Kendell Frederick Citizenship Assistance Act of 2005. This is legislation was inspired by a young man from the State of Maryland, who was in the Army, had a green card, was serving this country, though not a citizen, and was killed while serving in Iraq. He was killed by a roadside bomb on his way to be fingerprinted, on his way to become a U.S. citizen. He died on his way to become a U.S. citizen because of the failed and flawed information he was given by our immigration system.

He was a terrific young man, who came to this country when he was fifteen from Trinidad. He joined his mother here in the U.S. and wanted so much to be part of this country. He wanted to serve this country and so he joined the ROTC when he was in high school. In fact, Randallstown High School has one of the best high school ROTCs programs that Maryland has. After graduation, he then joined the Army and off he went to train to serve this country.

He was killed by the botched bureaucracy of the U.S. Government, by their incompetence, by their indifference, by their ineptitude; and this is absolutely inexcusable. Every military death in Iraq is a tragedy, but this one did not need to happen. I am going to tell you a little bit about him and then tell you what happened.

As I said, he graduated from high school and he decided to join the Army with hopes that he would go back to school. In the Army he was a generator mechanic assigned to a heavy combat battalion. His job was to keep that battalion running. All he wanted was to do a good job, help his buddies stay alive, stay alive himself, defend what we were doing in Iraq and, along the way, become an American citizen and come back home and resume his life. He had been trying to become an American citizen for a while. He started working on it when he joined the Army.

Mr. President, because I know of your keen interest in national security, I understand that you know when you join the Army you are fingerprinted and a background check is run. We just don't let anybody join the United States Army. You can't get in if you are a drug dealer, if you have an extensive criminal record or if you would be a threat to the security of the United States. You can't get in if there is even a hint that you might be connected to a terrorist organization. So Kendell Frederick was accepted into the Army after all these security checks were run and his background was vetted. Then he sent in his citizenship application but, guess what, he checked the wrong box. What did that mean? Here he was, training for war, packing up to go to Iraq, saying goodbye to his mom, his brother and two sisters and in the middle of this he checked the wrong box saying that he was not in the military. So his application was derailed, not once but three different times.

The first time was after his mother checked the correct box saying that Kendell was in the military. Immigration sent the application to the wrong office, not the one that handles military applications that is on a fast track but the general one where all the applications are all stacked up. Second, Immigration rejected the fingerprints that were sent from the military. There was no explanation. His mother did not know why the fingerprints had been rejected. He had sent in the paperwork from Iraq. As I said, Kendell had already been fingerprinted, had already had his background vetted when he joined the military. So here was a guy who had been fingerprinted and cleared to join the military. The Army had said, you are OK, Kendell. He had an FBI background check run. The FBI said you are OK, Kendell. The Army wants somebody like you. But when he tried to get through Immigration, they said no, the fingerprints he had taken when he joined the military and even the fingerprints he sent into immigration were not enough.

Finally, when his mother called this 1–800 Immigration number—you try to call that number—she got no help. It is like trying to make a call from the Superdome in the middle of Katrina. You are not going to get help going to get the right answer. His mother called that number. They told his mother that he had to return from Baghdad and go to Baltimore to get his fingerprints. His mother got on the phone again, because he can't call from Baghdad—he is being shot at, he is trying to defend himself and the troops of the United States of America—so he was a little busy, couldn't afford to get a busy signal from Immigration.

When his mother called and said, ''My boy is in Baghdad,'' Immigration at the 800 number told her, there was nothing they could do. They didn't even know their own rules. They didn't know their own system. They didn't know their own laws. Immigration was wrong. They gave his mother the wrong information.

So here is Kendell, still keeping in touch, still trying to do his job, trying to get his fingerprints taken to become a U.S. citizen. Finally, there was an arrangement made. His staff sergeant came to his rescue and made arrangements for him to be fingerprinted at a nearby air base so he could complete this application. On October 19, with the help of his staff sergeant, he was traveling in a convoy to get his fingerprints. He didn't usually go in convoys, but that day he was on that convoy to get his fingerprints to become an American citizen—to compensate for the botched mistakes of Immigration—and on his way a roadside bomb killed him.

They told his mother that immigration would give Kendell U.S. citizenship. They granted his citizenship a week after he died. He was buried at Arlington, as he should have been. He was trying to do the right thing, yet he was given the wrong information.

As I said, his staff sergeant tried to help him, his mother tried to help him, but the system, the immigration system, failed him time and time again.

When I called his mother—and I try to call all the families of our military from Maryland who die; some I reach, some I do not—I spoke to his mother. She said to me that she did not want another mother to go through what she went through, to go through what her son went through. Service members and their moms and dads should not be worrying about what box to check, where the fingerprints are, et cetera. She said Immigration should know their own rules. When we explained to her the rules of Immigration, that he should have been fast tracked, that these fingerprints should have been OK, that he did not have to pay a $400 fee, she said, ''Nobody told me that.'' Every time I called, I got different information.

I am introducing legislation today to prevent this from happening again. His mother asked me to introduce legislation, and she asked me to call it the

Kendell Frederick law. I am doing that today, and over in the House Congressman ELIJAH CUMMINGS is doing the same thing. We made this promise when we stood in the church, a small, humble church in an African-American community in Baltimore. We made this pledge to his mother that we would do this for her and we are here today to do just that.

The legislation I am introducing today makes it easier for military servicemembers to become citizens. The provisions cut through the redtape. It requires Immigration to use the fingerprints the military takes when the person enlists in the military.

It requires the creation of a military citizen advocate to inform the servicemembers about the citizenship process and help with the application.

It also means they won't leave boot camp unless they are absolutely apprised of all of the rules and all of the regulations about how to apply to become a U.S. citizen.

The very process they have to go through to join the military, fingerprinting and FBI background check, should be good enough. Because you see, deep down inside, we believe that if you are good enough to fight for this country, you are good enough to become a citizen of this country.

There is a pileup of 3,000 people with green cards fighting in our military today who have applied to become American citizens. You should not have to be standing in that kind of line. We are not saying let anyone become a U.S. citizen, but these are men and women who joined the military and fighting for this country. They have a green card, they have been fingerprinted, and they have passed an FBI check. Why do they have to go through it all over again?

We are passing a law that would stop this needless bureaucracy, and we are establishing a special 800 number for our military and their families.

We talk a lot about standing up for our troops, and we certainly should stand up for our troops. This means we should stand up for them and enable them to follow their dreams. They are certainly standing up for us.

Today, we introduced the Kendell Frederick bill to make sure that anyone in the military who wants to be a U.S. citizen, who has a green card, and who passed the fingerprint checks will be able to do so quickly and easily. If they are willing to fight for America and die for America, they should be able to become an American citizen.

I will be circulating a ''Dear Colleague'' to my colleagues to join it. I hope we can pass this legislation on a bipartisan basis so that as men and women such as Kendell Frederick fight for freedom, we ensure that their memory is not in vain.

I thank the Chair.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, and Mr. BINGAMAN):

S. 2098. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to clarify the eligibility of certain employees of the Department of Energy under that Act; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I send to the desk for appropriate reference legislation that will clarify that citizens of the former Trust Territory of the Pacific Islands are eligible for coverage and potential compensation under the Energy Employees Occupational Illness Compensation Program Act, EEOICPA, for workers who developed radiogenic cancers and other ailments after working at the Pacific Test Site in the Marshall Islands.

An estimated up to 500 Republic of Marshall Islanders and other Micronesian workers may have been employed by the Department of Energy, or its predecessor agency, or Department subcontractors prior to 1986 when the Trusteeship was terminated for all areas except Palau. Both Bikini and Enewetak Atolls were the sites for numerous nuclear and thermonuclear tests. Other atolls, such as Rongelap and Utrik, were affected by fallout from the Bravo hydrogen bomb test in March 1954.

Congress, in 2000, approved a compensation program to provide aid and pay medical bills for those who suffered radiation-caused illnesses because of working on the nuclear weapons program. Congress specifically set up a ''Special Exposure Cohort'' to provide compensation to certain workers with radiogenic cancer and other illnesses because it was presumed that their illnesses resulted from workplace exposure to radiation caused by their Government work. Congress, in 2004, amended the act, first approved in the 2001 Military Construction Authorization Act, to speed payments of compensation, including funds for lost wages to workers or their heirs, to those who worked for the Department of Energy and its predecessor agency on nuclear weapons programs.

Earlier this year the Committee on Energy and Natural Resources held an oversight hearing to review a number of issues raised by the government of the Republic of the Marshall Islands related to the effects of the nuclear testing program. One of the issues was coverage for residents of the then-trust territory who were employed during the testing and subsequent cleanup. During that period, the United States was the administering authority over the area under a United Nations Trusteeship Agreement and exercised all the powers of a sovereign. It seems somewhat incongruous for the Congress to have established a program that applied to U.S. citizens but not to those who lived and worked under U.S. administration.

That also seems reasonable, since there is little other reason for the specific inclusion of the Pacific Test Site if the workers were not to be covered. During Senate debate, Senator BINGAMAN, a conferee on the amendment, submitted a list of DOE facilities intended to be covered by the act—a list which included the Marshall Islands, 146 Cong. Rec. S. 4754–7.

While most of the issues raised by the Minister of Foreign Affairs for the Marshall Islands during our oversight hearing are now being discussed with various Federal agencies under the auspices of Secretary of the Interior Norton, this is an issue that will require congressional action, given the interpretations from Federal agencies that questioned whether Congress intended the Act to apply extraterritorially. The act, of course, applies to individuals not jurisdictions and the specific mention of the Pacific Test Site and Enewetak would seem to indicate that Congress intended to include workers at the site.

Subsequent to the hearing, I had the privilege to meet privately with the President of the Marshall Islands when he visited Washington in early September. We had a good meeting and at the time I offered my assistance in ensuring that the proper agencies or groups would review the issues they had raised. As I indicated, most of these issues are properly now being discussed with representatives of the Marshalls through a multi-agency dialogue headed by Secretary Norton. This issue, however, may be one that is best handled directly through the congressional process. Therefore, when I was asked by the Marshall's Embassy here in Washington if I would introduce a bill to clarify worker eligibility so that the proper congressional committees could review it, I agreed.

Given the paperwork, record and radiation dosage requirements for receipt of compensation, it is far from clear how many Marshallese and Micronesian workers will actually qualify for the up to $150,000 in compensation, plus medical benefits and lost wage compensation for ailments caused by radiation stemming from the weapons tests. That is an issue that I hope the congressional committees will consider sympathetically. But it is only just that the program be opened equally to all Department of Energy workers or subcontract workers who labored to produce nuclear weapons to help this Nation's national defense at a critical period of the Cold War. As an Alaskan from a State whose workers have been compensated for injuries they gained resulting from underground weapons testing at Amchitka Island in the Aleutian Chain almost immediately after the ending of weapons testing in the atmosphere over the Marshall Islands, it is impossible not to support aid for the Marshallese.

While Congress and the administration continue to weigh additional aid to the Republic of the Marshall Islands, passage of this measure would be a sign of this Nation's continued commitment to aid the islanders who in February 1946 followed the advice of Bikinian leader, King Juda, and agreed to leave the Bikini Atoll so America could use

it for weapons testing saying, ''We will go believing that everything is in the hands of God.''

I appreciate the understanding and the patience shown by the Marshall's Government and their citizens as we proceed to review the issues raised concerning the effects of the nuclear testing program, and I hope the introduction of this legislation will be seen as an example of our commitment to see that those issues receive a full and fair review and discussion.

By Mr. REID (for himself, Mr. ENSIGN, Mr. BENNETT, and Mr. HATCH):

S. 2099. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear utilities to transfer spent nuclear fuel from spent nuclear fuel pools into spent nuclear fuel dry casks and convey to the Secretary of Energy title to all spent nuclear fuel thus safely stored; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I rise today for Senator ENSIGN, Senator BENNETT and myself to introduce a bill to increase the safety and security of our Nation's nuclear power infrastructure, The Spent Nuclear Fuel On-Site Storage Security Act of 2005.

I am convinced that the proposed Yucca Mountain nuclear waste dump will never be built because of the myriad of scientific, safety and technical problems in which it is mired. It simply is neither safe nor secure, as illustrated by several significant scientific, legal, and budgetary setbacks this past year.

Here are some of the highlights: On July 9, 2004, the DC Circuit Court of Appeals sided with the people of Nevada in a lawsuit to stop the proposed Yucca Mountain project. The court decided that U.S. Environmental Protection Agency's radiation standard for the site was not stringent enough to protect the public from the significant risks associated with nuclear waste and failed to follow the recommendation by the National Academy of Sciences.

On August 31, 2004, the Nuclear Regulatory Commission's Atomic Safety and Licensing Board rejected Department of Energy's Yucca Mountain document database, saying it had failed to make public many of the documents that it had in its possession. The Board said, ''Given the 15 years that DOE had to gather, review, and produce its documents and the fact that the date of production, and the incompleteness of its privilege review, it is clear to us that DOE did not meet its obligation, in good faith, to make all reasonable efforts to make all documentary materials available.''

On October 4, 2004, the DOE Inspector General found that DOE has given away more than $500,000 worth of Yucca Mountain construction equipment in 2003. Half a million dollars is a tremendous amount of the people's money to waste.

On November 22, 2004, the Nuclear Waste Technical Review Board said DOE does not have a plan for safely transporting nuclear waste to the proposed repository.

On February 7, 2005, Dr. Margaret Chu, most recently the Director of the Office of Civilian Radioactive Waste Management, said the project would be delayed until 2012 and that DOE's license application to the Nuclear Regulatory Commission would not be filed until December 2005, delayed a year. To date, the license application still has not been filed.

On February 8, 2005, the Nuclear Waste Technical Review Board have called for hearings to review concerns over the corrosion of the titanium drip shields that are intended to keep water from leaking into casks inside Yucca Mountain.

On February 28, 2005, a DOE official said the proposed Yucca Mountain repository may not open until 2015.

On March 16, 2005, DOE revealed that documents and models about water infiltration at Yucca Mountain, a key issue, had been falsified.

On July 18, 2005, DOE announced that it will use dedicated train service for its rail transport of spent nuclear fuel and high-level waste to Yucca Mountain, a shift from two decades of administration policy that ignores the fact that about one-third of reactor sites are not capable of shipping fuel by rail.

On August 22, 2005, EPA published its revised radiation standards for the proposed Yucca Mountain high-level waste dump. These standards are wholly inadequate, do not meet the law's requirements and do not protect public health and safety.

On October 13, 2005, DOE began a series of actions to overhaul the Yucca Mountain project. We are going back to the drawing board, frequently revisiting proposals discarded decades ago as unsafe or unworkable.

On October 25, 2005, DOE announced that it would be redesigning the spent fuel storage process, both the containers and facilities.

On November 16, 2005, the DOE Inspector General announced that DOE has ignored numerous admitted instances of falsification of technical and scientific date on the project, showing that years of quality assurance problems continue.

On November 17, 2005, DOE sent a detailed letter to its contractor specifying some of the desired changes in the site proposal.

At the December 7, 2005, at the NRC–DOE quarterly meeting on Yucca Mountain, DOE announced that it expects to re-baseline the project mid-2006, requiring many of the technical and scientific analyses to be redone.

On November 19, 2005, the Energy and Water Appropriations bill became law, cutting the Yucca Mountain budget to $577 million, half of what DOE said it would need to keep the project on track.

In numerous media reports, DOE has confirmed that it is preparing a legislative package that addresses Yucca Mountain. Clearly, DOE cannot meet the current public health, safety and technical requirements.

It should be clear to anyone that the proposed Yucca Mountain project is scientifically unsound and that it cannot meet the requirements of law. It is not going anywhere. Delay after delay costs the taxpayers billions and billions of dollars for a project that the courts have ruled does not meet sufficient safety or public health standards. I do not believe that Yucca Mountain will ever open, and Nevada and the country will be safer for our successful efforts to stop the project.

Yet, we must safely store spent nuclear fuel.

A 1979 study by the Sandia National Laboratory determined that, if all the water were to drain from a spent fuel pool, dense-packed spent fuel would likely heat up to the point where it would burst and then catch fire, releasing massive quantities of volatile radioactive fission products into the air. Both the short-term and the long-term contamination impacts of such an event could be significantly worse than those from Chernobyl. The consequences would be so severe and would affect such a large area that all precautions must be taken to preclude them. This is the type of serious, avoidable risk against which all the Nation's nuclear sites can and should be protected to counter terrorist threats.

It is time to look at other nuclear waste alternatives. Fortunately, the technology to realize a viable, safe and secure alternative is readily available and can be fully implemented within 6 years if we act now. That technology is dry cask storage.

The technology for long-term storage of spent nuclear fuel in dry storage casks has improved dramatically in the past 20 years. Seventeen cask designs have. been licensed by the Nuclear Regulatory Commission, which says that spent nuclear fuel can be safely stored using dry cask storage on-site at the nuclear power plants for at least 100 years. Already, dry casks safely store spent nuclear fuel at 34 sites throughout the country, many of them near communities, water ways and transportation routes. The Nuclear Energy Institute has projected 83 of the 103 active reactors will have dry storage by 2050.

Compared to water-filled pools, dry storage casks are significantly less vulnerable to natural and human-induced disasters, including floods, tornadoes, temperature extremes, sabotage, and missile attacks. In addition, dry storage casks are not subject to drainage risks, whether intentional or accidental.

On March 28, 2005, the Washington Post revealed that a classified National Academy of Sciences report concluded that the government does not fully understand the risks a terrorist attack

could pose to spent nuclear fuel pools and that it ought to expedite the removal of the fuel to dry storage casks that are more resilient to attack.

Our bill requires commercial nuclear utilities to safely transfer spent nuclear fuel from temporary storage in water-filled pools to secure storage in licensed, on-site dry cask storage facilities. After transferal, the Secretary of Energy will take title and full responsibility for the possession, stewardship, maintenance, and monitoring of all spent fuel thus safely stored. Finally, our bill establishes a grant program to compensate utilities for expenses associated with transferring the waste. The costs of transferring the waste and providing the grants will be offset by withdrawals from the utility-funded Nuclear Waste Fund.

Nuclear facilities currently provide 20 percent of our Nation's electricity, but in light of the events of September 11, they also present a security risk that we simply must address. There cannot be any weak links in the chain of security of our Nation's nuclear power infrastructure. There is absolutely no justification for endangering the public by densely packing nuclear waste in vulnerable spent fuel pools when it can be stored safely and securely in dry casks. This bill guarantees all Americans that our Nation's nuclear waste will be stored in the safest way possible.

I ask unanimous consent that the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2099

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 ''Spent Nuclear Fuel On-Site Storage Security Act of 2005''.

SEC. 2. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

(a) IN GENERAL.—Title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.) is amended by adding at the end the following:

"Subtitle I—Dry Cask Storage of Spent Nuclear Fuel

"SEC. 185. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

''(a) DEFINITIONS.—In this section:

''(1) CONTRACTOR.—The term 'contractor' means a person that holds a contract under section 302(a).

''(2) SPENT NUCLEAR FUEL POOL.—The term 'spent nuclear fuel pool' means a water-filled container in which spent nuclear fuel rods are stored.

''(3) SPENT NUCLEAR FUEL DRY CASK.—The term 'spent nuclear fuel dry cask' means the container, and all the components and systems associated with the container, in which spent nuclear fuel is stored at a Commission-licensed independent spent fuel storage facility located at the power reactor site. The design of any such spent nuclear fuel dry cask shall be approved by the Commission.

''(b) TRANSFER OF SPENT NUCLEAR FUEL.—

''(1) IN GENERAL.—A contractor shall transfer spent nuclear fuel from spent nuclear fuel pools to spent nuclear fuel dry casks at a Commission-licensed independent spent fuel storage facility located at the power reactor site.

''(2) SPENT NUCLEAR FUEL STORED AS OF DATE OF ENACTMENT.—A contractor shall complete the transfer of all spent nuclear fuel that is stored in spent nuclear fuel pools as of the date of enactment of this subsection not later than 6 years after the date of enactment of this subsection.

''(3) SPENT NUCLEAR FUEL STORED AFTER DATE OF ENACTMENT.—A contractor shall complete the transfer of any spent nuclear fuel that is stored in a spent nuclear fuel pool after the date of enactment of this subsection not later than 6 years after the date on which the spent nuclear fuel is discharged from the reactor.

''(4) INADEQUATE FUNDS.—If funds are not available to complete a transfer under paragraph (2) or (3), the contractor may apply to the Commission to extend the deadline for the transfer to be completed.

''(c) FUNDING.—The Secretary shall make grants to compensate a contractor for expenses incurred in carrying out subsection (b), including costs associated with—

''(1) licensing and construction of an independent spent fuel storage facility located at the power reactor site;

''(2) construction and delivery of spent nuclear fuel dry casks;

''(3) transfers of spent nuclear fuel;

''(4) documentation relating to the transfers;

''(5) security; and

''(6) hardening.

''(d) CONVEYANCE OF TITLE.—

''(1) DETERMINATION.—Not later than 30 days after the transfer of spent nuclear fuel from a spent nuclear fuel pool to a spent nuclear fuel dry cask, the Commission shall determine whether the contractor carried out the transfer in full compliance with regulations promulgated by the Commission.

''(2) NONCOMPLIANCE.—If the Commission determines that any technical standard or compliance provision under the regulations was not complied with, the Commission shall—

''(A) notify the contractor; and

''(B) take such actions as are necessary to obtain full compliance.

''(3) CERTIFICATION AND CONVEYANCE OF TITLE.—When the Commission determines that the contractor has fully complied with the regulations—

''(A) the Commission shall certify that safe transfer has been accomplished; and

''(B) the Secretary shall accept the conveyance of title to the spent nuclear fuel dry cask (including the contents of the cask) from the contractor.

''(4) RESPONSIBILITY.—A conveyance of title under paragraph (3)(B) shall confer on the Secretary full responsibility (including financial responsibility) for the possession, stewardship, maintenance, and monitoring of all spent nuclear fuel transferred to the Secretary.''.

(b) FUNDING.—Section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) the provision of grants under section 185(d).''.

SEC. 3. IMMEDIATE CONVEYANCE OF TITLE TO SPENT NUCLEAR FUEL PREVIOUSLY CERTIFIED TO BE IN COMPLIANCE.

Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall accept the conveyance of title to all spent nuclear fuel with respect to which, before the date of enactment of this Act, the Nuclear Regulatory Commission has certified that a contractor under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) has completed transfer to spent nuclear fuel dry casks in compliance with applicable regulations in effect as of the date of transfer.

By Mr. SMITH (for himself and Mr. KERRY):

S. 2100. A bill to amend the Internal Revenue Code of 1986 to improve the deduction for depreciation; to the Committee on Finance.

Mr. SMITH. Mr. President, our economy has changed dramatically in recent years as a result of the development of new technologies and industries. However, we have not updated our tax depreciation system to reflect these advancements. In fact, the recovery periods used to calculate depreciation allowances have not been adjusted since 1986—and in some cases not since 1962. For example, a personal computer has a depreciable life of 5 years even though its economic life is only 2 to 3 years.

Today, I am introducing legislation that will respond to these changes by modernizing and simplifying the tax depreciation rules. Senator KERRY has joined me in introducing the Tax Depreciation, Modernization and Simplification Act of 2005, which will encourage capital investment and make it easier for companies to comply with the tax law.

This legislation will allow the Treasury Department, in consultation with Congress, to modify and create new class lives for capital assets. Any new classification created by the Treasury Department must reflect the anticipated useful life and decline in value over time of the asset. In addition, it should take into account when the asset is technologically or functionally obsolete for its original purpose. With this new regulatory authority, Treasury will be able to develop class lives that are more in line with assets' economic lives.

Another provision in this legislation deals with the mid-quarter convention. The mid-quarter convention is one of the placed-in-service conventions that directs when depreciation for an asset begins or ends. The mid-quarter convention, however, creates significant complexity. Taxpayers must wait until after the tax year ends to determine whether to use the half-year or mid-quarter convention. Therefore, consistent with a Joint Committee on Taxation recommendation, the bill eliminates the mid-quarter convention for simplification purposes.

Small businesses are the heart of our economy. We, in Congress, should do everything we can to ease the administrative burdens for small businesses. That is why we should make small business expensing permanent. These rules permit small businesses to expense immediately up to $100,000 of the cost of property each year. This proposal will maintain this important simplification which is set to expire at the end of 2007.

Finally, this legislation will allow for mass asset accounting. Currently, companies must generally calculate depreciation on an item-by-item basis. For example, if a company has 200 desks or 200 computers, they must account for and depreciate each item separately. This can be a challenge and an administrative burden for companies—especially with small items, like chairs and telephones. Therefore, the bill will permit all companies to elect to use mass asset accounting for property that costs less than $10,000.

The bipartisan Tax Depreciation, Modernization and Simplification Act of 2005 will make much needed changes to the tax depreciation system. I look forward to working with my colleagues to enact these important reforms and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2100

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 ''Tax Depreciation, Modernization, and Simplification Act of 2005''.

SEC. 2. AUTHORITY TO MODIFY CLASS LIVES.

(a) IN GENERAL.—Paragraph (1) of section 168(i) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) CLASS LIFE.—

''(A) IN GENERAL.—Except as provided in this section, the term 'class life' means the class life (if any) which would be applicable with respect to any property as of January 1, 1986, under subsection (m) of section 167, as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990 (determined without regard to paragraph (4) thereof and as if the taxpayer had made an election under such subsection).

''(B) SECRETARIAL AUTHORITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary, after consultation with Congress, may prescribe by regulation—

''(I) a new class life for any property, or

''(II) a class life for any property which does not have a class life within the meaning of subparagraph (A).

''(ii) EXCEPTIONS.—Clause (i) shall not apply to—

''(I) residential rental property or nonresidential real property, or

''(II) property for which a class life, classification, or recovery period is assigned under subsection (e)(3) (other than subparagraph (C)(v) thereof) or subparagraph (B), (C), or (D) of subsection (g)(3).

''(iii) STANDARDS.—Any class life prescribed or modified under clause (i) shall reasonably reflect the anticipated useful life and the anticipated decline in value over time of the property to the industry or other group, and shall take into account when the property is technologically or functionally obsolete for the original purpose under which it was acquired.

''(iv) CONSULTATION.—Not later than 60 days before the date on which the Secretary publishes any proposed regulation under clause (i), the Secretary shall submit to Congress the proposed regulation together with a report containing the information considered by the Secretary in modifying or prescribing any class life under the regulation.

''(v) MONITORING.—The Secretary, through an office established in the Treasury, shall monitor and analyze actual experience with respect to depreciable assets to which this subparagraph applies.

''(C) EFFECT OF MODIFICATION.—Any class life with respect to any property prescribed or modified under subparagraph (B) shall be used in classifying such property under subsection (e) and in applying subsection (g).''.

(b) APPLICATION OF CONGRESSIONAL REVIEW ACT.—For purposes of applying chapter 8 of title 5, United States Code, to any regulation prescribed under section 168(i)(1)(B) of the Internal Revenue Code of 1986, each class life prescribed under such section shall be considered to be a separate rule.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. ELIMINATION OF MID-QUARTER CONVENTION.

(a) IN GENERAL.—Subsection (d) of section 168 of the Internal Revenue Code of 1986 is amended—

(1) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3), and

(2) in paragraph (3), as redesignated by paragraph (1), by striking subparagraph (C).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 4. MASS ASSET ACCOUNTING.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(1) MASS ASSET ACCOUNTING.—

''(1) ELECTION.—

''(A) IN GENERAL.—In lieu of the deduction otherwise allowed under this section with respect to an item of qualified property, the taxpayer may elect to add the adjusted basis of such property to the mass asset account of the taxpayer to which such qualified property is assigned and to determine the deduction under this section using the applicable depreciation method with respect to such mass asset account.

''(B) ELECTION TO APPLY TO ALL ASSETS OF THE TAXPAYER WITH SAME RECOVERY PERIOD.—An election made under subparagraph (A) shall be made in such manner as the Secretary may by regulations prescribe and shall apply to all qualified property of the taxpayer which has the same applicable recovery period for such taxable year and all subsequent taxable years.

''(C) ELECTION IRREVOCABLE.—Any election made under this paragraph shall be irrevocable except with the consent of the Secretary. The Secretary shall prescribe rules for the proper accounting of assets in a mass asset account in the case of any such revocation.

''(2) SPECIAL RULES.—

''(A) MODIFICATION OF DEPRECIATION METHOD.—In applying the applicable depreciation method to any mass asset account, subsection (b) shall be applied without regard to paragraph (1)(B) thereof.

''(B) ADJUSTMENT TO REFLECT HALF-YEAR CONVENTION.—In applying the deduction allowable under subsection (a) to any mass asset account, the amount of the deduction under subsection (a) shall be—

''(i) 100 percent of the deduction otherwise allowed under this section in the case of qualified property placed in service before the beginning of the taxable year, and

''(ii) 50 percent of the deduction otherwise allowed under this section with respect to qualified property placed in service during the taxable year.

''(C) SALE OF QUALIFIED PROPERTY.—

''(i) IN GENERAL.—In the case of the sale of any property the adjusted basis of which has been added to a mass asset account, the balance of the mass asset account to which such property was assigned shall be reduced (but not below zero) by the amount of the proceeds from such sale.

''(ii) RECOGNITION OF GAIN.—If the proceeds from the sale of any property the adjusted basis of which has been added to a mass asset account exceed the balance of such mass asset account, then the excess shall be treated as ordinary income.

''(3) QUALIFIED PROPERTY.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified property' means any tangible property—

''(i) to which an applicable depreciation method under paragraph (1) or (2) of subsection (b) applies, and

''(ii) the cost of which is not more than $10,000.

''(B) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any taxable year beginning after 2006, the $10,000 amount under subparagraph (A)(ii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2005' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under the clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.

''(4) MASS ASSET ACCOUNT.—The term 'mass asset account' means an account of the taxpayer which reflects the adjusted basis of all qualified property to which the same applicable depreciation method and applicable recovery period applies.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 5. PERMANENT EXTENSION OF EXPENSING FOR SMALL BUSINESSES.

(a) DOLLAR LIMITATION.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 is amended by striking ''$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2008)'' and inserting ''$100,000''.

(b) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b) of such Code is amended by striking ''$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2008)'' and inserting ''$400,000''.

(c) INFLATION ADJUSTMENTS.—Subparagraph (A) of section 179(b)(5) of such Code is amended by striking ''and before 2008''.

(d) ELECTION.—Paragraph (2) of section 179(c) of such Code is amended by striking ''and before 2008''.

(e) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A) is amended by striking ''and before 2008''.

Mr. KERRY. Mr. President, today Senator SMITH and I are introducing the Tax Depreciation, Modernization, and Simplification Act of 2005. Last July, the Senate Finance Subcommittee on Long-Term Growth and Debt Reduction, on which Senator SMITH is chairman and I am ranking member, held a hearing on updating our depreciation system. During the hearing, we heard that the current depreciation system is out of date and that changes should be made.

Our tax system allows, as a current expense, a depreciation deduction that represents a reasonable allowance for the exhaustion, wear and tear of property used, or of property held for the production of income. Since 1981, the

depreciation deduction for most tangible property has been under rules specified in section 168 of the Internal Revenue Code. The Modified Accelerated Cost Recovery System, or MACRS, specified under section 168 applies to most new investment in tangible property. MACRS depreciation allowances are computed by determining a recovery period called a class life and an applicable recovery method for each asset.

The current depreciation system has not kept pace with technological advances. Several industries were not even contemplated when class lives were assigned in 1981, and some class lives even date back to 1962.

In the 1980s it would have been difficult to imagine what our reliance on computer and wireless technology would be today. At that time, for example, the wireless industry was in its infancy, and there was no specifically assigned life for wireless equipment. As a result, today's depreciation system is like playing ''audit roulette.'' There is no certainty in how these assets should be depreciated.

All this matters because it impacts investment, innovation, competitiveness, and ultimately the quality and quantity of jobs in America. My home State of Massachusetts is a leader in the high tech industry. Massachusetts employs hundreds of thousands of skilled workers in key technology sectors, including computer hardware, life sciences, software, medical products, semiconductor, defense technology and telecommunications. We have learned in Massachusetts that a strategic tax policy can have a positive effect on economic competitiveness.

For these reasons, we are introducing the Tax Depreciation, Modernization, and Simplification Act of 2005. This legislation makes four important changes to the current depreciation system.

First, the legislation creates a process that provides the Department of Treasury with the authority to modernize class lives. The Secretary of the Treasury will prescribe regulations to provide a new class life for certain eligible property. Eligible property does not include residential rental property, nonresidential real property, or property for which Congress has specifically legislated the recovery period.

The purpose of this provision is to provide Treasury with a mechanism to modify class lives that reasonably reflect the anticipated useful life and the anticipated decline in value over time of the property to the industry and take into account when the property becomes technologically or functionally obsolete to perform its original purpose. Treasury will also have the authority to modify class lives in order to more accurately reflect economic depreciation. For example, a personal computer has a depreciable life of 5 years, but it has an economic life of only 2 to 3 years. Even though a computer can be used for 5 years, it becomes economically obsolete after a couple of years because of the newer, faster, and more advanced computers on the market.

Our depreciation system has not been adequately updated since Congress revoked Treasury's rule making authority in 1988. When the MACRS system was enacted in 1986, Congress directed Treasury to establish an office to monitor and analyze the actual experience with class lives and to modify class lives if the new class life reasonably reflected the anticipated useful life and the anticipated decline in value over time of the property to the industry. The authority was then revoked because Congress did not agree with all of the decisions made by Treasury.

The authority provided in this legislation addresses this previous problem by requiring Treasury to consult with Congress 60 days prior to publishing any proposed regulations. In addition, the Congressional Review Act would apply to any regulation proposed by Treasury and each class life prescribed by Treasury would be considered a separate rule.

Providing Treasury with the authority to modify class lives would allow the process to move more efficiently than allowing Congress to make piecemeal changes to the current depreciation system. Congress would provide guidelines, and Treasury would have the role of administering the guidelines. Under the legislation, Treasury would monitor and analyze the actual experience of depreciable assets and report their findings to Congress. We expect Treasury to establish guidelines that will take into consideration the fact that some assets lose a significant percentage of their original value in the early part of their lives. This legislation specifically provides consultation with Congress in order for Congress to continue to have a role in this important tax policy issue.

We do not expect Treasury within the first year or two to review all classes of assets. Rather, we expect Treasury to begin with new assets that do not fit into the system, assets that have underdone technological advances, and existing assets that do not really fit into the current system. For example, the current system creates an irrational result for fiber optic lines. The class life of a fiber optic line depends upon whether if it is used for one-way or two-way communications.

Second, the legislation would eliminate the mid quarter convention. The placed-in-service conventions determine the point in time during the year that the property is considered ''placed in service'' and this determines when depreciation for an asset begins or ends. Under current law, there are the half-year, mid month, and mid quarter conventions. The mid quarter convention is a source of complexity because it requires an analysis of the depreciable basis of property placed in service during the last 3 months of any taxable year. The Joint Committee on Taxation recommended the elimination of the mid-quarter convention in its 2001 recommendations on simplifying the Federal tax system. The calculation of the mid-quarter convention is burdensome, and it requires taxpayers to wait until after the end of the taxable year to determine whether the proper placed-in-service convention was used to calculate depreciation for assets during the taxable year.

Third, the legislation would allow taxpayers to elect to use mass asset accounting for assets with a cost of less than $10,000. Generally, taxpayers calculate depreciation on an item-by-item basis. The bill would allow taxpayers to elect to use mass asset accounting for all assets with the same recovery period. This provision will help simplify the recordkeeping associated with depreciation.

Fourth, the legislation would permanently extend increased expensing for small businesses. In lieu of depreciation, a taxpayer with a small amount of annual investment may elect to deduct such costs. The Jobs and Growth Tax Relief Reconciliation Act of 2003 increased the amount a taxpayer may deduct from $25,000 to $100,000 and increased the total amount of investment a business can make in a year and still qualify for expensing from $200,000 to $400,000. In addition, the Act allows off-the-shelf computer software to be eligible for the provision. These changes originally were effective for 3 years. The American Jobs Creation Act of 2004 provided an additional 2 year extension of this provision through 2007.

The Tax Depreciation, Modernization, and Simplification Act of 2005 would make the $100,000 and $400,000 amounts permanent and index them for inflation. Off-the-shelf computer software would be eligible for the provision. Increased expensing for small businesses helps lower the cost of capital for small businesses and eliminates complicated recordkeeping. In addition, it should reduce administrative costs for small businesses.

The provisions in this legislation will not be the only recommendations made on how to improve our current depreciation system, but the four components of this legislation will result in updating and simplifying the current depreciation system. The Tax Depreciation, Modernization, and Simplification Act of 2005 will provide certainty for taxpayers and put an end to ''audit roulette.''

By Mr. REID (for Mr. LIEBERMAN (for himself, Mr. COCHRAN, Mr. CARPER, and Mrs. HUTCHISON)):

S. 2104. A bill to amend the Public Health Service Act to establish the American Center for Cures to accelerate the development of public and private research efforts towards tools and therapies for human diseases with the goal of early disease detection, prevention, and cure, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

Mr. LIEBERMAN. Mr. President, today, Senator COCHRAN, Senator CARPER, Senator HUTCHISON, and I are introducing the American Center for CURES Act of 2005, which would establish the American Center for Cures, within the National Institutes of Health (NIH). The purpose of the Center would be to bring promising and novel diagnostics, therapies, drugs, and tools to treat disease faster to the public.

We continue to face significant health challenges. In the US today, chronic diseases account for 7 out of 10 deaths, with the major killers being heart attack, cancer and stroke. Seventy percent of the $1.7 trillion dollars we spend on healthcare each year goes to chronic disease care. Around the world, HIV, tuberculosis, and malaria kill 4, 3, and 2 million people a year. On the horizon are emerging manmade and natural threats such as SARS, flu and bioterrorism. There are other diseases that we need better treatments and cures for, but that we do not devote enough attention to. Diseases of social stigma, such as depression, which is the most frequent reason people visit their physician, and seizure disorder, which is the primary neurological disorder in children, are often neglected. We have bacteria growing and spreading in our hospitals that do not respond to our antibiotic supply. These are the health challenges facing us in the 21st century.

Fortunately, the United States has no equal in the biomedical sciences. This is due in large part to our nation's premier biomedical research investment the—NIH, which receives $28 billion per year after a doubling of their budget of $14 billion from 1998 to 2003. The NIH is comprised of 27 major institutes and centers, leading the way for the world in cancer, cardiovascular, infectious disease and allergy advancements for health promotion and relief from the burdens of disease. US biomedical advances are also due to our dynamic biotechnology and pharmaceutical sectors.

In our search for answers to our pressing health problems, the NIH has grown in the number of Institutes and Centers and in funding. At the same time, Congress and others have wanted to ensure that we are building on NIH's strengths to respond to complex health problems requiring interdisciplinary and collaborative work. Therefore, Congress commissioned the 2003 National Academy of Sciences report, ''Enhancing the Vitality of the National Institutes of Health: Organizational Change to Meet New Challenges'', that examined whether and how we could optimize the NIH's organizational structure to meet our next set of health challenges.

The report stated that ''no organization as important as NIH should remain frozen in organization space''. At the same time, the report cautioned that any changes in organizational structure to achieve greater progress in chronic and emerging diseases were not without some difficulty and risk. The NAS report made a number of recommendations and our CURES legislation addresses the six major points.

First, CURES seeks to strengthen the clinical research process by streamlining the clinical trials process by creating Centralized Internal Review Boards (CIRB). CIRB's would focus on simplifying the human subjects review processes for multi-institutional clinical trials. CURES also significantly augments current NIH investments to train the clinical research workforce of the future, and provides additional funding for multidisciplinary teams of researchers examining issues of quality and design of clinical trials. We need to continue to bring safe and effective diagnostics and therapeutics, but more efficiently.

Secondly, our proposal enhances and increases trans-NIH strategic planning and funding. Currently, the NIH's 27 Centers and Institutes each have their own directors and budgets and thus, operate independently. The resulting structural and organizational stovepipes are limited in their ability to capitalize on the NIH's collective research capacity to address complex problems using the expertise of multiple fields. For example, the problem of diabetic retinopathy could be tackled by researchers in the Institutes of the Eye, Diabetes, Digestive and Kidney disease, Biomedical Imaging and Bioengineering, and Allergy Immunology and Infectious disease. However, there are few mechanisms for such trans-Institute initiatives that could lead to a cure or treatment. To address this problem, CURES has created multiple funding mechanisms for trans-Institute research and cross-fertilization of ideas. Strategic planning and prioritizing disease research is also integral to achieving progress more quickly. Therefore, the American Center for CURES Act would establish a CURES council, comprised of key health stakeholders to produce a translational research agenda for the Center based on research breakthroughs and areas of health need.

Thirdly, the American Center for CURES Act of 2005 strengthens the Office of the NIH Director. Our legislation emphasizes the need for greater budgetary support and flexibility in the area of translational research. This follows much of the NIH Director's current efforts with the NIH Roadmap. Our legislation further supports the spirit of the NIH Roadmap with organizational and funding commitments that bring translational research investment to a necessary and appropriate scale, which has not been the case to date. The NIH Director, with the CURES Advisory Council, would play a key role in these efforts by recommending appointees for the Director of the American Center for CURES to the President. The NIH Director will also be a co-chair of the Center's Council and have a leading role in setting the research and funding priorities for translational research projects at the NIH. The NIH Director will also head other initiatives outlined in the legislation, such as launching a publicly accessible electronic database for all published NIH funded research.

Fourth, our legislation creates a Director's Special Projects Program, called the Health Advanced Research Projects Agency (HARPA). The NAS committee recommended the creation of a program to support high-risk, high-potential payoff research. The Department of Defense has had significant success with its Defense Advanced Research Program Agency (DARPA), where a group of expert portfolio managers invest in and oversee innovative, multidisciplinary, collaborative projects to advance specific fields or to develop needed technologies. DARPA has lead to the creation of stealth technology, satellite surveillance, lasers, internet, and e-mail. Based on this model, HARPA would be housed within the Center and would help lead breakthrough advances using a translational ''challenge model'' in biomedical research. Breakthroughs could include a vaccine or other treatment against HIV or genetic probes pivotal to the elucidation of disease producing genes. HARPA would also be the key funding mechanism for trans-Institute research to prioritize and foster collaborative and trans-Institute research initiatives.

Fifth, the NAS report recommended that the NIH intramural research program be more unique, innovative, and risk-taking. In response, CURES creates an Office of Intramural Risk Mapping, within the Office of Technology Transfer, which will oversee NIH's intramural research programs to help assure they are complementary to extramural and private sector research. The Office will also ensure that intramural research is also innovative and risk-taking to produce more novel and promising biomedical breakthroughs. The office will also make funds available to trans-Institute and center initiatives that focus on health risk analysis and corresponding scientific risk opportunity.

Sixth, our legislation addresses the NAS report recommendation to standardize data and information management systems. The report was clear that the NIH must increase its capacity for data gathering and reporting to meet its obligations ''. . . for effective management, accountability, and transparency.'' Cures seek to improve the sharing of information by providing funding to the National Library of Medicine to create and maintain a publicly accessible database of all publications resulting from NIH-funded research and by establishing a national electronic registry and results database to increase enrollment in public and private clinical trials and to share

efficacy and safety outcomes emanating from NIH-funded clinical research endeavors. Cures focuses on the need to expand the NLM facilities according to the demands of new scientific discoveries and fields, especially within the areas of genomics and proteinomics.

In addition to the NAS report recommendations, other changes in the biomedical research landscape demand more targeted investments in promising and novel treatments. Our current response to research on important health problems is arguably dichotomous. We invest public money into the NIH or we hope the private market will produce essential drugs and tools. However, there needs to be greater collaboration between the private and public sectors. Private sector investment in biomedical research has grown to approximately $46 billion per year—far more than our public sector investment in NIH. For new and effective therapies to become available, we need to build better public and private partnerships. Cures includes key provisions to accomplish this. Cures promotes the innovative efforts of small to medium sized biotechnology and bioengineering firms who require additional support in key traditionally under-funded stages of product development—the so called R&D ''Valley of Death.'' It expands the NIH's current small business support and rapid access to interventional development programs to move basic science through the product development pipeline faster. These programs would facilitate NIH partnerships with private industry in the preclinical stage of the R&D process so as to formulate a plan for health research translation and commercialization from the outset. Additionally, our legislation would move the NIH's Office of Technology Transfer into the American Center for Cures, where it would survey research being conducted in the private and public sectors to avoid duplication, target promising research investments, and broker more flexible and productive agreements for licensing and patents between the public and private sectors. The HARPA entity within the center is also designed to promote public-private joint R&D efforts.

Today, we are proposing the establishment of the American Center for Cures, whose mission would be to promote more rapid translation of public and private research into therapies, diagnostics and tools, which can effectively treat and possibly cure diseases of critical importance to domestic and global health. With more targeted investment in translating our basic science research into diagnostics and therapeutics, we hope to bring more tangible health benefits to Americans and people all over the world.

I ask unanimous consent that explanatory materials on the legislation including, ''Short Summary of the American Center for CURES Act of 2005,'' ''Explanation of How the American Center for CURES Act of 2005 Addresses the Findings of the 2003 National Academy of Sciences Report: 'Enhancing the Vitality of the National Institutes of Health: Organizational Change to Meet New Challenges','' ''Section by Section Summary of the American Center for CURES Act of 2005,'' the full text of the legislation, and ''Quotes in Support of the American Center for CURES Act of 2005'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SHORT SUMMARY OF THE AMERICAN CENTER FOR CURES ACT OF 2005

A bill to facilitate more rapid development of novel diagnostics, therapies, and cures

From 1998–2003, Congress doubled funding to the world's leader in biomedical research, the National Institutes of Health (NIH), to $28 billion per year. In order to meet 21st century health challenges and optimize the use of this public investment, Senators Lieberman and Cochran have introduced legislation to increase the capacity of the NIH to produce effective treatments, diagnostics and cures for our nation's most burdensome diseases using a novel approach to publicly funded research.

Cures will do the following:

Create an American Center for Cures (ACC) in the NIH to orchestrate focused research and development of solutions to pressing ailments. The ACC, led by a Center Director, will identify and promote translational research, which involves developing basic science research for application purposes, in the public and private sectors. The ACC will fund innovative and collaborative research, breakdown bottlenecks in clinical research, and facilitate information exchange.

Establish an advisory council comprised of key health experts and stakeholders to advise the ACC on national medical needs and novel developments in all sectors. To use public funds effectively, a centralized mechanism to track research on health threats is necessary. A Council will inform the ACC on biomedical needs, technical feasibility issues, and current research breakthroughs.

Create a Health Advanced Projects Agency for research promotion. A research projects agency will promote strategic risk-taking and follow a ''challenge model'' to support innovative multidisciplinary research between NIH Institutes, other federal agencies, grantees and business partners, for projects with the potential for significant health impact. Funding for projects will be flexible and outcomes based.

Promote the innovative efforts of small to medium sized biotechnology and bioengineering firms. The ACC will support firms requiring assistance in key traditionally underfunded stages of research and development, the R&D ''Valley of Death''. Funding will be available to assist companies with promising and novel therapeutics and diagnostics in both preclinical and clinical stages.

Strengthen the clinical research process. Clinical trials are essential to ensuring the safety and efficacy of new products. The ACC will streamline clinical trial protocols to supply the public with new treatments in a timelier, more efficient, and more economical way. It will augment NIH training funds to create a clinical research workforce of the future. It will establish a clinical trial registry and results database to promote information sharing and to avoid duplicative efforts.

Facilitate complete and efficient transfer of intellectual property from development at the molecular level to clinical trials and into production. Active participation of the commercial sector in development is critical. An Office of Technology Transfer in the ACC will catalog and disseminate the NIH translational research portfolio and oversee NIH intellectual property licensing.

EXPLANATION OF HOW THE AMERICAN CENTER FOR CURES ACT OF 2005 ADDRESSES THE FINDINGS OF THE 2003 NATIONAL ACADEMY OF SCIENCES REPORT: ''ENHANCING THE VITALITY OF THE NATIONAL INSTITUTES OF HEALTH: ORGANIZATIONAL CHANGE TO MEET NEW CHALLENGES''

BACKGROUND

The health challenges facing the U.S. and the world today are a mix of infectious diseases, such as HIV, tuberculosis and malaria, long-standing chronic such as diabetes and cancer, and new emerging threats, such as SARS and avian influenza. In the context of these growing concerns, Congress commissioned the National Academy of Sciences (NAS) in 2001 to report on ''whether the current structure and organization of NIH are optimally configured for the scientific needs of the 21st century.'' Indeed, NIH is America's premier public research investment and between 1998 and 2003, the NIH budget of $14 billion dollars doubled to $28 billion. By commissioning the NAS report, Congress asked how it might optimize its burgeoning research investment. Congress solidified its support for the NIH but simultaneously posed questions of NIH can best address domestic and global health needs:

Are the 27 NIH Institutes and Centers able to coordinate their research goals and priorities to reflect the multidisciplinary nature of today's health problems?

How is the NIH producing and sharing biomedical knowledge from multiple disciplines to spur the development of clinical tools, drugs, and other therapies to battle long-standing and emerging diseases?

Can the NIH respond effectively to acute health threats, such as to burgeoning HIV infection rates and the threat of a bioterrorism attack?

Is the NIH cultivating the next generation of researchers to build upon the great works of NIH past?

The end result was the 2003 NAS and Institute of Medicine (IOM) report, ''Enhancing the Vitality of the National Institutes of Health: Organizational Change to Meet New Challenges''. The report reinforced NIH successes over the last 50 years as the national and global leader in biomedical research. NIH accomplished this by developing a cutting edge internal research infrastructure and a democratic extramural grant program that almost single-handedly supports University-based research in the biological sciences. However, the report also cautioned that ''no organization as important as NIH should remain frozen in organizational space'' and any changes in organizational structure to achieve greater progress in chronic and emerging diseases, however essential, would face difficulty and risk.

NAS REPORT FINDINGS

The NAS report made a total of 14 recommendations. In the final analysis, the NAS report recommended maintaining the general structure of NIH to ensure NIH's strengths would be protected: conducting essential basic science, and disease, behavioral, organ, and system based research in its intramural program and funding peer-reviewed grants to University researches in its extramural program. However, the report also recognized the need for organizational changes which could help institutes work across their respective stovepipes, foster a culture of risk-taking and innovation, and

give the NIH director, other leadership, and the public the power to prioritize NIH research to solve the Nation's most burdensome health problems. Collectively, these changes would enhance the capacity of the NIH to not only pursue fundamental knowledge about the nature and behavior of living systems, but to apply that knowledge to extend healthy life and reduce the burdens of illness and disability. This is NIH's mission.

CURES ADDRESSES THE SIX KEY RECOMMENDATIONS OF THE NAS REPORT

1. Strengthen Clinical Research: The NAS report recommended that the NIH ''pursue a new organizational strategy to better integrate leadership, funding, and management of its clinical research enterprise''. Senators Lieberman, Cochran, Carper, and Hutchison are introducing a proposal that creates the American Center for Cures (ACC), headed by a Cures Director. One of the new Director's key charges will be to promote and simplify the clinical research endeavor. The Director will establish a national electronic registry and results database for clinical trials in order to increase enrollment of research subjects and improve sharing efficacy and safety outcomes emanating from the clinical research endeavor. The Director will fund multidisciplinary clinical research teams in the academic and private sector, create Centralized Internal Review Boards (CIRB) to simplify the human subjects review processes for multi-institutional clinical trials, and augment NIH investments in training the clinical research workforce of the future.

2. Enhance and Increase Trans-NIH Strategic Planning and Funding: The 27 NIH Centers and Institutes with their own directors and budgets generally operate independently. The resulting structural and organizational stovepipes are limited in their ability to capitalize on the NIH's collective research capacity to address complex problems from different fields. For example, the problem of diabetic retinopathy could be tackled by researchers in the Institutes of the Eye, Diabetes, Digestive and Kidney disease, Biomedical Imaging and Bioengineering, and Allergy Immunology and Infectious disease. To address this problem, Cures funds innovative multidisciplinary collaborative research across NIH institutes and centers. NIH Institute and Center Directors on the Cures Council will be entrusted to coordinate the intramural research agenda with that of the ACC.

3. Strengthen the Office of the NIH Director: The NAS report emphasizes the need for the NIH Director to have more budgetary support and flexibility. Dr. Zerhouni's office has taken these steps with the NIH Roadmap. The Cures legislation further supports the spirit of the NIH Roadmap with organizational and funding commitments that bring the translational research investment to necessary and appropriate scale. The NIH Director and the Cures Advisory Council will recommend appointees for the Cures Director to the President. The NIH Director will be a co-chair of the ACC Council that will set the research and funding priorities for translational research projects at the NIH. The NIH Director will head efforts to establish a publicly accessible electronic database for all published NIH funded research, among other initiatives.

4. Create a Director's Special Projects Program: The NAS committee recommended the creation of a program to support high-risk, high-potential payoff research. The Department of Defense has had significant success with its Defense Advanced Research Program Agency (DARPA), where a group of expert portfolio managers invest in and oversee innovative, multidisciplinary, collaborative projects to advance specific fields or to develop needed technologies. DARPA has lead to the creation of the stealth technology, satellite surveillance, lasers, internet, and email. A Health Advanced Research Program Agency (HARPA) will be established within the ACC to help lead breakthrough advances, using a translational ''challenge'' model in biomedical research, such as a vaccine against HIV or genetic probes pivotal to the elucidation of disease producing genes.

5. Promote Innovation and Risk-Taking in Intramural Research: The NAS report recommended that the NIH intramural research portfolio be distinct from that of the extramural program and private sector. Cures creates an Office of Intramural Risk Mapping which will oversee the intramural research programs of the NIH to be certain they are complementary to extramural and private programs. The office will make funds available to groups of institutes and centers to promote engagement in multi-institute projects that focus on health risk analysis and corresponding scientific risk opportunity.

6. Standardize Data and Information Management Systems: The NAS committee recommended that the NIH must increase its capacity for data gathering and reporting to meet its obligations ''. . . for effective management, accountability, and transparency''. Cures seeks to improve the sharing of information by providing funding to the National Library of Medicine to create and maintain a publicly accessible database of all publications resulting from NIH-funded research and by establishing a national electronic registry and results database to increase enrollment in public and private clinical trials and to share efficacy and safety outcomes emanating from the clinical research endeavor. Cures focuses on the need to grow the NLM facilities according to the demands of new scientific discoveries and fields, especially within the areas of genomics and proteinomics.

CURES BUILD ON THE NIH ROADMAP

In response to the NAS report, NIH Director Dr. Elias Zerhouni launched the NIH Roadmap in FY 2004 with $128 million in funding from existing NIH budget allocations. Funding increases every year until FY 2009 and tops out at $507 million. The NIH Roadmap consists of:

New Pathways to Discovery to obtain a deeper understanding of biological systems based on new models.

Research Teams of the Future to facilitate collaboration across institutes by awarding grants to support institutional partnerships and cutting-edge research.

Re-engineering the Clinical Research Enterprise reforms the clinical trial process to allow for broader participation from community-level patients and providers.

While the NIH roadmap addresses some of the concerns of the NAS report, it does not address key provisions including increasing the power of the NIH Director, establishing an advanced research projects agency, and establishing a new leadership that can facilitate the research essential to moving products faster from bench to bedside. Unlike CURES, the roadmap relies on traditional academic-government relationships. CURES builds on the Roadmap to cultivate new relationships between NIH researchers and innovative industrial partners. Unlike the roadmap, which asks the NIH to focus on new priorities with old tools and funds, Cures provides much higher levels of funding for a Center uniquely devoted to translating research to produce new therapies and even cures to the most important diseases.

SECTION BY SECTION SUMMARY OF THE AMERICAN CENTER FOR CURES ACT OF 2005

A bill to facilitate more rapid development of novel diagnostics, therapies and cures critical to national and global health

Background

When it comes to investments and advancements in biomedical research, the United States has no equal. Its National Institutes of Health (NIH) is the world's largest public source of biomedical research funding with an annual budget of over $28 billion. The NIH is comprised of 27 major institutes and centers, leading the way in cancer, cardiovascular, infectious disease and allergy advancements for health promotion and relief from the burdens of disease.

The private sector is also investing substantial resources in increasing both longevity and quality of life. These companies now invest more than the federal government in biomedical research and development (R&D). Potent pharmaceuticals and cutting edge medical devices provide health care professionals with a therapeutic arsenal that has increased lifespan seven years since 1960 and dropped neonatal mortality four fold. Partnerships between NIH and private industry are not often recognized for their key roles in bringing new treatments to the public, but are of great importance as they have led to life-changing therapies from to Taxol to Claritin to HIV anti-retrovirals.

But how can biomedical R&D proceed even faster? How can partnerships between NIH's Institutes and Centers, disease-based NGO's, biotech companies and small and large pharmaceuticals occur even more frequently? Towards which diseases should our resources be prioritized in the first place? How can NIH and the private sector be more responsive to emerging public health threats such as bioterrorism, an avian flu pandemic, antibiotic resistance, and a waning vaccine supply?

Center for Cures

In response to these pressing questions and the capacity of the NIH to address our health needs, Senators Lieberman, Cochran, Carper and Hutchison are proposing a $5 billion dollar annual investment to create the American Center for Cures (ACC). The mission of this new NIH Center will be to promote more rapid translation of public and private research into therapies, diagnostics and tools, which can effectively treat and possibly cure diseases of critical importance to domestic and global health. The ACC will enhance NIH's ability to not only pursue fundamental knowledge about the nature and behavior of living systems, but to apply that knowledge to extend healthy life and reduce the burdens of illness and disability. This is NIH's mission.

Specifically, the American Center for Cures will:

(1) Direct new resources towards the world's most burdensome diseases and towards biomedical, bioengineering, and biotechnological research with the greatest therapeutic impact and promise.

(2) Create an ACC national advisory board consisting of key health experts and stakeholders, who will help identify the critical diseases and health threats requiring greater public and private investment.

(3) Create a special Health Advanced Research Projects Agency (HARPA) to support innovative multidisciplinary collaborate research between NIH Institutes, between NIH and other federal agencies and between NIH grantees and business partners, for projects with the potential for significant health impact.

(4) Create health-centered Federally Funded Research and Development Centers (FFRDC) which will bring together interdisciplinary teams of experts including scientists, clinicians, epidemiologists, and

pharmacists for a time limited period to focus on developing therapeutic breakthroughs for important disease entities.

(5) Invest further in the development of an expert workforce which will augment the nation's translational research capacity. Such an effort will include training new clinical researchers and bioinformatics professionals.

(6) Promote risk-taking and collaboration between NIH Institutes and Centers.

(7) Streamline the clinical research process essential to determining if new treatments are effective and safe.

(8) Promote the innovative efforts of small to medium sized biotechnology and bioengineering firms who require additional support in key traditionally under-funded stages of product development—the so called R&D ''Valley of Death''.

(9) Facilitate NIH partnerships with private industry in the preclinical stage of the R&D process so as to formulate a plan for health research translation and commercialization from the outset.

(10) Standardize NIH information management systems and reporting requirements of publicly funded research to improve information sharing between the applied science, translational research and business communities.

A section by section summary of the legislation is included below.

Section 1: Short title.

Section 2: Table of contents.

Section 3: Findings.

Section 4: Amends Title IV of the Public Health Services Act to establish a new Center at the National Institutes of Health (NIH) called the American Center for Cures (ACC).

PART J—AMERICAN CENTER FOR CURES

Section 499A: Definitions.

Section 499B(a): States the mission of the proposed American Center for Cures (ACC), which is to increase the capacity of the NIH to promote translational research between its Institutes and Centers, between the NIH and other Federal agencies and between NIH grantees and business partners so as to speed the development of effective diagnostics, therapies and cures essential to human health and well being.

The ACC shall formulate and implement a strategy for the nation's translational research investment based on (1) a prioritization of biomedical research based on disease burden and research promise, and (2) funding for innovative, multi-disciplinary, and collaborative research.

The ACC will be guided in part by a series of ''Grand Challenges'' or strategic challenges that direct the health research community towards multi-staged projects with the potential to transform the healthcare landscape. Examples include: the creation of laboratory diagnostics that enable the country to detect quickly and accurately to acute health threats, such as an avian flu pandemic or a bioterrorism attack; a commitment by researchers and manufacturers from public and private sectors to develop vaccines for the world's most deadly infectious diseases including HIV, tuberculosis, and malaria. Other examples are provided in this section.

Section 499B(b): Establishes a Director of Cures (to be called in this document the ''Director'') who will administer the ACC. The President of the United States will appoint the Director. The NIH Director in consultation with the Cures Advisory Council (Section 499B(c)) will recommend candidates for the Director to the President. The NIH Director will work with the Director to promote the nation's translational research efforts.

The Director will have at his disposal an annual acceleration fund of $5 billion dollars to provide support for research and development of breakthrough biomedical discoveries and to carry out the purposes of the ACC. No less than one half of the acceleration fund will be allocated to a Health Advanced Research Projects Agency described in Subpart II.

Section 499B(c): Establishes a Cures Council to advise and direct the translational research efforts of the ACC. The Council will be co-chaired by the Director of Cures and the Director of NIH. Membership will include NIH Institute and Center Directors; leaders from at least 9 federal agencies including the Director of the Agency for Healthcare Research and Quality (AHRQ), the Director of the Defense Advanced Research Projects Agency (DARPA), and the President of the Institute of Medicine (IOM); no fewer than three leaders from the small business community; three leaders from large pharmaceutical or biotechnology companies; and three leaders from academia. All Council members will be appointed by the President.

The Council shall establish subcommittees including one of NIH Institute and Center Directors to coordinate research priorities in, and ensure sharing of research agendas among, the Institutes and Centers. The subcommittee shall also coordinate the ACC research agenda with that of the NIH Institutes and Centers.

The Council will make recommendations that help the Director set research priorities for the ACC. The Council shall consider risk and burden of disease as well as lines of research uniquely poised to deliver effective diagnostics and therapies.

The Council shall be aided by the Office of Intramural Risk Opportunity and Mapping of the Office of Technology Transfer established in subpart V.

The Council shall conduct an annual assessment of ACC priorities and progress and make this available to the public in written and electronic forms.

Section 499B(d): The Director of Cures shall prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the Center.

The Director will receive directly all funds appropriated by Congress for obligation and expenditure by the Center.

SUBPART 1—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

Section 499C: Federally Funded Research and Development Centers (FFRDC's) will serve as sites for multidisciplinary and cross-scientific research within particular areas of health. The Director may establish one or more FFRDC's to carry out activities related to the mission of the ACC. These Centers will establish, as appropriate, technology test beds and incubators, utilize cooperative agreements with the private sector, and conduct large-scale multi-disciplinary translational research projects in health or disease areas which are essential to medical advancement, but lack adequate private sector funding.

The FFRDC's shall consult widely with representatives from private industry, institutions of higher education, nonprofit institutions, other federal governmental agencies, and other federally funded research and development centers.

The Director shall ensure that competitive mechanisms are used to select and to promote the ongoing quality and performance of the FFRDC's.

Contracts between the ACC and FFRDC's shall be for no longer than 7 years, after which time refunding shall be contingent upon approval by the Director and the Cures Council.

Each FFRDC shall biannually submit a report on the activities carried out by the Centers under this section to the Director and the appropriate committees of Congress.

For any fiscal year, the Director may use not more than 25 percent of the funds available in the Director's Acceleration Fund for FFRDC's.

SUBPART 2—HEALTH ADVANCED RESEARCH PROJECTS AGENCY

Section 499d. Technological and scientific innovations often require strategic risk taking and significant funding streams that are rapid and are outcomes based. Funds must also encourage expert multidisciplinary collaboration. This section establishes at the ACC a Health Advanced Research Projects Agency (HARPA) for these purposes.

HARPA will be headed by a Director of the Research Projects Agency who will be appointed by the Director of Cures.

HARPA shall be composed of not more than 100 expert portfolio managers in key health areas, as determined by the Director of HARPA in conjunction with the Director and Cures Council.

HARPA shall undertake the grand challenges formulated by the Center and encourage innovative, multidisciplinary, and collaborative research between NIH Institutes and Centers, between the NIH and other Federal agencies, and between NIH grantees and business partners.

Management and organizing principles include an agency which is small, flexible, entrepreneurial, and non-hierarchical; which empowers portfolio managers to foster research opportunities free from bureaucratic impediments; which seeks to employ the strongest scientific and technical talent in the Nation; which rotates a significant portion of the staff every 3–5 years, which leverages comparable matching investment from other NIH institutes and centers, federal agencies, and from the private and non profit sectors; which creates a translational research model that supports fundamental research breakthroughs, early and late stage applied development, prototyping, knowledge diffusion, and technology deployment; which establishes metrics to evaluate research success; which ensures that revolutionary research dominates HARPA's agenda and portfolio. Other management and organizing principles are provided.

HARPA activities will include supporting basic and applied research to promote revolutionary technology changes which address health needs. It will advance the development, testing, evaluation, prototyping and deployment of critical health products. Multiple other activities are provided.

HARPA will have flexible hiring practices as described in the Strom Thurmond National Defense Authorization Act, 1999.

HARPA will have the authority to flexibly fund projects, including the prompt awarding, releasing, enhancing and withdrawal of monies.

HARPA will be funded through the Director's acceleration fund at a minimum of $2.5 billion dollars annually.

SUBPART 3—CLINICAL TRIALS

Clinical trials are an essential part of the research and development process. This is where the effectiveness and safety of products are scientifically and systematically investigated. However, clinical trials are complex, expensive, and time-consuming, making it difficult for individuals to perform all the functions necessary to successfully organize and implement clinical trials. This subpart improves how clinical trials are conducted and how their results are disseminated. It also promotes the development of a future clinical research workforce.

Section 499E. Increasing Research Study Participation: The Director of NIH shall create a national electronic clinical trial registry with the National Library of Medicine

(NLM) as specified in Subpart 6, Section 499H (b). The ACC shall publicize the registry with special attention given to minority groups, who are frequently underrepresented in clinical trials.

Section 499E–1. Grants for Quality Clinical Trial and Execution: The Director shall provide grants for clinical trial design and execution to academic centers or to private firms with highly promising therapeutic entities to fund multidisciplinary clinical research teams, whose members may include project managers, clinicians, epidemiologists, and nursing staff.

Section 499E–2. Streamlining the Regulatory Process Governing Clinical Research: This section streamlines the regulatory process governing clinical research, which has become increasingly unwieldy due to necessary but complex patient privacy and safety rules. The ACC shall establish a series of Centralized Institutional Review Boards (CIRB) to ensure human subject safety and well-being for multi-institutional clinical trials. CIRB's shall be established in accordance with professional best practices and Good Clinical Practice (GCP) guidelines.

A CIRB shall be housed at the Institute or Center with expertise on the subject of the clinical trial or outside of the NIH in a public or private institution with comparable expertise and organizational capacity.

CIRB's will be available at the request of public or private institutions and funded through user fees or Center funds.

The CIRB shall act on behalf, in whole or in part, of the bodies ordinarily responsible for the safety of research subjects in a locality, on a contractual basis.

The CIRB will review and package research applications for facilitated electronic review by local IRB's participating in multi-center clinical trials. Local IRB review can be performed by a subcommittee that is empowered to make decisions in a timely manner. Local IRB's can either accept or reject the CIRB review.

Local IRB's which are part of the CIRB network shall be responsible for taking into consideration local characteristics such as educational level of research subjects to assure sound selection of research subjects and to minimize risks to vulnerable populations.

Each CIRB shall regularly communicate important information electronically to the local institutional review boards.

Section 499E–3. Training Clinical Researchers of the Future: The ACC will augment NIH's investment into programs developing the nation's clinical research workforce. These programs include: the NIH's Mentored Patient-oriented Research Career Development Award, NIH grants to help institutions develop curricula for clinical researchers, and NIH grants to fund participants in clinical science programs, which shall include but not be limited to clinical science certificates or clinical science Masters' Degrees.

Section 499E–4. Clinical Research Study and Clinical Trial: The Director shall commission the Institute of Medicine (IOM) to study the regulations protecting patient safety and anonymity so that in a contemporary clinical research context, a more realistic balance can be achieved between clinical research promotion and regulatory requirements governing research subject safety and privacy. The IOM will issue a written report within eighteen months of the passage of the Cures act which shall consider changes to the current Health Insurance Portability and Accountability Act (HIPAA) to further promote the clinical research endeavor.

Section 499E–5. Authorization of Appropriations from the Directors Acceleration Fund. $100 million dollars for Sections 499E–1(1), $50 million dollars for Section 499E–2, $200 million dollars for Section 499E–3, $2.5 million dollars for Section 499E–4.

SUBPART 4—VALLEY OF DEATH

Small businesses are major drivers of innovation. Facile, motivated, numerous, and creative, these small businesses can extend the limits of R&D in a way large companies with secure product lines are unable to do. However, small businesses often encounter difficulty securing capital in the so called, ''Valley of Death''—the period between a research idea with possible application to the time the safety and efficacy of a product is demonstrated in human clinical trials. Common end-pathways within the Valley of Death include development of pharmacological assays, scale-up of production from lab-scale to clinical-trials scale, development of suitable formulations, evaluation of chemical stability, evaluation of materials testing for durability or reactivity, undertaking initial toxicology studies, and planning and implementation of clinical trials.

Section 499F. Small Business Partnerships: The Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs are effective major investments in promoting the R&D portfolios of small businesses. SBIR and STTR receive 2.5% and 0.3% of the budgets, respectively, of federal agencies with R&D budgets greater than $100 million dollars. SBIR/STTR grants and contracts consist of three phases. Phase I plans for product development and procurement. Phase II addresses implementation of the plan. Phase III involves commercialization yet by law is ineligible for SBIR/STTR funding. Management and orientation of SBIR/STTR programs at the NIH can be improved.

This section moves the NIH's SBIR and STTR programs from the Extramural Research Office to the new Office of Bioscientific Enterprise Development (OBED) in the ACC Office of Technology Transfer (OTT).

The NIH currently awards its SBIR and STTR grants and contracts through a peer review process. Now, not less than 35% of SBIR and STTR grants and contracts shall be rewarded on a competitive basis by an OBED program manager with significant managerial, technical, and translational research experience to expertly assess the quality of a SBIR or STTR proposal.

Program managers will place special emphasis on partnering grantees with potential purchasers or investors of technology from the start of the research and development process with potential purchasers or investors including federal agencies such as the NIH.

ACC shall reduce the time between Phase I and Phase II funding to 6 months or less. Currently, grantees can wait up to 5 years to learn whether or not they are a recipient of a phase II grant.

An SBIR/STTR project manager may petition the OTT for Phase III funding from the Director's acceleration fund for projects requiring a supplementary funds to finalize product commercialization. The maximum funding for Phase III funding of a project shall be $2,000,000 for a maximum of 2 years.

All recipients of SBIR/STTR funding are required to report to the OTT whether there was eventual commercial success of the product. OTT shall keep a publicly accessible electronic record of all SBIR/STTR investments in research and development. The record shall include at minimum the following information: the grantee, a description of the funded research, the amount of money awarded in each phase of SBIR/STTR research, and if applicable, the nature of the products developed.

For each fiscal year, the two grants program managers who have had the greatest success in helping to commercialize products may be awarded a bonus up to $10,000.

Section 499F–1. Rapid Access to Intervention Development: The National Cancer Institute of the NIH has a successful translational research program called RAID (Rapid Access to Interventional Development). RAID lends essential expertise and resources including access to laboratories and facilities to researchers outside of the NIH. OTT shall expand upon this program and establish other RAID programs, designed to accelerate the process of bringing promising and novel discoveries from the laboratory to the pre-clinical trial stage.

RAID awardees have traditionally been selected to receive access to laboratories, facilities and other NIH supports for the preclinical development of drugs, biologics, diagnostics and devices, using the peer review process. Now, not less than 35% of RAID awards shall be awarded on a competitive basis by a program manager with significant managerial, technical, and translational research experience to adequately assess the quality of a project proposal.

Eligible awardees include university researchers, non-profit research organizations, and firms of less than 100 employees in collaboration with one or more university or non-profit organizations.

The Office may discontinue support at any point when the entity fails to meet commercialization success criteria established by the Office.

Examples of RAID support are given. These include advice regarding the investigational new drug or investigational new device filing with the Food and Drug Administration.

The Office shall not support products past proof-of-principle clinical trials.

Section 499F–2. Toxicity Studies: Toxicity studies are essential to the development of any drug therapy, but are difficult to stage. The Center for Cures shall support ongoing research into the most efficient methods of screening for human toxicity, including using cell-based and animal model technologies.

OTT may offer support for toxicity studies to private companies licensing NIH intellectual property.

Section 499F–3. Additional funding sources and models: The Director of the Center for Cures may provide acceleration funds for flexible contracts for translational research development to entities that license intellectual property from NIH where such contracts support innovation and commercialization.

Section 499F–4. Authorization of Appropriations from the Directors Acceleration Fund. $400 million dollars for Sections 499F for $100 million dollars for 499F–1.

SUBPART 5—OFFICE OF TECHNOLOGY TRANSFER

The Office of Technology Transfer (OTT) should be one of the NIH's most active entities. It is within the process of technology transfer where basic science research informs applications to health and where ideas are brought from bench to bedside and back to the bench. The OTT should be a library of innovation administered by experts who have experience in linking the translational research community with industry. This subpart improves upon the current research translation authorities of NIH's OTT.

Section 499G. Restructuring: The NIH Office of Technology Transfer in the NIH Director's Office shall be transferred to a new OTT Office in the American Center for Cures.

Section 499G–1. Marketing Function: The OTT office shall create a program for transfer management & support that cultivates industry interest in NIH funded research, reaches out to potential industry partners, coordinates patents from different NIH Institutes and Centers, and manages Cooperative Research and Development Agreements (CRADA's), biological licensing agreements,

material transfer agreements, and intellectual property licensing.

To promote government-industry partnerships, the OTT shall create an electronic database within the National Library of Medicine that tabulates translational research efforts occurring at the NIH. The OTT shall hold an annual translational research conference the bring together public and private stakeholders.

The OTT shall develop a program for transfer management & support which will be familiar with the NIH's intramural and extramural research portfolio as well as with the interests of small and large biotech and pharmaceutical industries. For those Institutes or Centers with their own OTT offices, the new OTT program for transfer management & support will work closely with those offices to coordinate industry outreach efforts.

As appropriate, OTT shall register CRADA's within a publicly accessible electronic database maintained by NLM.

Section 499G–2. Office of Intramural Risk Opportunity and Mapping: An Office of Intramural Risk Mapping within OTT shall oversee the intramural research programs of the NIH to be certain they are complementary, non-duplicative, and distinct from extramural and private programs.

The Office shall identify and map health risks and scientific opportunities and update the data on these topics as necessary to ensure they are current. This information is to be provided to the Cures Council on a biannual basis to help them prioritize the nation's translational research investment.

The Office shall make funds available to groups of NIH Institutes and Centers to promote multidisciplinary projects that focus on health risk analysis and corresponding scientific risk opportunity. Preference will go to projects that demonstrate a high degree of collaboration and which address diseases with the great burden or research promise, and that are most likely to result in the development of a diagnostic or therapeutic prototype.

$150 million dollars is authorized to be appropriated from the Director's Acceleration Fund to fund the Office.

Section 499G–3. Patenting and Licensing Incentives: The OTT shall make every effort to increase licensing to stimulate the availability of products for clinical use. The OTT shall recommend to the Director incentives that create private sector, financial, commercial, and academic interest in the NIH's IP portfolio. These incentives may include extensions of NIH health patents, restoration of NIH health patents, and partnering options to pursue exclusive and nonexclusive licensing to one or multiple partners in the government, industrial, and/or academic sectors.

The Director shall encourage OTT to develop flexible models for contracts that fulfill the needs of industry and the public.

Section 499G–4. Translational Researcher Development: The Director shall oversee development of a curriculum for internships in translational research encompassing rotations through multiple NIH Institutes and Centers, the clinical trial design process, the NLM, and other related disciplines with an emphasis on practical experience.

Tuition grants for extramural translational research programs shall be administered under the supervision of the Director.

The ACC shall train interdisciplinary scientists in the science of risk analysis & mapping through a program of internships and fellowships.

Section 499G–6. Translational Research Training Program: The NIH Director shall ensure that each NIH Institute or Center establishes a translational research training program.

SUBPART 6—DEVELOPING INFORMATION SYSTEMS

The NIH's National Center for Biotechnology Information (NCBI) at the NLM provides essential information resources to scientists worldwide and is the underpinning of much of NIH conducted biomedical research. The NCBI's databases and computational and linkage tools nurture information sharing and are critical to identifying interconnections, developing insights, and accelerating biomedical breakthroughs.

Section 499H. Advancing National Health Information Infrastructure.

The NLM shall develop new computational methods to assist in the processing of genomic data. There is authorized to be appropriated $2.5 million dollars to support the computational infrastructure and $5.5 million dollars to hire expert biologists and computer scientists trained in bioinformatics.

Secretary of Health and Human Services acting through the Director of NIH will work with the NLM to construct a clinical trial registry and clinical results database tracking all phase III clinical trials taking place in the United States. This registry and database will expand upon the NLM's current information system and database.

The registry of clinical trials shall include at least the following: clinical trial title, description of the product under study, the hypothesis to be tested, brief description of the intervention, the study design, methodology, duration and location, participation criteria, contact information and sponsoring organization.

The databank of clinical trial results shall consist of at least the following: trial start date and completion date, summary of the results of the trial, summary data tables with respect to the primary and secondary outcome measures, information on the statistical significance of the results, links to publications in peer reviewed journals relating to the trial, a description of the process used to review the results of the trial, and safety data concerning the trial.

Public or private entities shall register a phase III clinical trial not later than 3 months after submitting the Food and Drug Administration (FDA) approves the clinical trial protocol and report phase III clinical trial results not later than 3 months after completing the trial. Information provided to the NLM must be accurate and updated.

Penalties for not registering clinical trials or reporting clinical trial results can be loss of future public funding or in cases where an entity does not receive public funding, a fine of up to $2,000,000 dollars.

The Secretary may waive clinical trial submission requirements upon a written request from the responsible person if the Secretary determines that providing the waiver is in the public's interest or consistent with protection of the public's health.

Section 499H–1. Publication Requirement for Research: The Director of the NIH shall require that for any research funded by the NIH, Centers for Disease Control and Prevention (CDC), and the Agency for Healthcare Research and Quality (AHRQ), there will be a standardized report of this research for public viewing. Department of Health and Human Services (DHHS) grantees shall provide the NLM an electronic copy of the final version of all peer-reviewed manuscripts accepted for publication for display on their digital library archive, PubMed Central, within 6 months from the date of its publication.

Failure to submit required information to the NLM within 6 months from the date of publication may result in loss of public funding for investigators.

Section 499H–2. Informatics Training and Workforce Development. 21st Century technologies for analyzing DNA, RNA, proteins, and other biologically important molecules are generating a ''tsunami of data'' which are far beyond the understanding of unaided human cognition, but hold the key to improved understanding of human health and disease. Training of individuals in ''clinical bioinformatics''—translational research that applies computerized analytic methods of molecules, cells, tissues, and body systems to the prevention, diagnosis and treatment of human disease—will be pivotal to fostering this emerging and important data-intensive field.

The NIH shall develop a multi-faceted approach to increasing the number of persons trained in clinical bioinformatics. This shall include but not be limited to augmenting secondary school science programs, undergraduate degree programs in Bioinformatics, NIH bioinformatics graduate training programs, and Centers of Excellence in Clinical Bioinformatics.

Authorization of Appropriations from the Cures Acceleration Fund is $50 million dollars for this section.

Section 499H–3. NLM Expansion of Facilities. In 2002, Congress authorized an expansion of the NLM. These facilities may be essential to the NLM's capacity to fill its numerous informatics functions. The Director will commission the IOM to report to Congress on the impact of not funding the expansion of facilities.

SUBPART 7—RESEARCH TOOLS

Innovation requires proper tools for discovery. These include animal models that can be surrogates for human systems and markers that illuminate otherwise invisible cells, DNA, proteins and viruses. Arguably, the development of research tools is subject to the same market forces as more common end products—drugs, medical devices, and vaccines.

Section 499I. NIH Research Tool Inventory: The Director of NIH shall direct the head of each NIH Institute and Center to perform an annual review of its research tool inventory for the specific purpose of enabling each Institute and Center to understand processes for research tool distribution, frequency of use, IP status, and utility. Each NIH Institute and Center shall also describe in its review the type and quantity of research tools it desires to obtain in order to better fulfill its R&D goals.

The ACC shall enter this inventory into an electronic research tool database and use this database to oversee the prioritization and funding of new projects to fulfill pressing needs and to encourage promising technologies.

Section 499I–1. Exceptions to Tool Guidelines: The Director of NIH may advise the OTT to provide exceptions to prohibition against patenting and licensing research tools under some appropriate circumstances when exclusive or non-exclusive licensing provides the swiftest, and most efficacious final development of an important health care technology.

S. 2104

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 ''American Center for Cures Act of 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. American Center for Cures.
''PART J—AMERICAN CENTER FOR CURES
''Sec. 499A. Definitions.
''Sec. 499B. Establishment of American Center for Cures.
''SUBPART 1—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS
''Sec. 499C. Federally Funded Research and Development Centers.
''SUBPART 2—HEALTH ADVANCED RESEARCH PROJECTS
''Sec. 499D. Health Advanced Research Projects Agency.
''SUBPART 3—CLINICAL TRIALS
''Sec. 499E. Increasing research study participation.
''Sec. 499E–1. Grants for quality clinical trial design and execution.
''Sec. 499E–2. Streamlining the regulatory process governing clinical research.
''Sec. 499E–3. Training clinical researchers of the future.
''Sec. 499E–4. Clinical research study and clinical trial.
''Sec. 499E–5. Authorization of appropriations.
''SUBPART 4—VALLEY OF DEATH
''Sec. 499F. Small business partnerships.
''Sec. 499F–1. Rapid access to intervention development.
''Sec. 499F–2. Toxicity studies.
''Sec. 499F–3. Additional funding sources and models.
''Sec. 499F–4. Authorization of appropriations.
''SUBPART 5—OFFICE OF TECHNOLOGY TRANSFER
''Sec. 499G. Restructuring.
''Sec. 499G–1. Marketing function.
''Sec. 499G–2. Office of Intramural Risk Opportunity and Mapping.
''Sec. 499G–3. Patenting and licensing incentives.
''Sec. 499G–4. Translational researcher development.
''Sec. 499G–5. Translational research training program.
''SUBPART 6—DEVELOPING INFORMATION SYSTEMS
''Sec. 499H. Advancing national health information infrastructure.
''Sec. 499H–1. Public access requirement for research.
''Sec. 499H–2. Informatics training and workforce development.
''Sec. 499H–3. National Library of Medicine expansion of facilities.
''SUBPART 7—RESEARCH TOOLS
''Sec. 499I. NIH research tool inventory.
''Sec. 499I–1. Exceptions to tool guidelines.

SEC. 3. FINDINGS.

Congress finds the following:

(1) The National Institutes of Health (referred to in this section as the ''NIH'') is the United States premier biomedical research investment with annual appropriations exceeding $28,000,000,000.

(2) The mission of the NIH is science in pursuit of fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to extend healthy life and reduce the burdens of illness and disability.

(3) The pace of knowledge application to promote health and reduce disease can be influenced through strategic funding and reorganization of some aspects of the traditional research endeavor. This process is known as translational research investment.

(4) The United States translational research investment will be key to the Nation responding effectively—

(A) to acute man-made or natural health threats;

(B) to the complexity and multi-disciplinary nature of chronic diseases, which are responsible for 7 out of every 10 deaths in the United States and for more than 70 percent of the $1,700,000,000,000 spent in the United States on health care each year; and

(C) to research and development vacuums in the private for-profit market, such as in the fields of vaccine and antibiotic production, drugs for Third World diseases, and medical tools for pediatric populations.

(5) Key components of the translational research process include research prioritization, an expert workforce, multidisciplinary collaborative work, facilitated information exchange, strategic risk taking, support of small innovative businesses caught along common pathways in the research and development Valley of Death, simplification and promotion of the clinical research endeavor, and involvement of private entities early on in the translational research endeavor that are skilled in the manufacturing and marketing process.

SEC. 4. AMERICAN CENTER FOR CURES.

(a) AMERICAN CENTER FOR CURES.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''PART J—AMERICAN CENTER FOR CURES

''SEC. 499A. DEFINITIONS.

''In this part:

''(1) CENTER.—The term 'Center' means the American Center for Cures established under section 499B.

''(2) COUNCIL.—The term 'Council' means the Cures Council established under section 499B.

''(3) DIRECTOR.—The term 'Director' means the Director of the American Center for Cures.

''(4) INCUBATOR.—The term 'incubator' means an economic development organization designed to accelerate the growth and success of entrepreneurial individuals, concepts, and companies.

''(5) RESEARCH TOOL.—The term 'research tool' means a resource that scientists use in their laboratories that has no immediate therapeutic or diagnostic value, including cell lines, monoclonal antibodies, reagents, laboratory equipment and machines, databases, and computer software.

''(6) TEST BED.—The term 'test bed' means the pilot environment to prototype innovation.

''(7) TRANSLATIONAL RESEARCH.—The term 'translational research' means investigation in which knowledge obtained from fundamental research such as with genes, cells, or animals, is transformed through early and late stage development prototyping and testing into diagnostic or therapeutic interventions that can be applied to the treatment or prevention of disease or frailty.

''SEC. 499B. ESTABLISHMENT OF AMERICAN CENTER FOR CURES.

''(a) IN GENERAL.—There is established within the National Institutes of Health an American Center for Cures—

''(1) whose mission shall be to increase the capacity of the National Institutes of Health to promote translational research, including between the institutes and centers of the National Institutes of Health, between the National Institutes of Health and other Federal agencies, and between grantees and business partners of the National Institutes of Health, so as to speed the development of effective therapies, diagnostics, and cures essential to human health and well being;

''(2) that shall formulate and implement a strategy for the Nation's translational research investment, which strategy shall include—

''(A) a prioritization of biomedical research on diseases based on disease burden and research promise; and

''(B) funding for innovative, multidisciplinary, and collaborative research across the institutes and centers of the National Institutes of Health, across Federal agencies, and between public and private partners of the National Institutes of Health;

''(3) that shall be guided, in part, by a series of 'Grand Challenges' formulated through collaboration between the Director of Cures and the Council, that shall be strategic challenges that direct the public and private health research community towards collaborative multi-staged projects that have the potential to transform the healthcare environment, such as—

''(A) the creation of laboratory diagnostics that enable the Nation to detect quickly and accurately acute health threats such as an avian flu pandemic or a bioterrorism attack;

''(B) a focus on therapeutic delivery systems targeting individual viruses or hard to reach cells in the body, such as the brain, using advances in nanotechnology;

''(C) accelerated research into the potential of stem cells to replace the form and function of tissues lost to patients suffering from diseases such as spinal cord injury, Parkinson's disease, and insulin-dependent diabetes;

''(D) creation of a biomedical informatics infrastructure that can organize the human genome and the proteins for which the genome codes in ways that scientists can better understand the genetic contribution to phenotypic disease;

''(E) the elaboration of adjuvant technology that can bolster the effectiveness of vaccines;

''(F) development of antigen sparing vaccines such as those based on triggering the innate immune response;

''(G) development of rapid vaccine manufacturing capacity from new production methods such as viral cell culture or bioengineering technology;

''(H) creation of a fast track clinical trial infrastructure that incorporates a national doctor and patient registry, centralized investigational review boards, electronic medical records, and other health information technologies;

''(I) a focus on addressing less profitable conditions for which research and development efforts are insufficient, such as—

''(i) orphan, small population, and third world diseases;

''(ii) antibiotic resistance;

''(iii) a threat of a flu epidemic or pandemic;

''(iv) diseases associated with social stigma such as depression and seizure disorders; or

''(v) other comparable problems;

''(J) a commitment by researchers and manufacturers from all sectors to develop vaccines for the world's most deadly infectious diseases, including HIV, tuberculosis, and malaria; and

''(K) other appropriate challenges; and

''(4) that shall have other appropriate purposes.

''(b) DIRECTOR OF THE CENTER AND THE DIRECTOR OF NIH.—

''(1) IN GENERAL.—The Center shall be administered by a Director of Cures who shall be appointed by the President with the advice and consent of the Senate. The Director of the NIH, in consultation with the Council, shall recommend candidates for the Director of Cures to the President.

''(2) ACTIVITIES.—

''(A) DIRECTOR OF NIH.—The Director of NIH shall—

''(i) work with the Director of Cures to promote translational research efforts; and

''(ii) serve as a co-chair of the Council.

''(B) DIRECTOR OF CURES.—

''(i) ACCELERATION FUND.—

''(I) IN GENERAL.—The Director of Cures shall have at the Director's disposal an annual acceleration fund to provide support for research and development of breakthrough biomedical discoveries and to carry out the purpose of the Center. Amounts in the fund may be available through grants, contracts, and cooperative agreements to public sector entities, private sector entities, and non-governmental organizations. The Director of Cures shall allocate not less than ½ of the acceleration funds to the Health Advanced Research Projects Agency described in subpart 2. The remainder of such funds shall be available to the Federally Funded Research and Development Centers described in subpart 1 and other activities of the Center.

''(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to fund the acceleration fund under subclause (I) $5,000,000,000 for fiscal year 2007 and each succeeding fiscal year.

''(ii) DIRECT OTHER OFFICES.—The Director of Cures shall direct other offices within the Center that are established under this part.

''(c) COUNCIL.—

''(1) ESTABLISHMENT.—There is established within the Center a Cures Council that shall convene not less frequently than twice a year to help advise and direct the translational research efforts of the Center.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall be composed of the following members:

''(i) The Director of NIH and the Director of Cures who shall be Council co-chairs.

''(ii) The heads of the institutes and centers of the National Institutes of Health.

''(iii) Heads from not less than 9 Federal agencies, including—

''(I) the Administrator for the Substance Abuse and Mental Health Services Administration;

''(II) the Under Secretary for Science and Technology of the Department of Homeland Security;

''(III) the Commanding General for the United States Army Medical Research and Materiel Command;

''(IV) the Director of the Centers for Disease Control and Prevention;

''(V) the Commissioner of Food and Drugs;

''(VI) the Director of the Office of Science of the Department of Energy;

''(VII) the President of the Institute of Medicine;

''(VIII) the Director of the Agency for Healthcare Research and Quality; and

''(IX) the Director of the Defense Advanced Research Projects Agency.

''(B) OTHER MEMBERS.—Membership of the Council shall also include not fewer than 3 leaders from the small business community, 3 leaders from large pharmaceutical or biotechnology companies, and 3 leaders from academia, all of whom shall be appointed by the President.

''(3) SUBCOMMITTEES.—The Council or the Council co-chairs may form subcommittees of the Council as needed.

''(4) RECOMMENDATIONS; COORDINATION.—The Council shall make recommendations that help the Director of Cures set research priorities for the Center. In making recommendations, the Council shall consider risk and burden of disease as well as lines of research uniquely poised to deliver effective diagnostics and therapies. The Council shall also coordinate research priorities in, and ensure sharing of research agendas among, the institutes and centers of the National Institutes of Health.

''(5) OFFICE OF INTRAMURAL RISK OPPORTUNITY AND MAPPING.—The Council shall be aided by the Office of Intramural Risk Opportunity and Mapping of the Office of Technology Transfer of the Center established in subpart 5.

''(6) ANNUAL ASSESSMENT.—The Council shall make an annual assessment of the priorities and progress of the Center and shall make the assessment available to the public in written and electronic form.

''(d) BUDGET AND FUNDS.—The Director of Cures shall—

''(1) prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the Center, after reasonable opportunity for comment (but without change) by the Secretary, the Director of NIH, and the Council; and

''(2) receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Center.

"Subpart 1—Federally Funded Research and Development Centers

"SEC. 499C. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

''(a) IN GENERAL.—The Director of Cures is authorized to establish 1 or more Federally Funded Research and Development Centers that shall carry out activities related to the mission of the Center, as described in section 499B(a)(1).

''(b) DUTIES.—

''(1) IN GENERAL.—The Federally Funded Research and Development Centers shall serve as sites for the performance of multidisciplinary and cross-disciplinary research and shall—

''(A) establish, as appropriate, technology test beds and incubators;

''(B) utilize cooperative agreements with the private sector; and

''(C) conduct large-scale multidisciplinary translational research projects in health or disease areas that are essential to medical advancement but lack adequate private sector funding.

''(2) CONSULTATION.—In carrying out the duties described in paragraph (1), the Federally Funded Research and Development Centers shall consult widely with representatives from private industry, institutions of higher education, nonprofit institutions, other Federal governmental agencies, and other federally funded research and development centers.

''(c) COMPETITION.—The Director of Cures shall ensure that competitive mechanisms are used to select and to promote the ongoing quality and performance of the Federally Funded Research and Development Centers.

''(d) TERM OF FUNDING.—Federally Funded Research and Development Centers shall be funded for not more than 7 years, after which time the Federally Funded Research and Development Centers' re-funding shall be contingent upon approval by the Director of Cures and the Council.

''(e) REPORTS.—Each Federally Funded Research and Development Center receiving funding under this section shall submit a biannual report to the Director and the appropriate committees of Congress on the activities carried out by the Federally Funded Research and Development Center under this section.

''(f) FUNDING FOR SUPPORT.—For any fiscal year, the Director of Cures may use not more than 25 percent of the funds available to the Director under the acceleration fund under section 499B(b)(2)(B)(i)(II) to establish Federally Funded Research and Development Centers under this section.

"Subpart 2—Health Advanced Research Projects

"SEC. 499D. HEALTH ADVANCED RESEARCH PROJECTS AGENCY.

''(a) ESTABLISHMENT.—There is established within the Center a Health Advanced Research Projects Agency (referred to in this section as the 'Research Projects Agency') that shall—

''(1) carry out activities related to the mission of the Center, as described in section 499B(a)(1); and

''(2) be headed by a Director of the Research Projects Agency who is appointed by the Director of Cures.

''(b) COMPOSITION.—The Research Projects Agency shall be composed of not more than 100 portfolio managers in key health areas, which areas are determined by the Director of the Research Projects Agency in conjunction with the Director of Cures and the Council.

''(c) GUIDANCE.—The Research Projects Agency shall be guided by and shall undertake grand challenges formulated by the Center that encourage innovative, multidisciplinary, and collaborative research across institutes and centers of the National Institutes of Health, across Federal agencies, and between public and private partners of the National Institutes of Health.

''(d) MANAGEMENT GUIDANCE.—The Research Projects Agency shall be guided by the following management and organizing principles in directing the Research Projects Agency:

''(1) Keep the Research Projects Agency small, flexible, entrepreneurial, and nonhierarchical, and empower portfolio managers with substantial autonomy to foster research opportunities with freedom from bureaucratic impediments in administering the manager's portfolios.

''(2) Seek to employ the strongest scientific and technical talent in the Nation in research fields in which the Research Projects Agency is working.

''(3) Rotate a significant portion of the staff after 3 to 5 years of experience to ensure continuous entry of new talent into the Research Projects Agency.

''(4) Use whenever possible research and development investments by the Research Projects Agency to leverage comparable matching investment and coordinated research from other institutes and centers of the National Institutes of Health, from other Federal agencies, and from the private and non-profit research sectors.

''(5) Utilize supporting technical, contracting, and administrative personnel from other institutes and centers of the National Institutes of Health in administering and implementing research effort to encourage participation, collaboration, and cross-fertilization of ideas across the National Institutes of Health.

''(6) Utilize a challenge model in Research Projects Agency research efforts, creating a translational research model that supports fundamental research breakthroughs, early and late stage applied development, prototyping, knowledge diffusion, and technology deployment.

''(7) Establish metrics to evaluate research success and periodically revisit ongoing research efforts to carefully weigh new research opportunities against ongoing research.

''(8) Tolerate risk-taking in research pursuits.

''(9) Ensure that revolutionary and breakthrough technology research dominates the Research Projects Agency's research agenda and portfolio.

''(e) ACTIVITIES.—Using the funds and authorities provided to the Director of Cures, and the authorities provided to the Director of NIH, the Research Projects Agency shall carry out the following activities:

''(1) The Research Projects Agency shall support basic and applied health research to promote revolutionary technology changes that promote health needs.

''(2) The Research Projects Agency shall advance the development, testing, evaluation, prototyping, and deployment of critical health products.

''(3) The Research Projects Agency, consistent with recommendations of the Council, with the priorities of the Director of Cures, and with the need to discuss challenges described in section 499B(a)(3), shall emphasize—

''(A) translational research efforts, including efforts conducted through collaboration with the private sector, that pursue—

''(i) innovative health products that could significantly and promptly address acute health threats such as a flu pandemic, spread of antibiotic resistant hospital acquired infections, or other comparable problems;

''(ii) remedies for diseases afflicting lesser developed countries;

''(iii) remedies for orphan and small population diseases;

''(iv) alternative technologies with significant health promise that are not well-supported in the system of health research, such as adjuvant technology or technologies for vaccines based on the innate immunological response; and

''(v) fast track development, including development through accelerated completion of animal and human clinical trials, for emerging remedies for significant public health problems; and

''(B) other appropriate translational research efforts for critical health issues.

''(4) The Research Projects Agency shall utilize funds to provide support to outstanding research performers in all sectors and encourage cross-disciplinary research collaborations that will allow scientists from fields such as information and computer sciences, nanotechnology, chemistry, physics, and engineering to work alongside top researchers with more traditional biomedical backgrounds.

''(5) The Research Projects Agency shall provide selected research projects with single-year or multi-year funding and require researchers for such projects to provide interim progress reports to the Research Projects Agency on not less frequently than a biannual basis.

''(6) The Research Projects Agency shall award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses, federally-funded research and development centers, and universities.

''(7) The Research Projects Agency shall provide advice to the Director of Cures concerning funding priorities.

''(8) The Research Projects Agency may solicit proposals for competitions to address specific health vulnerabilities identified by the Director and award prizes for successful outcomes.

''(9) The Research Projects Agency shall periodically hold health research and technology demonstrations to improve contact among researchers, technology developers, vendors, and acquisition personnel.

''(10) The Research Projects Agency shall carry out other activities determined appropriate by the Director of Cures.

''(f) EMPLOYEES.—

''(1) HIRING.—The Research Projects Agency, in hiring employees for positions with the Research Projects Agency, shall have the same hiring and management authorities as described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(2) TERM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term of such appointments for employees of the Research Projects Agency may not exceed 5 years.

''(B) EXTENSION.—The Director of the Research Projects Agency may, in the case of a particular employee of the Research Projects Agency, extend the term to which employment is limited under subparagraph (A) by up to 2 years if the Director of the Research Projects Agency determines that such action is necessary to promote the efficiency of the Research Projects Agency.

''(g) FLEXIBILITY.—The Research Projects Agency shall have the authority to flexibly fund projects, including the prompt awarding, releasing, enhancing, or withdrawal of monies in accordance with the assessment of the Research Projects Agency and project manager.

''(h) FUNDING.—The Research Projects Agency shall utilize funds received from the acceleration fund, described in section 499B(b)(2)(B)(i), for the Agency's research and development activities. There is authorized to be appropriated from such fund $2,500,000,000 to carry out the activities of the Research Projects Agency.

''Subpart 3—Clinical Trials

''SEC. 499E. INCREASING RESEARCH STUDY PARTICIPATION.

''The Director of NIH shall establish a national clinical study registry within the National Library of Medicine of the National Institutes of Health in accordance with section 499H. The Center shall publicize the registry, with attention given to minority groups that are frequently underrepresented in clinical trials.

''SEC. 499E–1. GRANTS FOR QUALITY CLINICAL TRIAL DESIGN AND EXECUTION.

''The Director of Cures—

''(1) shall award grants for clinical trial design and execution to academic centers to fund multi-disciplinary clinical research teams, which clinical research teams may be composed of members who include project managers, clinicians, epidemiologists, social scientists, and nursing staff; and

''(2) may award grants for clinical trial design and execution to researchers from small firms with highly promising novel therapeutic entities.

''SEC. 499E–2. STREAMLINING THE REGULATORY PROCESS GOVERNING CLINICAL RESEARCH.

''(a) ESTABLISHMENT OF CENTRALIZED INSTITUTIONAL REVIEW BOARDS.—

''(1) IN GENERAL.—The Director of Cures shall establish a series of Centralized institutional Review Boards (referred to in this section as 'CIRBs') to serve as human subject safety and well being custodians for multi-institutional clinical trials that are funded partially or in full by public research dollars.

''(2) EXISTING GUIDELINES AND BEST PRACTICES.—CIRBs shall be established in accordance with professional best practices and Good Clinical Practice (GCP) guidelines so that institutions involved in multi-institutional studies may—

''(A) use joint review;

''(B) rely upon the review of another qualified institutional review board; or

''(C) use similar arrangements aimed to avoid duplication of effort and to assure a high quality of expert oversight.

''(b) HOUSED.—Each CIRB shall be housed—

''(1) at the institute or center of the National Institutes of Health with expertise on the subject of the clinical trial; or

''(2) at a public or private institution with comparable organizational capacity, such as the Department of Veterans Affairs.

''(c) SERVICE.—The use of CIRBs shall be available, as appropriate, at the request of public or private institutions and shall be funded through user fees of the CIRBs or the Center's funds.

''(d) REVIEW PROCESS.—

''(1) IN GENERAL.—Each CIRB shall review research protocols and informed consent to ensure the protection and safety of research participants enrolled in multi-institutional clinical trials.

''(2) PROCESS.—The CIRB review process shall consist of contractual agreements between the CIRB and the study sites of multi-institutional clinical trials. The CIRB shall act on behalf, in whole or in part, of the bodies ordinarily responsible for the safety of research subjects in a locality. In the case in which a locality does not have such a body, the locality shall depend solely on the CIRB to oversee the protection of human subjects and the CIRB shall assume responsibility for ensuring adequate assessment of the local research context.

''(e) RESEARCH APPLICATIONS.—

''(1) IN GENERAL.—Each CIRB shall review and package research applications for facilitated electronic review by local institutional review boards participating in a multi-institutional clinical trial.

''(2) LOCAL REVIEW.—Local institutional review board review may be performed by a subcommittee of the local institutional review board that is empowered to make decisions in a timely manner.

''(3) CIRB REVIEW.—A local institutional review board may accept or reject a CIRB review. In the case in which a local institutional review board accepts a CIRB review, the CIRB shall assume responsibility for annual, amendment, and adverse event reviews.

''(f) WORK IN CONCERT.—In the case in which a local institutional review board works in concert with a CIRB, the local institutional review board shall be responsible for taking into consideration local characteristics (including ethnicity, educational level, and other demographic characteristics) of the population from which research subjects will be drawn, which influence, among other things, whether there is sound selection of research subjects or whether adequate provision is made to minimize risks to vulnerable populations.

''(g) COMMUNICATION OF IMPORTANT INFORMATION.—Each CIRB shall regularly communicate important information in electronic form to the local institutional review boards or, in cases where a local institutional review board does not exist, to the principal investigator, including regular safety updates or changes in research protocol to improve safety.

''(h) COORDINATION.—Each CIRB shall fully coordinate with the institute or center of the National Institutes of Health that has specialized knowledge of the research area of the clinical trial. Other Federal agencies and private entities undertaking clinical trials may contract with the Center to use a CIRB.

''SEC. 499E–3. TRAINING CLINICAL RESEARCHERS OF THE FUTURE.

''The Center shall augment the National Institutes of Health's investment into programs dedicated to developing the clinical research workforce for tomorrow. The programs shall include:

''(1) The National Institutes of Health's Mentored Patient-Oriented Research Career Development Award to support the career development of investigators who have made a commitment to focus their research endeavors on patient-oriented research.

''(2) The National Institutes of Health's award to encourage mentorship among particularly talented early- and mid-career investigators doing clinical research who want to train new investigators.

''(3) The National Institutes of Health grants to help institutions develop curricula for clinical researchers leading to a clinical science certificate or master's degree.

''(4) The National Institutes of Health grants to fund participants in clinical science programs, including clinical science certificates or clinical science masters' degrees.

"SEC. 499E–4. CLINICAL RESEARCH STUDY AND CLINICAL TRIAL.

"The Director of NIH shall—

"(1) commission the Institute of Medicine of the National Academies to study the rules that protect patient safety and anonymity so that in a contemporary clinical research context, a better balance can be achieved between clinical research promotion and regulatory requirement governing research subject safety and privacy; and

"(2) request that the Institute of Medicine issue a written report not later than 18 months after the date of enactment of this part that shall—

"(A) consider changes to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and the amendments made by such Act that further promote the clinical research endeavor; and

"(B) include recommendations for changes that shall not be limited to legislation but shall include changes to health care systems and to researcher practice that facilitate the clinical research endeavor.

"SEC. 499E–5. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated from the acceleration fund of the Director of Cures described in section 499B(b)(2)(B)(i)—

"(1) $100,000,000 to carry out section 499E–1(1) for fiscal year 2007 and each succeeding fiscal year;

"(2) $50,000,000 to carry out section 499E–2 for fiscal year 2007 and each succeeding fiscal year;

"(3) $200,000,000 to carry out section 499E–3 for fiscal year 2007 and each succeeding fiscal year; and

"(4) $2,500,000 to carry out section 499E–4.

"Subpart 4—Valley of Death

"SEC. 499F. SMALL BUSINESS PARTNERSHIPS.

"(a) ESTABLISHMENT OF THE OFFICE OF BIOSCIENTIFIC ENTERPRISE DEVELOPMENT.—

"(1) ESTABLISHMENT.—There is established within the Office of Technology Transfer of the Center (as established in subpart 5) an Office of Bioscientific Enterprise Development (referred to in the subpart as the 'OBED').

"(2) TRANSFERS.—

"(A) IN GENERAL.—The OBED shall include the functions (including related personnel and resources) of the following programs of the Office of Extramural Research in the Office of the Director of the National Institutes of Health:

"(i) The Small Business Innovation Research program (referred to in this subpart as the 'SBIR').

"(ii) The Small Business Technology Transfer program (referred to in this subpart as the 'STTR').

"(B) TIME FOR TRANSFERS.—The Secretary shall ensure that the programs described in subparagraph (A) are transferred to the OBED not later than 6 months after the date of enactment of this part.

"(b) SBIR AND STTR GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—Not less than 35 percent of the grants and contracts awarded by the SBIR and STTR shall be awarded on a competitive basis by an OBED program manager with sufficient managerial, technical, and translational research expertise to expertly assess the quality of a SBIR or STTR proposal. The OBED, through such project manager, shall place special emphasis on SBIR and STTR grant and contract applications that identify from the onset products with commercial potential that influence human health.

"(2) POTENTIAL PURCHASERS OR INVESTORS.—The OBED shall administer non-peer reviewed grants and contracts under this subsection through program managers who shall place special emphasis on partnering grantees and entities awarded contracts from the very beginning of the research and development process with potential purchasers or investors of the products, including large pharmaceutical or biotechnology companies, venture capital firms, and Federal agencies (including the National Institutes of Health).

"(3) PHASE I AND II.—The OBED shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR and STTR to—

"(A) 6 months; or

"(B) less than 6 months if the grantee or entity awarded a contract demonstrates that the grantee or entity awarded a contract has interest from third parties to buy or fund the product developed with the grant or contract.

"(4) PHASE III.—

"(A) FUNDING.—A program manager under this subsection may petition the Director of Cures for Phase III funding of the grant or contract for a project that requires a boost to finalize procurement of a product. The maximum funding for Phase III funding of a project shall be $2,000,000 for a maximum of 2 years. Such Phase III funding shall come from the acceleration fund, as described in section 499B(b)(2)(B)(i), of the Director of Cures.

"(B) REPORT SUCCESS.—Each recipient of a SBIR or STTR grant or contract, as a condition of receiving such grant or contract, shall report to the OBED whether there was eventual commercial success of the product developed with the assistance of the grant or contract.

"(5) RECORD.—

"(A) IN GENERAL.—The OBED shall keep a publicly accessible electronic record of all SBIR or STTR investments in research and development.

"(B) CONTENTS.—The record described in subparagraph (A) shall include, at minimum, the following information:

"(i) The grantee or entity awarded a contract.

"(ii) A description of the research being funded.

"(iii) The amount of money awarded in each phase of SBIR or STTR funding.

"(iv) If applicable, the purchaser of the product, current use of the product, and estimated annual revenue resulting from the procurement.

"(6) BONUS.—For each fiscal year, for the non-peer reviewed SBIR and STTR grants or contracts, the 2 program managers who are most successful in terms of the number of grantees or entities awarded a contract who complete Phase III shall each be awarded a $10,000 bonus.

"SEC. 499F–1. RAPID ACCESS TO INTERVENTION DEVELOPMENT.

"(a) ESTABLISHMENT OF OFFICE.—The Office of Technology Transfer of the Center shall establish an Office of Rapid Access to Intervention Development (referred to in this subpart as the 'RAID') that—

"(1) is designed to assist translating promising, novel, and scientifically meritorious therapeutic interventions to clinical use by providing support to help investigators navigate the product development pipeline;

"(2) shall aim to remove barriers between laboratory discoveries and clinical trials of new molecular therapies, technologies, and other clinical interventions;

"(3) shall aim to progress, augment, and complement the innovation and research conducted in private entities to reduce duplicative and redundant work using public funds; and

"(4) shall coordinate with the offices of the National Institutes of Health that promote translational research in the pre-clinical phase across the National Institutes of Health.

"(b) PROJECTS.—

"(1) IN GENERAL.—The RAID, in collaboration with the Director of Cures, shall carry out a program that shall select, in accordance with paragraph (2), projects of eligible entities that shall receive access to laboratories, facilities, and other support resources of the National Institutes of Health for the pre-clinical development of drugs, biologics, diagnostics, and devices.

"(2) SELECTION.—Not less than 35 percent of the projects selected under paragraph (1) shall be selected on a competitive basis by a program manager with sufficient managerial, technical, and translational research expertise to adequately assess the quality of a project proposal. Projects under paragraph (1) may also be selected from a peer review process.

"(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

"(A) a university researcher;

"(B) a nonprofit research organization; or

"(C) a firm of less than 100 employees in collaboration with 1 or more universities or nonprofit organizations.

"(4) DISCONTINUE SUPPORT.—The RAID may discontinue support of a project if the project fails to meet commercialization success criteria established by the RAID.

"(c) DISCOVERIES FROM LAB TO CLINIC.—The program under subsection (b) shall accelerate the process of bringing discoveries from the laboratory to the clinic through—

"(1) the development of pharmacological assays;

"(2) the scale-up of production from lab scale to clinical-trials scale;

"(3) the development of suitable formulations;

"(4) the evaluation of chemical stability;

"(5) the evaluation of materials testing for durability or reactivity;

"(6) undertaking initial toxicology studies;

"(7) planning clinical trials; and

"(8) advice regarding the investigational new drug or investigational new device filing with the Food and Drug Administration.

"(d) ONGOING REVIEW.—The RAID shall review, on an ongoing basis, potential products and may not support products past the proof-of-principle stage.

"SEC. 499F–2. TOXICITY STUDIES.

"(a) ONGOING RESEARCH.—The Center shall support ongoing research into the most efficient methods of screening for in vivo toxicity, including using cell-based and animal model technologies.

"(b) OFFER OF STUDIES.—The Director of Cures shall direct the Office of Technology Transfer of the Center to offer toxicity studies as an available feature to precede completion of licensing agreement contracts because toxicity studies are expensive and rate-limiting barriers to the licensing of intellectual property from the National Institutes of Health.

"SEC. 499F–3. ADDITIONAL FUNDING SOURCES AND MODELS.

"The Director of Cures may provide acceleration funds, described in section 499B(b)(2)(B)(i), for innovative custom contracts for translational research development to entities that license intellectual property from the National Institutes of Health where such contracts support innovation and new models of cooperation and commercialization.

"SEC. 499F–4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated from the acceleration fund of the Director of Cures described in section 499B(b)(2)(B)(i)—

"(1) $400,000,000 to carry out section 499F for fiscal year 2007 and each succeeding fiscal year; and

''(2) $100,000,000 to carry out section 499F–1 for fiscal year 2007 and each succeeding fiscal year.

"Subpart 5—Office of Technology Transfer

"SEC. 499G. RESTRUCTURING.

''(a) ESTABLISHMENT.—There is established within the Center an Office of Technology Transfer (referred to in this subpart as the 'OTT').

''(b) TRANSFERS.—The OTT shall include the functions (and related personnel and resources) of the Office of Technology Transfer in the Office of the Director of the National Institutes of Health.

"SEC. 499G–1. MARKETING FUNCTION.

''(a) IN GENERAL.—The OTT shall establish a program that—

''(1) cultivates industry interest in funded research of the National Institutes of Health;

''(2) reaches out to potential industry partners;

''(3) coordinates patents from the other institutes and centers of the National Institutes of Health; and

''(4) manages Cooperative Research and Development Agreements, biological licensing agreements, material transfer agreements, and intellectual property licensing.

''(b) PROMOTION.—The program under subsection (a) shall assist in promoting the success of government and industry partnerships for the development of new technologies by soliciting involvement of the private sector from the beginning of the translational research process, including by creating an electronic database within the National Library of Medicine, which shall be updated regularly, that tabulates translational research efforts occurring at the National Institutes of Health. The OTT shall hold an annual national translational research conference that brings together researchers and industry representatives from across fields from both the private and public sectors.

''(c) TRANSFER MANAGEMENT AND SUPPORT.—The OTT shall develop a program for transfer management and support that is familiar with the National Institutes of Health's intramural and extramural research portfolio, which program's mission is to reach out to potential industry partners to cultivate interest in collaboration with public researchers with the goal of product development and procurement. For those Institutes or Centers with their own Office of Technology Transfer Offices, the OTT shall work closely with those offices to coordinate industry outreach efforts. Those offices, on a biannual basis, shall meet with the OTT and shall submit a report to the OTT describing the translational research efforts of the Center or Institute and corresponding efforts to attract commercial interest in their research portfolio.

''(d) MANAGEMENT.—

''(1) IN GENERAL.—The OTT shall manage the Cooperative Research and Development Agreements between industry and public research partners.

''(2) REGISTRATION.—The OTT shall—

''(A) as appropriate, register the agreements within a publicly accessible electronic database maintained by the National Library of Medicine of the National Institutes of Health; and

''(B) oversee the collaborative process in terms of pre-determined outputs, negotiating problems that may occur between collaborating entities, and assuring intellectual property protections necessary for successful product development.

"SEC. 499G–2. OFFICE OF INTRAMURAL RISK OPPORTUNITY AND MAPPING.

''(a) ESTABLISHMENT.—There is established in the Office of Technology Transfer of the Center, an Office of Intramural Risk Opportunity and Mapping that shall oversee the intramural research programs of the National Institutes of Health to be certain they are complementary and distinct from extramural and private programs.

''(b) REVIEWS AND REPORTS.—The Office of Intramural Risk Opportunity and Mapping shall—

''(1) conduct regular reviews of the intramural research programs of the National Institutes of Health; and

''(2) report every 2 years on such reviews.

''(c) HEALTH RISKS AND OPPORTUNITIES.—The Office of Intramural Risk Opportunity and Mapping shall—

''(1) identify and map public health risks and scientific opportunities and keep data on such topics current and updated; and

''(2) provide the information described in paragraph (1) to the Council on a biannual basis to help the Council prioritize the Nation's translation research investment.

''(d) TRANS-NIH COLLABORATIVE RESEARCH.—

''(1) IN GENERAL.—The Office of Intramural Risk Opportunity and Mapping shall make, in coordination with the Director of Cures and the Director of NIH, funds available to groups of institutes and centers of the National Institutes of Health to promote engagement in multi-institute projects that focus on translational research endeavors.

''(2) FUNDING.—Funding levels and periods of funding under paragraph (1) shall be flexible as necessary to achieve trans-institute project objectives. Preference for funding shall be given to projects that promote high levels of cross-disciplinary collaboration, that address diseases with the greatest burden or research promise, and that are most likely to result in the development of a diagnostic or therapeutic prototype.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the acceleration fund of the Director of Cures described in section 499B(b)(2)(B)(i), to carry out this subsection $150,000,000.

"SEC. 499G–3. PATENTING AND LICENSING INCENTIVES.

''(a) IN GENERAL.—The OTT shall make every effort to increase licensing throughput in order to stimulate the availability of useful products for patients.

''(b) INCENTIVES.—The OTT shall develop incentives that create private sector, financial, commercial, and academic interest in the National Institutes of Health's intellectual property portfolio, which incentives may include the following:

''(1) The patent extension of National Institutes of Health's health patents, in which there is an extension of the time during which the licensee has exclusive right to the intellectual property.

''(2) The patent restoration of National Institutes of Health's health patents, in which there is restoration of the full patent life, or another agreed upon term, of a technology to the licensee from the time of Food and Drug Administration passage or other agreed upon milestone.

''(3) Partnering options, which are options to pursue exclusive and nonexclusive licensing to 1 or more partners in the government, industrial, or academic sectors.

''(c) CUSTOMIZED MODELS.—The Director of Cures shall encourage the OTT to cultivate customized models for contracts that fulfill the needs of industry and the public.

"SEC. 499G–4. TRANSLATIONAL RESEARCHER DEVELOPMENT.

''(a) IN GENERAL.—The Director of Cures shall oversee the development of a curriculum for internships in interdisciplinary research that will encompass rotations through multiple institutes and centers of the National Institutes of Health (including the National Library of Medicine), the clinical trial design process, and other related disciplines with an emphasis on practical experience.

''(b) TUITION GRANTS.—The Director of Cures shall award tuition grants for extramural interdisciplinary research programs.

''(c) TRAINING.—The Center shall train interdisciplinary scientists in the science and art of risk analysis and mapping through a program of internships and fellowships.

"SEC. 499G–5. TRANSLATIONAL RESEARCH TRAINING PROGRAM.

''The Director of NIH shall ensure that each institute and center of the National Institutes of Health has established, or contracted for the establishment of, a translational research training program at the institute or center.

"Subpart 6—Developing Information Systems

"SEC. 499H. ADVANCING NATIONAL HEALTH INFORMATION INFRASTRUCTURE.

''(a) GENOMIC DATA.—

''(1) IN GENERAL.—The National Center for Biotechnology Information of the National Library of Medicine of the National Institutes of Health shall develop new computational methods to aid in the processing of genomic data by novice and experienced researchers.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the acceleration fund of the Director of Cures described in section 499B(b)(2)(B)(i), to carry out paragraph (1) $8,000,000, of which—

''(A) $2,500,000 is authorized to be appropriated to support the program's computational infrastructure; and

''(B) $5,500,000 is authorized to be appropriated for hiring biologists and computer scientists who are trained in bioinformatics.

''(b) DATABASE.—The Secretary, acting through the Director of NIH, shall undertake, in collaboration with the National Library of Medicine of the National Institutes of Health, construction of a clinical study registry and results database that may expand upon the National Library of Medicine's information system and database.

''(c) CLINICAL TRIAL INFORMATION.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—The clinical study registry and results database, described in subsection (b), shall consist of a registry of phase III clinical trials taking place in the United States and a database of their results.

''(B) CLINICAL STUDY REGISTRY.—Participation in the clinical study registry shall be mandatory for both public and private entities.

''(C) RESULTS DATABASE.—Participation in the clinical trial results database shall be mandatory for both public and private entities. The clinical trial results database shall include even negative studies, which demonstrate no therapeutic effect.

''(2) REGISTRY OF CLINICAL TRIALS.—The registry of clinical trials shall include not less than the following:

''(A) The clinical trial title.

''(B) A description of the product under study.

''(C) The hypothesis to be tested.

''(D) The intervention.

''(E) The study design, methodology, duration, and location.

''(F) Participation criteria.

''(G) Contact information.

''(H) Sponsoring organization.

''(3) CLINICAL TRIAL RESULTS.—The database of clinical trial results shall consist of not less than the following:

''(A) The trial start date and completion date.

''(B) A summary of the results of the trial in a standard, non-promotional summary format.

''(C) Summary data tables with respect to the primary and secondary outcome measures.

''(D) Information on the statistical significance of the results and publications in peer reviewed journals relating to the trial, with, when available, an electronic link to the journal article.

''(E) A description of the process used to review the results of the trial, including a statement about whether the results have been peer reviewed by reviewers independent of the trial sponsor.

''(F) Safety data concerning the trial, including a summary of all adverse events specifying the number and type of events.

''(G) Reference information to the clinical trial in the clinical registry.

''(d) REGISTRATION OF TRIALS AND REPORTING OF RESULTS.—

''(1) WEBSITE PUBLICATION.—Each principal investigator of a public clinical trial or responsible person for a private clinical trial shall register phase III clinical trials in accordance with paragraph (2) and report phase III clinical trial results in accordance with paragraph (2) with the National Library of Medicine of the National Institutes of Health. The National Library of Medicine shall make the information available for viewing on the Library's Website, www.clinicaltrials.gov. The National Library of Medicine shall electronically link each registered clinical trial with its database of results and link each database of results with its registered clinical trial.

''(2) TIMELINE OF REGISTRATION.—

''(A) IN GENERAL.—An entity described in paragraph (1) shall register a clinical trial not later than 3 months after the Food and Drug Administration has approved the entity's clinical trial protocol and report clinical trial results not later than 3 months after completing the clinical trial, which shall be defined as the point where the specified trial duration has been surpassed and the analysis of the data is complete or the trial is stopped because of vital positive or negative findings, or as the point determined by the judgment of the Secretary. All information submitted to the National Library of Medicine shall be accurate and updated

''(B) LOSS OF FUNDING.—In the case in which an entity described in paragraph (1) does not register a clinical trial or report on clinical trial results in accordance with subparagraph (A), the Secretary may—

''(i) not award a grant, contract, cooperative agreements, or any other award to the principal investigators of such entity until the principal investigators comply with the requirements under subparagraph (A); and

''(ii) in the case of an entity that does not receive Federal funding for the clinical trial, fine the entity $10,000 a day for a sum not to exceed $2,000,000 until the responsible person for the clinical trial complies with the requirements under subparagraph (A).

''(C) WAIVER.—The Secretary may waive the requirements of subparagraph (A) upon a written request from the responsible person if the Secretary determines that extraordinary circumstances justify the waiver and that providing the waiver is in the public's interest or consistent with the protection of public health.

"SEC. 499H–1. PUBLIC ACCESS REQUIREMENT FOR RESEARCH.

''(a) IN GENERAL.—The Secretary shall require all funded investigators, whether direct employees of the Department of Health and Human Services or recipients of grants, contracts, or other support of the National Institutes of Health, the Centers for Disease Control and Prevention, or the Agency for Healthcare Research and Quality, to submit to the National Library of Medicine of the National Institutes of Health (referred to in this section as the 'National Library of Medicine'), upon acceptance for publication in a journal or other publication included in the PubMed directory, final manuscripts resulting from research in which direct costs are supported in whole or in part by the National Institutes of Health, the Centers for Disease Control and Prevention, or the Agency for Healthcare Research and Quality.

''(b) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—The National Library of Medicine shall include all such manuscripts described in subsection (a), after peer review, for display in the National Library of Medicine's digital library archive, PubMed Central. The copyright holder of a manuscript described in subsection (a) may request the author's manuscript be replaced with final published text.

''(2) TIMELINE.—A manuscript described in subsection (a) shall become publicly available on the Internet through PubMed Central not later than 6 months after the date of publication of the manuscript.

''(3) LOSS OF FUNDING FOR FAILURE TO SUBMIT ON TIME.—Failure to submit required information under this section to the National Library of Medicine within 6 months of the date of publication of the manuscript involved shall be considered by the Secretary in the context of grant compliance review and may result in the loss of public funding for the investigators involved as determined appropriate by the agency involved.

"SEC. 499H–2. INFORMATICS TRAINING AND WORKFORCE DEVELOPMENT.

''(a) IN GENERAL.—The Director of NIH shall develop a multi-faceted approach to increasing the number of persons trained in clinical bioinformatics by implementing appropriate programs, including the programs described in subsection (b).

''(b) PROGRAMS.—The programs under this subsection are the following:

''(1) K–12 SCIENCE PROGRAM.—The National Library of Medicine of the National Institutes of Health shall develop with the National Science Foundation a kindergarten through grade 12 clinical informatics education curriculum that shall include an assessment component. The National Library of Medicine shall award not more than 500 schools each $30,000 to implement the curriculum.

''(2) UNDERGRADUATE DEGREE PROGRAMS IN BIOINFORMATICS.—The National Library of Medicine of the National Institutes of Health shall—

''(A) award grants to academic health centers and graduate training programs to collaborate with an undergraduate institution of higher education's department of biology, chemistry, or computer science to develop curricula leading to a bachelor's degree in bioinformatics; and

''(B) encourage grantees to form an inter-institutional consortium.

''(3) INCREASING THE NUMBER OF NIH BIOINFORMATICS GRADUATE TRAINING PROGRAMS.—The National Library of Medicine of the National Institutes of Health shall increase the number of bioinformatics graduate training programs through funding existing graduate training programs of the National Institutes of Health to meet the expanding needs for training and outreach to the biomedical community. The programs shall focus on the skills needed to apply bioinformatics methods specifically to problems of human health and disease. The Director of NIH shall hire 12 individuals with a doctorate in molecular biology and expertise in training and developing educational programs to assist in carrying out the programs under this paragraph.

''(4) CENTERS OF EXCELLENCE IN CLINICAL BIOINFORMATICS.—The National Library of Medicine of the National Institutes of Health, through the Center, shall establish Centers of Excellence in Clinical Bioinformatics that shall have state-of-the-art computational methods and tools applicable to human disease prevention, diagnosis, and treatment. The Centers of Excellence in Clinical Bioinformatics shall provide graduate student and postdoctoral support, through distinguished faculty, in order to contribute to the highest level of training in the bioinformatics workforce pipeline.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the acceleration fund of the Director of Cures described in section 499B(b)(2)(B)(i), to carry out this section $50,000,000 for fiscal year 2007 and each succeeding fiscal year of which—

''(1) $15,000,000 is authorized to be appropriated for fiscal year 2007 and each succeeding fiscal year to carry out subsection (b)(1); and

''(2) $2,000,000 is authorized to be appropriated to carry out subsection (b)(3).

"SEC. 499H–3. NATIONAL LIBRARY OF MEDICINE EXPANSION OF FACILITIES.

''(a) SENSE OF CONGRESS.—It is the sense of Congress that Congress should make special effort to fund the expansion of facilities of the National Library of Medicine of the National Institutes of Health. These facilities are essential to the National Library of Medicine being able to fulfill its many informatics functions, which include providing essential informational resources to scientists worldwide and advancing the underpinning of much of the National Institutes of Health conducted biomedical research.

''(b) REPORT.—The Director shall request that the Institute of Medicine of the National Academies report to Congress on the impact of not providing funding for the expansion of facilities described in subsection (a).

"Subpart 7—Research Tools

"SEC. 499I. NIH RESEARCH TOOL INVENTORY.

''(a) ANNUAL REVIEW.—The Director of NIH shall direct the head of each institute and center of the National Institutes of Health to perform an annual review of the institute or center's research tool inventory for the specific purpose of enabling each institute or center to understand the research tool distribution, frequency of use, intellectual property status, and utility. Each institute and center of the National Institutes of Health shall describe in the institute or center's annual review the type and quantity of research tools the institute or center desires to obtain to better fulfill the institute or center's research and development goals.

''(b) DATABASE.—The Director of Cures shall—

''(1) enter the information obtained from the annual review under subsection (a) into an electronic research tool database; and

''(2) use such database to oversee the prioritization and funding of new projects to fulfill pressing needs and promising technologies.

"SEC. 499I–1. EXCEPTIONS TO TOOL GUIDELINES.

''The Director of Cures may advise the Office of Technology Transfer of the Center to provide exceptions to prohibitions against patenting and licensing research tools under some circumstances of customized contracts when exclusive or non-exclusive licensing provides the swiftest and most efficacious final development of an important health care technology.''.

(b) CONFORMING AMENDMENT.—Section 401(b)(1) of the Public Health Service Act (42 U.S.C. 281(b)(1)) is amended by adding at the end the following:

''(S) The American Center for Cures.''.

QUOTES IN SUPPORT OF THE AMERICAN CENTER FOR CURES ACT OF 2005

''The American Center for Cures will be a tremendous addition to our nation's valuable tradition of biomedical research. By emphasizing translational and applications research as well as discovery of diagnostic markers, the ACC will bring the hope of basic science discovery to the reality of patient care. The mandate and goal will be to prevent, early diagnose, or cure the diseases that cause such suffering to humanity. This effort will promote health diplomacy that will bring the genius and resources of our nation to better the health of all Americans.''—Secretary Tommy Thompson, Former Secretary, Department of Health and Human Services, Former Governor, State of Wisconsin.

''The need for a federal focus on finding cures has long been a top priority for all of us who seek the rapid translation of scientific advances into personal health benefits. With their landmark legislative proposal, Senators Cochran and Lieberman have taken a critical step along our path to cures.''—S. Robert Levine MD, Chairman of the Health Priorities Project of the Progressive Policy Institute.

''As Governors around the country look to transform our complex health care system, we must seek new cost-effective solutions that continue to improve our overall health and productivity,'' said Michigan Governor Jennifer M. Granholm. ''The American Center for Cures represents a bi-partisan effort to devote significant and lasting resources toward an innovative approach to disease treatment and management, offering Americans grappling with chronic and debilitating diseases the lasting gift of hope.''—Governor Jennifer Granholm, Michigan.

''Finding cures will improve the health of mankind. As an example, by simply delaying the onset of Alzheimer's disease by five years, the health and productivity of older Americans will be enhanced. Developing cures will provide American families with a better quality of health care that can be sustained over a longer period of time. That is why I urge the establishment of the American Center for Cures.''—Governor Tom Vilsack, Iowa.

The American Center for Cures is a timely and creative proposal for tackling an urgent national challenge: the skyrocketing costs of treating and preventing chronic diseases. The confluence of such diseases and a graying population not only threatens to make health care unaffordable, but also jeopardizes prospects for healthy and successful aging. The Center would focus the prodigious talents of our scientific community on specific strategies to cure disease, saving lives and money over the long run.—Will Marshall, President, Progressive Policy Institute.

''The American Center for Cures is a simple, bold, breakthrough idea: A can-do country ought to have the capacity to solve chronic problems, not just treat them.''—Bruce Reed, President, Democratic Leadership Council.

''I think this goes a long way toward improving NIH's ability to do large projects across institutes and to facilitate translational research. I am happy to support this concept . . . there are already a lot of good ideas here.''—Leland Hartwell, Ph.D., Nobel Laureate, Medicine and Physiology, President, Fred Hutchinson Cancer Research Center.

''I believe the American Center for Cures (ACC) is a wonderful effort that focuses physicians and scientists on bringing the discoveries of the laboratory to the patient. The lives of many Americans will be improved by having the ACC bring to bear new resources in the fight against chronic neurological diseases such as Alzheimer's, Parkinson's, multiple sclerosis, and other neurodegenerative disorders. I enthusiastically support the American Center for Cures and hope that my colleagues in biomedical research will join me.''—Stanley Prusiner, M.D., Nobel Laureate, Medicine and Physiology, University of California, San Francisco.

''The proposed ACC offers a blend of existing federal activities in health research with several new initiatives, all aimed at speeding the move from discovery to products that help human health. The proposal has multiple components including strengthening existing NIH authorities in support of small business. When enacted and in operation the results of this new focused activity should be very visible with improvements to the public health that would not be possible without this new money with mandates on how it is spent.''—Robert Day, M.D., Ph.D., M.P.H., Emeritus Professor and Dean, University of Washington School of Public Health and Community Medicine, Emeritus Professor and Director, Fred Hutchinson Cancer Research Center, Member, Public Health Sciences, Member, National Cancer Advisory Board, National Cancer Policy Board.

''The establishment of an American Center for Cures with its emphasis, prominence and integration into the rest of the United States organization of health care related ventures would represent an enormous step forward. The focus of the Center on translation of basic science initiatives to the clinical arena will benefit those whose support has taken us to the present date. I applaud the initiative.''—Fritz H Bach, M.D., Lewis Thomas Distinguished Professor, Harvard Medical School.

''Medical discoveries over the past century have greatly increased the quality and quantity of human life. New insights into biology will make even more advances possible. The American Center for Cures will make the translation of biological discoveries to the patient occur not only faster but much more likely to happen. It is hard to imagine another investment that would extend the quality and quantity of life than fully funding the American Center for Cures.''—James O. Armitage, M.D., Joe Shapiro Professor of Medicine, University of Nebraska College of Medicine, Member, National Cancer Advisory Board.

''I am pleased to support the American Center for Cures (ACC) proposed legislation that you introduced to the United Sates Senate on Wednesday, December 7. This legislation is critical and in the translation of advances in fundamental biomedical science to improvements in the care of people. Please let me know if I can help make this dream a reality.''—Lee Goldman, M.D., MPH, Julius R. Krevans Distinguished Professor and Chair, Associate Dean for Clinical Affairs, University of California San Francisco School of Medicine, President, Association of Professors of Medicine.

''I enthusiastically support The American Center for Cures (ACC) Senate legislation. The ACC will focus our nation's scientists and doctors on applying basic scientific discoveries to help the patient. This critical approach to research will not only help our friends and loved ones with their health, it will be the 21st Century American approach to solving the health care financial crisis. By eliminating or reducing certain diseases for all Americans, the looming federal and state Medicare and Medicaid financial tsunami will be markedly reduced. There is no time to lose. I urge the immediate passage of the ACC legislation.'' —Stephen Gleason, D.O., Ph.D., Former CEO Mercy Clinics, Former VP Medical Operations for Catholic Health Initiatives, Former White House advisor, Former chief of staff, Governor Tom Vilsack, Former Presidential Representative to the World Health Organization, Assistant Professor, Mayo Graduate School of Medicine.

''The American Center for Cures will be the engine that brings basic science discoveries and apply them to the patient. It has been said that women and minorities are not dying from the lack of research, they are dying from the lack of research being applied to them. The ACC will focus the talent of the greatest scientists and clinicians for one singular purpose: to cure, prevent, or diagnose earlier diseases that afflict so many in the world. As a mother, nurse, researcher, and educator, I believe that the ACC will bring better health to all of us. The time is now . . . let us not waste another moment.''—Sandra Underwood, RN, PhD, University of Wisconsin School of Nursing.

''The American Center for Cures is a remarkable idea that will be the bridge between the promise of scientific opportunities and the reality of our nation's health needs—to deliver cures. Americans deserve a center that is totally dedicated to finding cures for our most devastating and debilitating chronic diseases. The ACC is the natural extension of the doubling of the NIH budget. Now we must have as a top national priority an accountable, mission-driven Center for Cures to rapidly identify ''cure opportunities'' already created by federal, academic and private research laboratories and proactively accelerate and rapidly translate these opportunities into real cures.

In an era of expanding needs, exploding knowledge of the biomedical sciences, and demands of the public to have the knowledge applied to their loved ones' ailments, the American Center for Cures offers new hope and dynamic reality to Americans. The American Center for Cures is the opportunity to commit the American genius, resources, and ethic to a greater cause in a ''moonshot'' approach to diseases.''—Richard J. Boxer, M.D., Clinical Professor, Health Policy, Medical College of Wisconsin, Clinical Professor, Family and Community Medicine, Medical College of Wisconsin, Clinical Professor, Surgery/Urology, University of Wisconsin-Madison.

''Having reviewed the material you so kindly sent me, I want to applaud this pioneering, entrepreneurial approach which will undoubtedly accelerate the process by which we discover and implement cures for diseases and improve and enrich the quality of life of tens of millions of Americans. I hope that this bold solutions-oriented approach will have overwhelmingly bi-partisan support in Congress and that it will be signed into law by the President at the earliest possible moment.''—Steve Grossman, Former Chair, Democratic National Committee, C.E.O. Massachusetts Envelope Company.

''The American Center for Cures is the best new idea in Washington DC in a generation. It is timely, creative and compelling.''—Joe Andrew, Former Chair, Democratic National Committee, Sonnenschein, Nath and Rosenthal, LLP.

''The combination of NIH and industry-supported research, combined with venture capital, has been very successful in bringing new drugs based on fundamental biological discoveries into commercial reality. In areas that combine fundamental biology and physical science and engineering—biomedical devices, analytical, genomic, and diagnostic tools, bioinformation systems, tissue engineering—the current system works substantially less well.''—George Whitesides, Ph.D., Professor of Chemistry, Harvard Medical School, (given in 2004).

''The concept of the new institute is exciting.''—Arthur W. Nienhuis, M.D., Director,

St. Jude Children's Research Hospital, (given in 2004).

''The concept and its underlying philosophy are right on target. We need to open cancer research in prevention, early diagnosis, and cure to scientists in diverse fields that include physicists, chemists, computer scientists and mathematicians.''—Frederick P. Li, M.D., Director, Division of Cancer Epidemiology and Control, Dana-Farber Cancer Institute, (given in 2004).

''The 20th Century saw a 100-percent increase in worldwide life expectancy—one of the greatest achievements in history. Today's children face different challenges, including a higher risk of dying from cancer and other diseases of aging than their grandparents did. In the 21st Century, our challenge is to use incredible advancements in information technology and biology to defeat such diseases as cancer, Alzheimer's, diabetes, Parkinson's and many other afflictions that take years of quality life from our loved ones. The most-important benefit will be reduced human suffering. And the value to our economy will be measured in trillions of dollars. The American Center for Cures (ACC) legislation recognizes and responds to the imperative of defeating these deadly diseases in our lifetimes. I believe we can do that if we summon the will to change the way we pursue new medical solutions. FasterCures supports passage of the ACC legislation and urges its rapid implementation. There is not a moment to lose.''—M. Millken, Chairman, FasterCures/The Center for Accelerating Medical Solutions.

''The American Center for Cures will be extraordinarily important for all Americans, and indeed all humanity. The new Center will combine scientific disciplines that have previously not been brought to bear upon biomedical problems. This is a unique and desperately needed approach will break through the impasse and finally bring the formidable power of all science to focus and solve the diseases that plague the world. The American Center for Cures has been designed to bring accountability and responsibility for ultimate cures. Its success will be measured by cures and cures alone. As a father, husband, entrepreneur, and one who has seen too much suffering, I believe it is incumbent upon us to take a bold approach to biomedical research that will make our children and future generations free of the diseases that have afflicted us and our ancestors. Let our descendents look back at our generation and say, 'They reached for the stars, and found they were capable of conquering old paradigms, fears, and diseases.' ''—Lou Weisbach, C.E.O. Stadium Capital Associates, Founder, HA-LO Industries, Inc.

''Oscar Wilde once wrote, ''Morality, like art, begins with a line being drawn someplace.'' With tremendous suffering and disease so prevalent in our country, the American Center for Cures' (ACC) proposed legislation being introduced by Senators Lieberman and Cochran draws a line in the sand for health and extending the lifetime of every individual. From a religious point of view, this certainly responds to the notion that we are identified with life affirmation. I heartily endorse this legislation.''—Rabbi Steven B. Jacobs, Temple Kol Tikvah, Woodland Hills, CA—Rabbi Michael Lerner, Editor, Tikkun Magazine, Rabbi, Beyt Tikkun Synagogue, San Francisco, California.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 331—EXPRESSING THE SENSE OF THE SENATE REGARDING FERTILITY ISSUES FACING CANCER SURVIVORS

Ms. LANDRIEU (for herself, Mr. BURR, Mr. BINGAMAN, Mrs. FEINSTEIN, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 331

Whereas there are more than 10,000,000 cancer survivors in the United States, and approximately 1,000,000 of those survivors were diagnosed during their reproductive years;

Whereas approximately 130,000 people under the age of 45 are diagnosed with cancer each year;

Whereas up to 90 percent of patients diagnosed with cancer under the age of 45 will undergo potentially sterilizing treatments, such as surgery, chemotherapy, or radiation;

Whereas survivorship rates have dramatically increased so that 71 percent of patients who are diagnosed with cancer under the age of 45 can expect to live at least five years beyond the diagnosis of their disease;

Whereas long-term consequences of cancer treatment are of increasing concern to patients since they are increasingly likely to survive their cancer;

Whereas the diagnosis of infertility can be as devastating for many patients as the cancer diagnosis itself;

Whereas successful fertility preservation options for men and women exist and include: sperm banking, oocyte (egg) freezing, and ovarian and testicular tissue freezing;

Whereas many cancer patients have the option of taking steps to preserve their fertility before their potentially sterilizing cancer treatment begins;

Whereas many patients do not take steps to preserve their fertility before treatment because they are not informed by their health care professionals that their fertility is at risk, or, if they are informed of the risk, they are generally not counseled on their fertility preservation options;

Whereas unrelated factors such as marital status or poor prognosis should not preclude certain patients from being informed about their fertility risks and options; and

Whereas the 2003–2004 President's Cancer Panel Report recognized that comprehensive written and verbal information regarding fertility side effects and fertility preservation options for all reproductive-age patients should be provided before treatment: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) cancer-related infertility is a serious quality of life issue for reproductive-age cancer patients;

(2) national and community organizations should be recognized and applauded for their work in promoting awareness of the risks of infertility and fertility preservation options for cancer survivors;

(3) the medical community should increase its efforts to ensure that discussions about the risk of infertility and fertility preservation options are an integral part of pretreatment planning and consent for treatment for all reproductive-age patients; and

(4) the Federal Government, acting through the National Institutes of Health, should endeavor to—

(A) encourage research that will strengthen fertility preservation technologies for cancer patients;

(B) continue to consider ways to improve access to fertility preservation options for cancer patients; and

(C) endeavor to raise awareness about the fertility side effects and fertility preservation options for cancer patients.

SENATE RESOLUTION 332—HONORING THE LIFE OF FORMER GOVERNOR CARROLL A. CAMPBELL, AND EXPRESSING THE DEEPEST CONDOLENCES OF THE SENATE TO HIS FAMILY

Mr. DEMINT (for himself and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 332

Whereas the Senate has learned with sadness of the death of Governor Carroll Campbell;

Whereas Carroll Campbell dedicated a lifetime of service to the State of South Carolina and the United States;

Whereas Carroll Campbell served most honorably as the Governor of South Carolina from 1987 to 1995;

Whereas from 1979, and until he was elected Governor of South Carolina, Carroll Campbell served with high moral character and integrity in the United States House of Representatives;

Whereas Carroll Campbell was the first Republican elected to the House of Representatives for the 4th Congressional District since the Reconstruction period;

Whereas during his service as Governor, Carroll Campbell provided extraordinary leadership and comfort to the citizens of South Carolina throughout the devastating aftermath of Hurricane Hugo and the rebuilding of the coast;

Whereas Carroll Campbell improved the economy of South Carolina and the livelihood of its citizens by attracting world class businesses;

Whereas Carroll Campbell worked diligently to restructure the Government of South Carolina, making it more accessible and responsive to its citizens;

Whereas Carroll Campbell focused on improving the quality of public education provided by the State of South Carolina to all of its citizens;

Whereas Carroll Campbell was as devoted to his principles as he was to his loving family, which included his wife Iris, his sons Carroll and Mike, and his grandchildren ''Blakeney'' Herlong Campbell, Carroll ''Berrett'' Campbell, Michael ''Rhodes'' Campbell, and Marie ''Riley'' Campbell; and

Whereas Carroll Campbell was a visionary who worked to improve the lives of all South Carolinians: Now, therefore, be it

Resolved, That the Senate—

(1) extends its prayers and deepest condolences to the entire Campbell family;

(2) honors the life of Carroll Campbell and expresses profound gratitude for his years of public service; and

(3) acknowledges with appreciation the unfaltering commitment and loyalty of Carroll Campbell to his family and the State of South Carolina.

SENATE RESOLUTION 333—RECOGNIZING THE CENTENNIAL OF SUSTAINED IMMIGRATION FROM THE PHILIPPINES TO THE UNITED STATES AND ACKNOWLEDGING THE CONTRIBUTIONS OF OUR FILIPINO-AMERICAN COMMUNITY TO OUR COUNTRY OVER THE LAST CENTURY

Mr. AKAKA (for himself, Mr. INOUYE, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 333

Whereas the peoples of the Philippine archipelago have a long and proud history, and today, as the Republic of the Philippines, embrace democracy, occupy a central strategic position in Asia and the Pacific, and nurture a rich and diverse cultural heritage;

Whereas the United States and the Philippines have enjoyed a long and productive relationship, including the period of United States governance between 1898 and 1946, and the period post-independence starting in 1946, during which the Philippines has taken its place among the community of nations and has been one of our country's most loyal and reliable allies internationally;

Whereas the bonds between our 2 countries have been strengthened through sustained immigration from the Philippines to the United States;

Whereas the 2000 census counted almost 2,400,000 Americans of Filipino ancestry living in all parts of our country, including the top 2 States, California, with almost 1,100,000 Filipino Americans, and Hawaii, with some 275,000;

Whereas the contributions of Filipino Americans to the United States include achievement in all segments of our society, including, to name a few, labor, business, politics, medicine, media and the arts;

Whereas Filipino Americans have especially served with distinction in the Armed Forces of the United States throughout the history of our long relationship, from World Wars I and II through the Korean War, the Vietnam War, the Gulf War, and today in Afghanistan and Iraq;

Whereas within the United States, Filipino Americans retained many of their country's proud cultural traditions and contribute immeasurably to the diverse tapestry of today's American experience;

Whereas Filipino Americans have also maintained close ties to their friends and relatives in the Philippines and in doing so play an indispensable role in maintaining the strength and vitality of the United States-Philippines relationship;

Whereas both the Filipino experience in the United States and the resultant ties between our 2 great countries began in earnest in 1906, when 15 Filipino contract laborers arrived in the then-Territory of Hawaii to work on the islands' sugar plantations, the beginnings of an emigration from the Philippines to Hawaii which, during the subsequent century, has sometimes exceeded 60,000 a year, making Filipinos the largest immigrant group from the Asia-Pacific region;

Whereas 1906 also saw the first class of 200 ''pensionados'' arrive from the Philippines to obtain United States educations with the intent of returning, although many later became United States citizens and helped form the foundation of today's Filipino-American community;

Whereas the story of America's Filipino-American community is little known and rarely told, yet is the quintessential immigrant story of early struggle, pain, sacrifice, and broken dreams, leading eventually to success in overcoming ethnic, social, economic, political, and legal barriers to win a well-deserved place in American society;

Whereas our Filipino-American community will recognize a century of achievement in the United States in 2006 through a series of nationwide celebrations and memorials honoring the centennial of sustained immigration from the Philippines; and

Whereas this centennial is for all Americans of whatever ethnic origin to celebrate both with and in order to understand and appreciate our Filipino-American community, but also as a remembrance of the struggles and triumphs of all of our predecessors and in honor of our common national experience: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the centennial of sustained immigration from the Philippines to the United States;

(2) acknowledges the achievements and contributions of Filipino Americans over the past century; and

(3) urges the people of the United States to observe this milestone with appropriate celebratory and educational programs, ceremonies and other activities.

SENATE CONCURRENT RESOLUTION 69—SUPPORTING THE GOALS AND IDEALS OF A DAY OF HEARTS, CONGENITAL HEART DEFECT DAY IN ORDER TO INCREASE AWARENESS ABOUT CONGENITAL HEART DEFECTS, AND FOR OTHER PURPOSES

Mr. ISAKSON submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 69

Whereas congenital heart defects are structural problems with the heart that are present at birth;

Whereas such defects range in severity from simple problems, such as ''holes'' between chambers of the heart, to very severe malformations, such as the complete absence of one or more chambers or valves of the heart;

Whereas more than one million Americans have some form of a congenital heart defect and such defect is the number one cause of death in infants;

Whereas out of 1000 births, eight babies will have some form of a congenital heart disorder, and approximately 35,000 babies are born with such defects each year;

Whereas twice as many children die each year from congenital heart disease compared with childhood cancers, yet funding for pediatric cancer research is five times higher than such funding for congenital heart disease;

Whereas cardiovascular disease is the Nation's leading killer in both men and women among all racial and ethnic groups;

Whereas the United States has a severe shortage of cardiac centers that are fully equipped to provide care for adults living with complex heart defects;

Whereas almost one million Americans die of cardiovascular disease each year, resulting in up to 42 percent of all deaths in the United States;

Whereas the presence of a serious congenital heart defect often results in an enormous emotional and financial strain on young families who are already in a vulnerable stage of their lives;

Whereas severe congenital heart disease requires that families dedicate extensive financial resources for assistance and care both within and outside of a hospital environment;

Whereas congenial heart defects exceed more than $2.2 million a year for inpatient surgery alone; and

Whereas February 14, 2006 would be an appropriate day to recognize A Day for Hearts: Congenital Heart Defect Awareness Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress supports the goals and ideals of A Day of Hearts: Congenital Heart Defect Awareness Day to—

(1) increase awareness about congenital heart defects;

(2) encourage research with respect to the disease; and

(3) support the millions of Americans who are affected by this disease.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President. I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing on Wednesday, December 14 regarding EPA's Spill Prevention Control and Countermeasure program, specifically the issues addressed by proposed rule and guidance document issued Friday, December 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, December 14, 2005, 11 a.m., to consider the nominations of Antonio Fratto, to be Assistant Secretary of the Treasury for Public Affairs, U.S. Department of the Treasury, Washington, DC; David M. Spooner, to be Assistant Secretary of Commerce for Import Administration, U.S. Department of Commerce, Washington, DC; Vincent J. Ventimiglia, Jr., to be Assistant Secretary of Health and Human Services for Legislation, U.S. Department of Health and Human Services, Washington, DC; Richard T. Crowder, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, Washington, DC; Jeffrey Robert Brown, to be Member of Social Security Advisory Board, Social Security Administration, Baltimore, MD; and David Steele Bohigian, Assistant Secretary of Commerce, Market Access and Compliance, U.S. Department of Commerce, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent Jon Miles of my staff be granted floor privileges for the duration of today's session.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that John Haffner and Molly Askin, legal interns in my

Judiciary Committee office, be given privileges of the floor during the PATRIOT Act conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H. R. 3010

Mr. SESSIONS. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of the conference report to accompany H.R. 3010, the Labor-HHS appropriations bill. I further ask consent that there be 90 minutes of debate under the control of Senator HARKIN, 30 minutes under the control of Senator SPECTER, and 10 minutes for Senator COBURN; further, that following that time, it be temporarily set aside with the vote to occur on the conference report at a time to be determined by the majority leader, after consultation with the Democratic leader, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING CONDOLENCES ON DEATH OF CARROLL CAMPBELL

Mr. SESSIONS. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 332, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 332) honoring the life of former Governor Carroll A. Campbell, and expressing the deepest condolences of the Senate to his family.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 332) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 332

Whereas the Senate has learned with sadness of the death of Governor Carroll Campbell;

Whereas Carroll Campbell dedicated a lifetime of service to the State of South Carolina and the United States;

Whereas Carroll Campbell served most honorably as the Governor of South Carolina from 1987 to 1995;

Whereas from 1979, and until he was elected Governor of South Carolina, Carroll Campbell served with high moral character and integrity in the United States House of Representatives;

Whereas Carroll Campbell was the first Republican elected to the House of Representatives for the 4th Congressional District since the Reconstruction period;

Whereas during his service as Governor, Carroll Campbell provided extraordinary leadership and comfort to the citizens of South Carolina throughout the devastating aftermath of Hurricane Hugo and the rebuilding of the coast;

Whereas Carroll Campbell improved the economy of South Carolina and the livelihood of its citizens by attracting world class businesses;

Whereas Carroll Campbell worked diligently to restructure the Government of South Carolina, making it more accessible and responsive to its citizens;

Whereas Carroll Campbell focused on improving the quality of public education provided by the State of South Carolina to all of its citizens;

Whereas Carroll Campbell was as devoted to his principles as he was to his loving family, which included his wife Iris, his sons Carroll and Mike, and his grandchildren ''Blakeney'' Herlong Campbell, Carroll ''Berrett'' Campbell, Michael ''Rhodes'' Campbell, and Marie ''Riley'' Campbell; and

Whereas Carroll Campbell was a visionary who worked to improve the lives of all South Carolinians: Now, therefore, be it

Resolved, That the Senate—

(1) extends its prayers and deepest condolences to the entire Campbell family;

(2) honors the life of Carroll Campbell and expresses profound gratitude for his years of public service; and

(3) acknowledges with appreciation the unfaltering commitment and loyalty of Carroll Campbell to his family and the State of South Carolina.

EXECUTIVE CALENDAR

NOMINATIONS DISCHARGED

Mr. SESSIONS. As in executive session, I ask unanimous consent that the following committees be discharged from further consideration of the nominations mentioned and that they be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. From the Foreign Relations Committee, Marilyn Ware, PN 1015; from the HELP Committee, Stephanie Monroe, PN 651; from the Homeland Security Committee, Donald Gambatesa, PN 870.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING CENTENNIAL OF SUSTAINED IMMIGRATION FROM PHILIPPINES TO UNITED STATES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 333 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 333) recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century.

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, I rise to speak about the resolution submitted today with the senior Senator from Hawaii; DAN INOUYE. This resolution formally recognizes the 2006 centennial of Filipino immigration to Hawaii, acknowledges the contributions of the Filipino-American community to our country, and celebrates the long and productive relationship between the Philippines and the United States.

On December 20, 1906, the first Filipino ''sakadas,'' or farm workers, arrived at Honolulu Harbor. Over the years Filipino workers provided an invaluable service for Hawaiian sugarcane and pineapple plantations. Other Filipino immigrants who arrived on the West Coast contributed to the workforce on farms in California and Washington, lumber operations in the North West, and salmon canneries in Alaska. Three years earlier, following the passage of the Pensionado Act, about 200 Filipino ''pensionados,'' or government scholars, were brought to the U.S. to receive an American education. Though many of the ''sakadas'' and ''pensionados'' intended to return to the Philippines, a number of them stayed to become American citizens, forming the foundation of today's Filipino-American community.

Despite being the second-largest Asian-American group in the United States, the story of the Filipino-American community is largely unknown. This resolution pays tribute to the sacrifice of Filipino-Americans and their perseverance in the face of political, social, and ethnic adversity.

Throughout our Nation, there are about 2.4 million Americans of Filipino ancestry. Hawaii has the second largest population of Filipino-Americans with 275,000 residing there today. Our country has benefitted greatly from the many accomplishments of the Filipino-American community, in all areas of society.

As a Nation with a rich immigrant heritage, it is only right that our country recognizes the struggles and triumphs experienced by the Filipino community. I would also like to commend my other colleagues in Hawaii's Congressional delegation, Representatives ED CASE and NEIL ABERCROMBIE, for sponsoring this resolution in the other body. I would like to thank my intern, Sylvia Wan, for her assistance in preparing this statement. I urge my colleagues to support this resolution to honor the centennial of Filipino migration to Hawaii and their contributions to our country.

Mr. SESSIONS. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 333) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 333

Whereas the peoples of the Philippine archipelago have a long and proud history, and today, as the Republic of the Philippines, embrace democracy, occupy a central strategic position in Asia and the Pacific, and nurture a rich and diverse cultural heritage;

Whereas the United States and the Philippines have enjoyed a long and productive relationship, including the period of United States governance between 1898 and 1946, and the period post-independence starting in 1946, during which the Philippines has taken its place among the community of nations and has been one of our country's most loyal and reliable allies internationally;

Whereas the bonds between our 2 countries have been strengthened through sustained immigration from the Philippines to the United States;

Whereas the 2000 census counted almost 2,400,000 Americans of Filipino ancestry living in all parts of our country, including the top 2 States, California, with almost 1,100,000 Filipino Americans, and Hawaii, with some 275,000;

Whereas the contributions of Filipino Americans to the United States include achievement in all segments of our society, including, to name a few, labor, business, politics, medicine, media and the arts;

Whereas Filipino Americans have especially served with distinction in the Armed Forces of the United States throughout the history of our long relationship, from World Wars I and II through the Korean War, the Vietnam War, the Gulf War, and today in Afghanistan and Iraq;

Whereas within the United States, Filipino Americans retained many of their country's proud cultural traditions and contribute immeasurably to the diverse tapestry of today's American experience;

Whereas Filipino Americans have also maintained close ties to their friends and relatives in the Philippines and in doing so play an indispensable role in maintaining the strength and vitality of the United States-Philippines relationship;

Whereas both the Filipino experience in the United States and the resultant ties between our 2 great countries began in earnest in 1906, when 15 Filipino contract laborers arrived in the then-Territory of Hawaii to work on the islands' sugar plantations, the beginnings of an emigration from the Philippines to Hawaii which, during the subsequent century, has sometimes exceeded 60,000 a year, making Filipinos the largest immigrant group from the Asia-Pacific region;

Whereas 1906 also saw the first class of 200 ''pensionados'' arrive from the Philippines to obtain United States educations with the intent of returning, although many later became United States citizens and helped form the foundation of today's Filipino-American community;

Whereas the story of America's Filipino-American community is little known and rarely told, yet is the quintessential immigrant story of early struggle, pain, sacrifice, and broken dreams, leading eventually to success in overcoming ethnic, social, economic, political, and legal barriers to win a well-deserved place in American society;

Whereas our Filipino-American community will recognize a century of achievement in the United States in 2006 through a series of nationwide celebrations and memorials honoring the centennial of sustained immigration from the Philippines; and

Whereas this centennial is for all Americans of whatever ethnic origin to celebrate both with and in order to understand and appreciate our Filipino-American community, but also as a remembrance of the struggles and triumphs of all of our predecessors and in honor of our common national experience: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the centennial of sustained immigration from the Philippines to the United States;

(2) acknowledges the achievements and contributions of Filipino Americans over the past century; and

(3) urges the people of the United States to observe this milestone with appropriate celebratory and educational programs, ceremonies and other activities.

SHAREHOLDER CONSIDERATION OF PROPOSALS UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 182, S. 449.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 449) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 449) was read the third time and passed, as follows:

S. 449

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

SECTION 1. TECHNICAL AMENDMENT TO ALASKA NATIVE CLAIMS SETTLEMENT ACT.

Section 36(d)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended—

(1) by striking ''(d)(3)'' and inserting ''(3)'';

(2) in the matter preceding subparagraph (A), by striking ''of this section'' and inserting ''or an amendment to articles of incorporation under section 7(g)(1)(B)'';

(3) in subparagraph (A)—

(A) by striking '', or'' and inserting ''; or''; and

(B) by striking ''such resolution'' and inserting ''the resolution or amendment to articles of incorporation''; and

(4) in subparagraph (B), by striking ''such resolution'' and inserting ''the resolution or amendment to articles of incorporation''.

ALLOWING BINDING ARBITRATION CLAUSES TO BE INCLUDED IN ALL CONTRACTS AFFECTING LAND WITHIN THE GILA RIVER INDIAN COMMUNITY RESERVATION

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 327, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 327) to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 327) was read the third time and passed.

ORDERS FOR THURSDAY, DECEMBER 15, 2005

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Thursday, December 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the conference report to accompany the Labor-HHS bill, as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I further ask unanimous consent that the first 90 minutes be under the control of Senator HARKIN. I further ask unanimous consent that following the use or yielding back of that time, the conference report be set aside, the Senate resume consideration of the PATRIOT conference report, and that the next 2 hours be equally divided between the two leaders or their designees; provided further that following that 2-hour time period, the Senate stand in recess until 2:15 for the policy lunch to meet. I also ask unanimous consent that the time from 2:15 to 3:30 be equally divided between the two leaders or their designees; provided further that at 3:30 the Senate resume consideration of the House message to accompany S. 1932, with all time having been considered used, and the Senate proceed to a series of votes in relation to the remaining motions in the order offered; that the order of motions would be DeWine, Kohl, Kennedy, and Reed; and finally, I ask unanimous consent there be 2 minutes equally divided between each of those votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow we will be considering several measures throughout the day. We will begin the day with debate on the Labor-HHS appropriations conference report. We will resume debate on the

PATRIOT Act conference report. At 3:30 we will begin the final series of votes with respect to the remaining motions to instruct on the deficit reduction bill. We also expect to stack the Labor-HHS conference report in that series of votes. Other votes may occur as we work on either executive items or on other legislative issues.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:59 p.m., adjourned until Thursday, December 15, 2005, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 14, 2005:

THE JUDICIARY

PATRICK JOSEPH SCHILTZ, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA, VICE RICHARD H. KYLE, RETIRED.

JACK ZOUHARY, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE DAVID A. KATZ, RETIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

LISA M. ANDERSON, OF VIRGINIA
RICHARD A. BATTAGLIA, OF VIRGINIA
ANN E. MURPHY, OF VIRGINIA
KATHRYN A. SNIPES, OF CALIFORNIA
CHRISTINE M. STROSSMAN, OF NEW YORK

DEPARTMENT OF COMMERCE

J. GREGORY BRISCOE, OF TENNESSEE
BRADLEY A. HARKER, OF NEVADA
KELLIE L. HOLLOWAY JARMAN, OF OREGON
ERIC K.P. HSU, OF OREGON
STEPHEN P. KNODE, OF FLORIDA
JAMES W. MAYFIELD, JR., OF MARYLAND
KEITH L. SILVER, OF NEW HAMPSHIRE

DEPARTMENT OF STATE

DAVID B. FOLEY, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

WANDA BARQUIN, OF CALIFORNIA
ARTINA M. DAVIS, OF MARYLAND
JOHN M. FLEMING, OF MARYLAND
DIANE JONES, OF FLORIDA
MILLAR J.C. WHITE III, OF CALIFORNIA

DEPARTMENT OF STATE

BRIDGET M. ALWAY, OF IDAHO
DANNIELLE RENEE ANDREWS, OF CALIFORNIA
GEOFFREY JAMES ANISMAN, OF NEW YORK
DARIAN LAWRENCE ARKY, OF NEVADA
ELIZABETH MCGEE BAILEY, OF TEXAS
NOLAN E. BARKHOUSE, OF TEXAS
HEIDI-HAKONE L. BARRACHINA, OF VIRGINIA
WENDY K. BARTON, OF NEVADA
BARBARA A. BARTSCH-ALLEN, OF TEXAS
JONATHAN R. BAYAT, OF PENNSYLVANIA
FRANCES J. BELISLE, OF VIRGINIA
JUSTIN DAVID BERG, OF VIRGINIA
MELISSA ANNE BISHOP, OF CALIFORNIA
CHERYL BODEK, OF NEW JERSEY
KRISTIN BONGIOVANNI, OF WASHINGTON
JEFFREY DAVID BORENSTEIN, OF VIRGINIA
ROBERT J. BRENNAN, OF FLORIDA
JENNIFER M. BROWN, OF VIRGINIA
JASON E. BRUDER, OF NEW YORK
ALEXANDER THADDEUS BRYAN, OF FLORIDA
ERIN MARIE BUTLER, OF WASHINGTON
ALFRED THOMAS CANAHUATE, OF MARYLAND
THOMAS SCOTT CARNEGIE, OF VIRGINIA
JANE H. CARPENTER-ROCK, OF MARYLAND
ADAM M. CENTER, OF GEORGIA
MATTHEW ANTHONY CENZER, OF VIRGINIA
ANGELA M. CERVETTI SAAVEDRA, OF VIRGINIA
CAROL-ANNE CHANG, OF NEW YORK
DWAYNE L. CLINE, OF NEVADA
MELISSA ROSS CLINE, OF NEW YORK
RACHEL LEE COOKE, OF VERMONT
ANDREW KENNETH COVINGTON, OF ILLINOIS
FLEUR SOPHIE COWAN, OF THE DISTRICT OF COLUMBIA
C. AMANDA CRANMER, OF CALIFORNIA
JOSEPH L. CROOK, OF WASHINGTON
PETER N. D'AMICO, OF NEW YORK
R. CHRISTOPHER W. DAVY, OF TEXAS
MELISA MARIE DOHERTY, OF MINNESOTA
JACK DOUTRICH, OF WASHINGTON
WILLIAM R. DOWERS, OF FLORIDA
TOD EARL DURAN, OF TEXAS
PATRICIA ELLIS, OF PENNSYLVANIA
BARBARA I. ENSSLIN, OF FLORIDA
KATHERINE L. ESTES, OF FLORIDA
ERIN K. EUSSEN, OF WASHINGTON
MARY SUE FIELDS, OF VIRGINIA
JOSEPH J.O. FITZGERALD, OF WASHINGTON
MATTHEW J. FLANNIGAN, OF WYOMING
AARON P. FORSBERG, OF OREGON
COLIN P. FURST, OF VIRGINIA
JEANNE MICHELLE GALLO, OF NEW YORK
STEPHEN J. GEE, OF OHIO
BRENNAN MICHAEL GILMORE, OF VIRGINIA
MARY ELIZABETH GLANTZ, OF VIRGINIA
ABIGAIL DRESSEL GONZALEZ, OF CONNECTICUT
MICHAEL ANDREW GRAHAM, OF MISSOURI
KRISTEN KAROL GRAUER, OF MICHIGAN
KAREN ELIZABETH GRISSETTE, OF CALIFORNIA
MAUREEN E. HAGGARD, OF WASHINGTON
SUZANNE K. HALL, OF NEW HAMPSHIRE
STACIE RENEE HANKINS, OF VIRGINIA
ZACHARY V. HARKENRIDER, OF NEW YORK
KIMBERLY D. HARRINGTON, OF NEW JERSEY
ELIZABETH J. HARRIS, OF OKLAHOMA
LINDSAY NICOLE HENDERSON, OF OREGON
NATASHA M. HENDERSON, OF PENNSYLVANIA
DAVID ANTHONY HENRY, OF WASHINGTON
THOMAS R. HINES, OF CALIFORNIA
DOVIE A. HOLLAND, OF TEXAS
JAMES ARLEN HOLT, OF FLORIDA
NEIL WILLIAM HOP, OF OREGON
LAURA PHIPPS HRUBY, OF OHIO
BRYCE ALLISON ISHAM, OF WASHINGTON
ELIZABETH EVELYN JAFFEE, OF VIRGINIA
MANAV JAIN, OF CALIFORNIA
AMANDA LYN JOHNSON, OF MONTANA
SHERRY C. KENESON-HALL, OF KENTUCKY
THADDEUS L. KONTEK, OF VIRGINIA
JOEL A. KOPP, OF ALASKA
PAUL W. KREUTZER, OF MARYLAND
THOMAS MARTIN KREUTZER, OF WASHINGTON
LALE KUYUMCU, OF VIRGINIA
CHERIE J. LENZEN, OF ILLINOIS
JOHN ANTHONY LEWANDOWSKI, OF MISSOURI
KEVIN D. LEWIS, OF TEXAS
GENEVIEVE LIBONATI, OF MARYLAND
TIMOTHY EDWARD LISTON, OF VIRGINIA
MATTHEW WILLIAM LONG, OF MASSACHUSETTS
RICHARD N. LYONS III, OF COLORADO
STACY DEE MACTAGGERT, OF WISCONSIN
GREGORY RAGAN MARCUS, OF FLORIDA
R. BRYAN MARCUS, OF ALABAMA
NICOLE M. MARTIN, OF FLORIDA
KAMANA MATHUR, OF TEXAS
MARISSA MAURER, OF DELAWARE
DAVID CHRISTIAN MCFARLAND, OF TEXAS
BRIAN GERALD MCINERNEY, OF INDIANA
ROBERT AARON MCINTURFF, OF VIRGINIA
LEE MCMANIS, OF CALIFORNIA
SUZANNE MCPARTLAND, OF NEW YORK
GENEVE ELIZA MENSCHER, OF NEW JERSEY
JENNIFER T. MERGY, OF CALIFORNIA
KENNETH LEE MEYER, OF OHIO
DEBORAH A. MILLER, OF VIRGINIA
ALLISON MARGARET MONZ, OF CALIFORNIA
JAMES WALTER MOON IV, OF SOUTH CAROLINA
JUDY S. MOORE, OF TEXAS
KRISTINA MOORE, OF ARIZONA
CHARLES H. MORRILL, OF NEW HAMPSHIRE
ELIZABETH ANN MURPHY, OF PENNSYLVANIA
TRACEY B. NEWELL, OF VIRGINIA
VALERIE COLETTE O'BRIEN, OF VIRGINIA
THOMAS ALFRED O'KEEFFE III, OF VIRGINIA
CRAIG OLSON, OF VIRGINIA
MYRNA M. ORTIZ KERR, OF NEW YORK
NICOLE IRELAND OTALLAH, OF VIRGINIA
REBECCA KIMBRELL PATRICK, OF TENNESSEE
ELIZABETH A. PELLETREAU, OF MASSACHUSETTS
KIMBERLY JOY PENLAND, OF FLORIDA
RAFAEL A. PEREZ, OF FLORIDA
QUINN N. PLANT, OF WASHINGTON
TIMOTHY F. PONCE, OF FLORIDA
GAUTAM A. RANA, OF NEW JERSEY
JOHN ANTHONY REGAN, OF PENNSYLVANIA
ANNELIESE LOUISE REINEMEYER, OF TEXAS
TIMOTHY JOE RELK, OF IDAHO
STEVEN MATTHEW RIDER, OF SOUTH DAKOTA
MICHAEL ROMAN ROUSEK, OF OHIO
AMY B. SCANLON, OF VERMONT
ADAM WILLARD SCARLATELLI, OF NEW JERSEY
JOAN PERKINS SHAKER, OF VIRGINIA
SCOTT E SMITH, OF INDIANA
LORELEI GRAYCE SNYDER, OF CALIFORNIA
JENNIFER SARAH PLEUSS SPANDE, OF VIRGINIA
NICOLE E. SPECIANS, OF ILLINOIS
TANYA K. SPENCER, OF TEXAS
VINCENT D. SPERA, OF DELAWARE
TERRY R. STEERS-GONZALEZ, OF TEXAS
KRISTIN M. STEWART, OF COLORADO
GUY T. STRANDEMO, OF MINNESOTA
RICHARD E. SWART III, OF NEW JERSEY
HOLLY LINDQUIST THOMAS, OF MINNESOTA
BENJAMIN A. THOMSON, OF UTAH
EDWARD LEWIS WATERS, OF NEVADA
ELIZABETH WILSON WEBSTER, OF VIRGINIA
CATHERINE J. WESTLEY, OF ILLINOIS
ANTJE L. WEYGANDT, OF VIRGINIA
SCOTT EDWARD WOODARD, OF FLORIDA
JOSEPH LAURENCE WRIGHT II, OF FLORIDA
JANINE S. YOUNG, OF CALIFORNIA
CHRISTOPHER THOMAS ZIMMER, OF FLORIDA
EARL JAY ZIMMERMAN, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

CYNTHIA A. BIGGS, OF FLORIDA
LOUISA H. CHIANG, OF CALIFORNIA

DEPARTMENT OF STATE

ALLYSON MCCOLLUM ALGEO, OF CALIFORNIA
JEFFREY ROBERT ALLEN, OF TEXAS
TODD DAVID ANDERSON, OF KENTUCKY
ANDREA APPELL, OF CALIFORNIA
SELIM ARITURK, OF THE DISTRICT OF COLUMBIA
DAVID PRATHIPAN ARULANANTHAM, OF CALIFORNIA
WILLIAM DONALD BAKER, OF ARKANSAS
BRIAN R. BAUMAN, OF VIRGINIA
LEE BELLAND, OF WASHINGTON
NICOLE N. BLAND, OF MARYLAND
THOMAS R. BREWSTER, OF VIRGINIA
JUDITH ALEXANDRIA BRIDGES, OF TEXAS
SARAH L. BRUTLAG, OF VIRGINIA
BRENT D. BRYSON, OF VIRGINIA
KATHERINE A. CARO, OF FLORIDA
WILLIAM J. CAVANAUGH, OF VIRGINIA
CHRISTINA MICHELLE CHESHIER, OF ARIZONA
ANN MARIE CHIAPPETTA, OF CALIFORNIA
KATHERINE J. CHISHOLM, OF VIRGINIA
JASON CHUE, OF NEW YORK
JONATHAN CLAUS, OF VIRGINIA
GREGORY D. COFFEY, OF VIRGINIA
CECELIA MASON COLEMAN, OF TEXAS
STEVEN M. CONLON, OF PENNSYLVANIA
WAYNE H. CRAWFORD, OF COLORADO
MARTHA A. CRUNKLETON, OF FLORIDA
RICHARD DAVID DAMSTRA, OF MICHIGAN
CHRISTIAN JAEGER DEITCH, OF ILLINOIS
SARA ELIZABETH DEVLIN, OF KENTUCKY
JASON DROGO, OF CALIFORNIA
ALLEN DUBOSE, OF FLORIDA
JOHN E. DUNLOP, OF MARYLAND
MATTHEW JOHN EASTER, OF NEW YORK
JON NICHOLAS EISENLOHR, OF VIRGINIA
GINA ELKOURY, OF NEW JERSEY
ELLEN M. ENGLEHART, OF VIRGINIA
MARIALICE B. EPERIAM, OF ILLINOIS
ADELLE ALLISON FAY, OF WASHINGTON
JOSEPH J. FERRERO, OF CALIFORNIA
EMILY M. FLECKNER, OF NEW YORK
MELINDA J. FOUNTAIN, OF INDIANA
NORMAN GALIMBA, OF ILLINOIS
KATHEY-LEE GALVIN, OF OREGON
TIMOTHY JOHN GILLEN, OF TEXAS
MARGARET GOLDFADEN, OF THE DISTRICT OF COLUMBIA
LAWRENCE GRIPPO, OF NEW JERSEY
GARTH C. GROCE, OF VIRGINIA
CHRISTOPHER G. GROSSMAN, OF OKLAHOMA
KATHLEEN MARIE GUERRA, OF WASHINGTON
KATHRYN A. HARTY, OF VIRGINIA
JASON HEUNG, OF THE DISTRICT OF COLUMBIA
DEREK WILLIAM HOFFMANN, OF INDIANA
JAMES E. HOGAN, OF FLORIDA
JAMES L. HOLLERAN, OF VIRGINIA
SHANE EDWARD HOLMES, OF MARYLAND
YUEN-HAO HUANG, OF THE DISTRICT OF COLUMBIA
MARC I. HURWITZ, OF VIRGINIA
RANDOLPH FOSTER JOHNSON, OF COLORADO
CHRISTOPHER KANE, OF TEXAS
MATTHEW KEENER, OF CALIFORNIA
CHAD M. KELLER, OF VIRGINIA
LUBNA KHAN, OF UTAH
KATHRYN ANN KISER, OF FLORIDA
ELIZABETH VIRGINIA KUHSE, OF COLORADO
ANDREW F. KYLE, OF GEORGIA
SHELBIE CHANDELLE LEGG, OF FLORIDA
GLENN K. LEWIS, OF VIRGINIA
JORGE E LIZARRALDE, OF TEXAS
JEREMY LONG, OF CALIFORNIA
HILARY A. LOOSEMORE, OF VIRGINIA
JOLENE MARIE LOWRY, OF VIRGINIA
ANDREW ROBERT LUCCHESE, OF VIRGINIA
SANTIAGO LUGO, OF MARYLAND
TODD P. MACLER, OF VIRGINIA
DANIEL EDWARD MANGIS, OF TEXAS
SHAILA B. MANYAM, OF FLORIDA
JAMIE MARTIN, OF THE DISTRICT OF COLUMBIA
DONALD G. MAYNARD, OF VIRGINIA
MAUREEN YVONNE MIMNAUGH, OF CALIFORNIA
RONALD WAYNE MITCHELL, OF VIRGINIA
TODD KIYOSHI MIYAHIRA, OF VIRGINIA
LANCE P. MOORE, OF VIRGINIA
MOHAMMED MOTIWALA, OF CALIFORNIA
MICHAEL P. MULROY, OF FLORIDA
ERICA J. MURRAY, OF CALIFORNIA
MARNI A. MYERS, OF THE DISTRICT OF COLUMBIA
REBECCA J. NASLUND, OF TEXAS
BRADLEY J. NIEMANN, OF VIRGINIA
S. SOPHIA O'DONNELL, OF ILLINOIS
WON K. OH, OF VIRGINIA
MARIA ALLEN OLSON, OF VIRGINIA
MICHELLE Y. OUTLAW, OF ARIZONA

DANIEL PAYTON, OF FLORIDA
ERIN ELIZABETH PELTON, OF MINNESOTA
HEIDI MARAE REES, OF VIRGINIA
NINA J. ROBINSON, OF CALIFORNIA
NATHANIEL B. ROTCHFORD, OF VIRGINIA
MELANIE B RUBENSTEIN, OF OHIO
RYAN J. RUSSELL, OF VIRGINIA
AUGUSTO SANCHEZ, OF WEST VIRGINIA
CHRISTA M. SCHNEIDER, OF WISCONSIN
HELENA P. SCHRADER, OF MAINE
CHARLES R. SELLERS, OF OREGON
ERIK R. SHAFER, OF THE DISTRICT OF COLUMBIA
DERRIN RAY SMITH, OF COLORADO
HEATHER M. SMITH, OF MICHIGAN
JENNIFER L. SOLTYS, OF VIRGINIA
HEATHER STEIL, OF CALIFORNIA
KENNETH LAMARR STILES, OF VIRGINIA
JEFFREY D. STONE, OF MARYLAND
JAMES ROBERT STRANGE, OF CALIFORNIA
VIRGIL B. STROHMEYER, OF CALIFORNIA
EASTOR Y. SU, OF NEVADA
MICHAEL B. SULLIVAN, OF VIRGINIA
HEATHER NOEL TIMBERLAKE, OF CALIFORNIA
CAROL TIRADO, OF WEST VIRGINIA
JOSEPH ROBINSON TRUESDALE IV, OF NEW HAMPSHIRE
PETER C. TWINING, OF VIRGINIA
JASON HOWARD ULLNER, OF OHIO
AMY C. WALLA, OF COLORADO
ROGER CROIX WEBB, OF MISSOURI
CRISTINA B. WILLIAMSON, OF VIRGINIA
JON C. WILLIAMSON, OF VIRGINIA
PHILIP DOUGLAS WILSON, OF TEXAS
CHAD LEE WILTON, OF ALASKA
MATTHEW L. WOOD, OF THE DISTRICT OF COLUMBIA
WILLIAM J. WOTOWIEC, OF FLORIDA
GREGORY C YEMM, OF KANSAS

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10 U.S.C., SECTION 12203(A):

To be captain

JAMES R. MONTGOMERY, 8979

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 276:

To be commander

RICHARD E. PETHERBRIDGE, 0839

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

BENES Z. ALDANA, 2147
ROBERT J. BACKHAUS, 4178
ROBERT E BAILEY, 4813
CHRISTOPHER A. BARTZ, 3946
EMILE R. BENARD, 0014
DAVID C. BILLBURG, 4665
ELIZABETH D. BLOW, 8541
FRANCIS T. BOROSS, 8833
JAMES M. BOYER, 0427
MICHAEL C. BRADY, 6759
CRAIG S. BREITUNG, 0159
JEFFREY M. BROCKUS, 4949
JACOB E. BROWN, 6390
SCOTT A. BUDKA, 9074
MATTHEW C. CALLAN, 2729
NICHOLAS D. CARON, 7659
JEFFREY T. CARTER, 1017
DAVID K. CHAREONSUPHIPHAT, 9438
JOSEPH A. CHOP, 9581
RICHARD S. CRAIG, 2104
DAVID H. CRONK, 6615
MARK T. CUNNINGHAM, 8647
ANTHONY C. CURRY, 9488
KENNETH D. DAHLIN, 9242
JOHN M. DANAHER, 6622
CHRISTOPHER L. DAY, 5331
RONALD R. DEWITT, JR., 0525
JEFFREY F. DIXON, 7441
BRIAN J. DOWNEY, 2366
DAVID A. DRAKE, 4919
DARREN A. DRURY, 5297
KEVIN P. DUNN, 2385
ANDREW G. DUTTON, 6655
JAMES L. DUVAL, 0945
DAVID W. EDWARDS, 2515
ERIC S. ENSIGN, 8101
BRAD J. ERVIN, 5597
DAVID M. FLAHERTY, 6054
ERIC J. FORD, 7089
THEODORE B. GANGSEI, 8426
TIMOTHY J. GILBRIDE, 3570
BRIAN S. GILDA, 5216
JOSEPH J. GLEASON, 4495
THOMAS J. GLYNN, 1935
MARK E. HAMMOND, 4241
DAVID C. HARTT, 6547
CHARLES A. HATFIELD, 3536
DIANE J. HAUSER, 6230
JOHN R. HELTON, 0449
STEVEN B. HENDERSHOT, 3360
JEROME H. HILTON, 9836
GREGORY A. HOWARD, 6006
JOSE L. JIMENEZ, 7465
DANIEL C. JOHNSON, 2799
JEFFREY W. JOHNSON, 1356
JAMES J. JONES, 6414
JEFFREY D. KOTSON, 3218
MARK A. LEDBETTER, 0186
GEORGE A. LESHER, 8293
STEPHEN A. LESLIE, 1423
BRIAN R. LINCOLN, 8676
BRIAN M. LISKO, 2898
KEVIN W. LOPEZ, 4477
ERIN D. MACDONALD, 7775
THOMAS I. MACDONALD, 2338
MARTIN L. MALLOY, 6040
KYLE J. MARUSICH, 6960
MARK J. MCCADDEN, 2249
THOMAS MCCORMICK, 5675
ANDREW S. MCGURER, 8718
REGINA A. MCNAMARA, 2675
PAUL MEHLER, 9556
CHRISTOPHER P. MOORADIAN, 6223
WILLIAM J. MOORE, 7602
DAVID C. MORTON, 1252
CHRISTOPHER C. MOSS, 1220
DAVID MOYNIHAN, 9475
DOUGLAS E. NASH, 3690
THOMAS A. NORTON, 9182
BRENDAN E. O'BRIEN, 4008
MICHAEL A. O'BRIEN, 0226
TODD J. OFFUTT, 1567
MARK A. PANICEK, 0056
ROBERT G. PEARCE, 4235
STEVEN T. PEARSON, 0678
FRANK E. PEDRAS, 4771
BRIAN K. PENOYER, 1062
PHIL M. PERRY, 0307
JAMES B. PRUETT, 2866
DAVID E. PUGH, 7720
ROBERT E. PURINGTON, 1626
RICHARD J. RAKSNIS, 0033
JOEL L. REBHOLZ, 5546
RICHARD J. REINEMANN, 1136
FREDERICK C. RIEDLIN, 2298
JAMES B. ROBERTSON, 7175
DANIEL C. ROCCO, 4818
LANCE A. ROCKS, 0321
DANIEL J. SCHIFSKY, 5351
KIRK N. SCHILLING, 4692
DAVID B. SCOTT, 7772
PATTI S. SEEMAN, 1048
JOSEPH H. SNOWDEN, 1111
REED A. STEPHENSON, 1517
THOMAS S. SWANBERG, 5247
ANDREW E. TUCCI, 3502
TRACY J. WANNAMAKER, 7021
MARK D. WARD, 4902
JENNIFER F. WILLIAMS, 2557
DELWIN R. WITTERS, 5141
ANDREW P. WOOD, 4878
CHRISTOPHER J. WOODLEY, 5610
MICHAEL L. WOOLARD, 9053

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C. SECTION 271:

To be lieutenant commander

STEPHEN ADLER, 8131
KRISTINA M. AHMANN, 6083
MICHAEL W. ALBERT, 4214
RYAN D. ALLAIN, 5978
BRIAN R. ANDERSON, 4481
JEFF M. APARICIO, 5313
DAVID L. ARRITT, 7026
REGINALD I. BAIRD, 8124
JONATHAN D. BAKER, 0332
ALAIN V. BALMACEDA, 9494
CLIFFORD R. BAMBACH, 4925
TIMOTHY J. BARELLI, 8806
MICHELLE C. BAS, 9113
LAMONT S. BAZEMORE, 9071
CAROLYN M. BEATTY, 4406
JASON L. BEATTY, 2112
ANNE M. BECKER, 0033
ERIC M. BELLEQUE, 5960
KAILIE J. BENSON, 8436
SCOTT D. BENSON, 4679
JOHN BERRY, 7155
ROBERT H. BICKERSTAFF, 1330
JEFFREY B. BIPPERT, 3162
CHAD E. BLAND, 1335
CHRISTOPHER L. BOES, 8151
ELIZABETH A. BOOKER, 0451
CURTIS E. BORLAND, 4841
MARK A. BOTTIGLIERI, 3858
JOSEPH R. BOWES, 8394
RUSSELL E. BOWMAN, 7078
THOMAS L. BOYLES, 5483
SEAN T. BRADY, 4521
RACHAEL B. BRALLIAR, 7085
LANCE J. BRANT, 7571
PAUL BROOKS, 7850
ANDY S. BROWN, 4418
HEATH M. BROWN, 7905
THOMAS R. BROWN, 2073
TIMOTHY T. BROWN, 3858
WILLIAM A. BUDOVEC, 4186
MARC A. BURD, 0197
RICHARD J. BURKE, 6168
TRAVIS L. BURNS, 1507
VICTOR G. BUSKIRK, 8496
COLIN E. CAMPBELL, 0962
DONALD B. CAMPBELL, 3717
CLINTON S. CARLSON, 1981
TRAVIS L. CARTER, 5348
DANA M. CASWELL, 0222
JOHN T. CATANZARO, 4687
ANTHONY CELLA, 7680
ADAM A. CHAMIE, 7314
CASEY L. CHMIELEWSKI, 8965
BRADLEY CLARE, 8983
ROBERT S. CLARKE, 8990
KATHRYN N. CLEVENGER, 5778
ERIC M. COOPER, 5694
PHILLIP A. CRIGLER, 6302
TIMOTHY P. CRONIN, 4471
PAUL J. CROOKSHANK, 8903
MICHAEL J. DAPONTE, 6137
QUINCY L. DAVIS, 0361
JOHN P. DEBOK, 2892
SETH J. DENNING, 1567
MARTIN J. DIETSCH, 9728
BRIAN J. DONAHUE, 3050
PATRICK DOUGAN, 7091
MARK M. DRIVER, 5249
WILLIAM A. DRONEN, 4722
WILLIAM E. DUNCAN, 1634
BRYAN L. DUNLAP, 8771
MICHAEL P. DUREN, 4599
MICHAEL A. EDWARDS, 0087
HERBERT H. EGGERT, 1495
TOM ENGBRING, 0194
MICHAEL J. ENNIS, 7696
NELL B. ERO, 5953
PHILIP A. ERO, 6920
SALVATORE J. FAZIO, 6453
MICHAEL S. FREDIE, 4641
GINA L. FREEMAN, 0399
JEFFREY R. FRYE, 6272
TYRON V. GADSDEN, 0519
ERNIE T. GAMENG, 4428
KENDALL L. GARRAN, 0043
RILEY O. GATEWOOD, 7479
MICHAEL R. GESELE, 5002
WILLIAM R. GIBBONS, 6325
PETER W. GOODING, 3422
MICHAEL P. GROSS, 5926
ANTHONY D. GUILD, 1163
MICHAEL P. GULDIN, 6590
MARK A. HAAG, 4847
CHRISTOPHER E. HALEY, 8103
KELLEY S. HALL, 9207
JOHN E. HALLMAN, 1944
TIMOTHY D. HAMMOND, 9183
MARK K. HARRIS, 9335
ROBERT HENGST, 6754
MARK D. HEUPEL, 4989
SCOTT T. HIGMAN, 6625
NAKEISHA B. HILLS, 3238
FRANK L. HINSON, 6470
ERIC E. HOERNEMANN, 7342
LINDA M. HOERSTER, 0998
WALTER L. HORNE, 8914
ROBERT A. HUELLER, 9367
JOHN P. HUMPAGE, 7302
JACK W. JACKSON, 4607
MARK A. JACKSON, 1628
THOMAS A. JACOBSON, 2569
BENJAMIN A. JANCZYK, 6292
ANTHONY R. JONES, 6689
GRETCHEN A. JONES, 6624
KIM D. KEEL, 0150
STEVEN R. KEEL, 5201
ADAM L. KERR, 7300
TIMOTHY J. KERZE, 4021
FAIR C. KIM, 1174
CHRIS KLUCKHUHN, 3422
JAMES B. KNAPP, 0526
JASON A. KREMER, 9708
KARL D. LANDER, 6448
JAMES W. LARSON, 0429
PATRICK J. LEE, 3913
CAROLYN L. LEONARDCHO, 5974
ANDREA K. LOGMAN, 2148
VIVIANNE W. LOUIE, 3867
STEPHEN A. LOVE, 3161
EILEEN M. LUTKENHOUSE, 4224
ZACHARY J. MALINOSKI, 7248
CEFERINO W. MANANDIC, 5889
ROBERT J. MANNING, 5299
CHARLES MARINO, 3132
STEPHEN MATADOBRA, 8550
GREGORY A. MATYAS, 1279
BRIAN K. MCCAUL, 3421
GABRIELLE G. MCGRATH, 8723
SUZANNE M. MCNALLY, 4111
BRIAN A. MEIER, 7837
DARREN F. MELANSON, 1519
PETER N. MELNICK, 6819
ERICA L. MOHR, 6444
BRIAN E. MOORE, 2299
ROBERT T. MOORHOUSE, 5083
FERDINAND MORALES, 7256
JOE L. MORGAN, 7670
MICHAEL S. MOYERS, 7261
MARTIN J. MUELLER, 8321
SCOTT W. MULLER, 3177
MICHAEL J. MUNNERLYN, 7667
PAUL D. MURPHY, 5511
JONATHAN E. MUSMAN, 6844
ADAM E. NEBRICH, 2876
KATHERINE M. NILES, 3297
PETER S. NILES, 9021
BLAKE L. NOVAK, 9009
WILLIAM M. NUNES, 3646
CRAIG M. OBRIEN, 4940
DAVID E. OCONNELL, 3780
THOMAS A. OLENCHOCK, 7062
MATTHEW ORENDORFF, 5181
BRIAN PALM, 2038
MICHAEL J. PARADISE, 0386
ANDREW T. PECORA, 3113
JOSE A. PENA, 7102
DIANE D. PERRY, 6712
SCOTT T. PETEREIN, 7532
JEFFREY C. PETERSON, 0216
RICHARD C. POKROPSKI, 0713
KAREN QUIACHON, 3927
KEITH D. RAUCH, 4341
JOHN C. REARDON, 2509

KEVIN B. REED, 8490
DAVID J. ROBERTS, 6087
KEITH M. ROPELLA, 4284
MICHAEL R. ROSCHEL, 8372
JAMES B. RUSH, 6482
ANTHONY L. RUSSELL, 5198
ROSARIO M. RUSSO, 4279
GEORGE A. RUWISCH, 4685
OLAV M. SABOE, 6107
ANDREA L. SACCHETTI, 5971
EMILY C. SADDLER, 8367
MATTHEW J. SALAS, 8543
DAVID P. SANDAHL, 6423
AARON M. SANDERS, 8179
BRIAN S.C. SANTOS, 7959
DEREK T. SCHADE, 8929
DANIEL SCHAEFFER, 2022
MICHAEL SCHOONOVER, 5087
MARK J. SHEPARD, 9439
SAMUEL L. SLAY, 6921
JASON E. SMITH, 0055
JEREMY C. SMITH, 5604
LAWRENCE W. SOHL, 2458
LANE A. SOLAK, 7027
DAN T. SOMMA, 2764
EDWARD L. SONGER, 9692
LAURINA M. SPOLIDORO, 6178
JALYN G. STINEMAN, 2587
SCOTT A. STOERMER, 8801
ERIC R. STPIERRE, 4440
RODERICK A. STROUD, 7440
JONATHAN THEEL, 8040
MICHAEL D. THOMAS, 5132
ROBERTO H. TORRES, 4991
TERRY R. TRELFORD, 0228
ALEXIS L. TUNE, 8220
HEATHER K. TURNER, 0076
MICHAEL L. TURNER, 4486
PAUL W. TURNER, 8211
TODD D. VANCE, 5007
KENNETH VAZQUEZ, 7507
PAUL G. VOGEL, 5824
ERIC WARD, 5005
LINDSAY N. WEAVER, 4378
DAVID C. WELCH, 3195
ANTHONY W. WILLIAMS, 5086
DOUGLAS E. WILLIAMS, 9998
TORRENCE B. WILSON, 0397
CHARLES WOJACZYK, 6729
PATRICIA L. WOOLCOTT, 9111
SCOTT A. WOOLSEY, 0068
JONAS C. YANG, 3151
MAURICE S. YORK, 0984
PETER E. ZOHIMSKY, 0023

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

MARTIN E. KEILLOR, 6175

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

ROBERT W. DESVERREAUZ, 0356
KIRK B. STETSON, 5871

To be major

CHETAN U. KHAROD, 0771

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JULIE S. MILLER, 9104

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

KARA A. GORMONT, 4241

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be colonel

CINDY R. JEBB, 4760

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD L. CHAVEZ, 9982

THE FOLLOWING NAMED INDIVIDUALS TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SAMUEL CASSCELLS, 8538
SLOBODAN JAZAREVIC, 1601

THE FOLLOWING NAMED OFFICERS IN THE GRADES INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JOSEPH J. IMPALLARIA, 1030

To be major

ITALIA A. CARSON, 9180
ANTHONY T. FEBBO, 2935
STEPHEN L. HARMS, 7709
ARTHUR E. LEES, 4501

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 6222:

To be captain

MICHELLE A. RAKERS, 3846

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LLOYD G. LECAIN, 3206

EXTENSIONS OF REMARKS

IN HONOR AND RECOGNITION OF THE 50TH ANNIVERSARY OF THE LEGACY OF ROSA PARKS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 59th Anniversary of the day that the civil rights movement was ignited. On December 1, 1955, Rosa Parks, tired of following societal laws steeped in racism and degradation, became a reluctant hero of the civil rights movement when she refused to surrender her seat and her dignity to a white man on a city bus in Montgomery, Alabama.

Rosa Parks, a soft spoken, private and hardworking seamstress, was immediately arrested and convicted of violating segregation laws. The incident drew an immediate and passionate response. With the support of the NAACP and civil rights leaders, including Rev. Ralph Abernathy and Rev. Dr. Martin Luther King, Jr., African Americans in Montgomery boycotted the city buses and declared their refusal to ride the buses until the U.S. Supreme Court denounced the Jim Crow laws that continued to strangle the soul of America. Thirteen months later, the boycott ended when, in November 1956, the U.S. Supreme Court ruled that segregation on public buses was unconstitutional.

The humiliation experienced by Rosa Parks was reflective of a long line of human injustices directed upon African Americans by the white ruling class since the dawn of our nation. Rosa Parks' simple refusal was a monumental act of courage and dignity that cast centuries of injustice, ingrained in the foundation of American culture, into the clear light of day. She knowingly sacrificed her own safety, the safety of her family and her privacy for the greater good. Rosa Parks' historic refusal to give up her seat on a city bus set the civil rights movement on fire and the power of her simple gesture is as significant and relevant today as it was 50 years ago. She remained dedicated to the civil rights movement and humanitarian causes until her recent death at age 92.

Mr. Speaker and Colleagues, please join me in honor, recognition and memory of Rosa Parks, whose singular life forever changed the world by raising the human race into the promise of justice for all. Her quiet refusal to surrender represented a million acts of resistance that came before her and set a path for those who would follow. Rosa Parks became an icon of human rights and her voice joined with a chorus of millions demanding freedom from oppression, echoing from the isle of a city bus to the hallowed halls of the United States Supreme Court. Rosa Parks' quiet act of defiance awoke America from its centuries old slumber of ignorance and oppression and her journey will continue to bring hope and inspiration to those still fighting to walk in the light of human dignity and justice—in Montgomery, Alabama, across our country and around the world.

HONORING 8TH STREET SANCTUARY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. STEARNS. Mr. Speaker, during this season of charitable giving, I am proud to highlight the efforts of citizens in my district. In downtown Jacksonville, there is a haven for children living in poverty. The Sanctuary on 8th Street's mission is to encourage and empower children to become strong and independent by ministering to their physical, intellectual, social and spiritual needs.

Last month, the community rallied around this outreach in a remarkable way. When the mother of one of the youths tragically passed away, the community gathered funds to make funeral services possible. Due to their giving, the family was able to say their goodbyes to Latricia Ann Spencer on November 18th.

The Sanctuary on 8th Street received even more money than needed, from which they created the Spencer Fund. This emergency fund will provide funeral services for other families in need. This is an inspiring example of what individuals can achieve for their neighbors, and I commend everyone involved.

JOE CASAZZA: A FIRST-RATE PUBLIC SERVANT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, almost exactly 38 years ago, as I was beginning my work as the Executive Assistant to newly elected Boston Mayor Kevin White, who was to take office on January 1. I watched as he went through a very careful and thoughtful process of selecting high officials for his new administration. One of the most important jobs in any municipal government is that of Public Works Commissioner—no city official in Boston has more of an impact on the quality of life of the people who live there. It is a difficult and demanding job, especially in a city like Boston that is one of the oldest in the country and has both the benefits and defects of great age.

There were several very highly qualified applicants for the position of Public Works Commissioner. I remember in particular an individual who had extremely high academic qualifications, and at the time I was myself impressed by the extent to which this individual would bring a full understanding of modern technology to the job. The Mayor was also impressed with him, but he was even more impressed with a—then—young official from a nearby town, who had been Public Works Commissioner in that town. His name was Joseph Casazza. One of the things about Kevin White that made him a great leader was the seriousness with which he approached the appointment of high officials; I was struck also by his good judgment in deciding who would best fit, and in his understanding of the importance of putting together a balanced team where people would have different strengths, in some cases offsetting what might be weaknesses in others.

One result of this process was his selection of Joe Casazza, and it is a tribute to Kevin White's judgment that as Joe Casazza now retires, after 37 years in this very difficult job as Public Works Commissioner of Boston, he is widely recognized for the superb public service he has provided the people of the City.

Mr. Speaker, too often people denigrate those who have chosen to work in the public sector. Knowing Joe Casazza as I do, and having watched him over the years, I have no doubt that he could have been an extraordinarily successful private sector employee, earning far more over his lifetime than he did as the Public Works Commissioner. But his dedication to the well being of his fellow citizens was such that he stayed in the public sector for his entire working career and it is not at all surprising that his understandable decision to retire is greeted with deep regret by those of us who have benefited from his service.

Mr. Speaker, I want to add my words of praise to Joe Casazza—an extraordinary man who has had an extraordinary career in the public service.

CONGRATULATIONS TO THE MIDWAY MIDDLE SCHOOL SELECT BOYS' CHOIR ON THEIR EXEMPLARY PERFORMANCE AT THE WHITE HOUSE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. EDWARDS. Mr. Speaker, I rise today to honor the Midway Middle School Select Boys' Choir following their exemplary performance at the White House Monday, December 12, 2005. Out of the 150 choir groups from across the country who submitted recordings to First Lady Laura Bush's office for consideration, the Midway Middle School Select Boys' Choir was 1 of only 40 choirs to earn the right to perform at the White House this Christmas season.

Director Tammy Benton and the Midway Boys' Choir are in select company because of their excellence and achievement and I was proud to support their efforts to sing at the White House for Christmas. During this special time of celebration, it was my privilege to help bring some unique blessings from central

Texas to Washington. It was also a special privilege to able to give them a tour of our Nation's Capitol, many for the first time.

There is no doubt that their hard work and dedication to choir instilled in them by their director, Tammy Benton, will continue to pay dividends for the rest of their lives.

I sincerely congratulate them and wish them well in all their future endeavors.

HONORING HARRY BOTT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. ENGEL. Mr. Speaker, Harold Bott is a lifelong resident of the Bronx, the son of immigrant parents, who has worked to make his home borough a better place for all. He followed his father into the plumbing business, eventually establishing a successful contracting company. But he never forgot his community and his efforts to help were continual and tireless. He moved to Woodlawn in 1972 with his wife Loretta and their two children and he brought that same sense of community to his new neighborhood. He organized the annual 239th Street Block Party, which was a success every year. He worked with the Boys Club, organized and assisted with the June walk, the placement of flags on Katonah Avenue, the Christmas display, and also served as president of the Woodlawn Taxpayers Association. He also organized a 9/11 Memorial Tribute, the annual Veterans Day celebration, and free tennis lessons for children. He has given selflessly of himself and has served as a role model for how to improve a community. Tonight he is being honored for his contributions to the Woodlawn community and I stand with the residents of that neighborhood in thanking him for his many contributions.

IN HONOR AND REMEMBRANCE OF RITA D. LYNCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Rita D. Lynch, mother, grandmother, great-grandmother, dedicated public servant, community activist, and dear friend to many, including myself.

Mrs. Lynch's passing marks a great loss for her family and friends, and also for the people of Cleveland's west side neighborhood, whom she served with the highest level of commitment and integrity. For nearly 30 years, Mrs. Lynch volunteered her time and talents as a member of the board of the directors with Cudell Improvement, Inc., a non-profit neighborhood organization, working on projects and implementing programs focused on uplifting all aspects of the community. Her dedication to the organization and to her neighborhood is reflected throughout Ward 18 in the City of Cleveland.

Family, friends, faith and community were central to her life. Mrs. Lynch and her late husband, Robert, often worked together on issues of neighborhood concern. Her grown children, John and Maryann, were instilled with the values of hard work, kindness and giving to others. Mrs. Lynch's service to others continues to illuminate the hope and promise of a better day for the people of this diverse Cleveland community.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Rita D. Lynch. Mrs. Lynch lived life with a generous heart and great energy for life. Her legacy of activism and spirit of volunteerism will be remembered always, forever reflecting along Detroit Avenue, Edgewater Road and Clifton Boulevard, and she will never be forgotten.

PEDIATRIC CANCER INROADS AT UNIVERSITY OF FLORIDA

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. STEARNS. Mr. Speaker, there is exciting news recently from the University of Florida, in Gainesville, Florida, in the fight against pediatric cancer. UF scientists believe that they have linked stem cells to a certain type of childhood bone cancer. This discovery could eventually be the key to treating osteosarcoma, the most common form of bone malignancy among children.

Osteosarcoma is a highly aggressive cancer that kills 40 percent of the children diagnosed, most of whom are between the ages of 10 and 20. Currently the only treatment is year-long doses of chemotherapy and radical surgery. Scientists contend that these stem cells, which have also been linked to cancers such as leukemia and more recently breast cancer, are the only cells that freely replicate and the ability to target these cells will allow doctors to develop new forms of therapy that are much less toxic and far less invasive than existing treatments. Good work and a hopeful prognosis, UF researchers.

CLEAVER EXPLAINS CIVIL RIGHTS—BASED OPPOSITION TO ALTO CONFIRMATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most thoughtful Members to join us in recent years is the gentleman from Missouri (Mr. CLEAVER) who as a former Mayor of Kansas City makes very significant contributions to the work of our Committee on Financial Services, which has jurisdiction over urban affairs.

The gentleman from Missouri is also a civil rights leader, and as a minister is very much in the tradition of those in that profession who have provided moral leadership in the long and continuing fight against racism and its effects. Recently, in the Kansas City, Missouri newspaper, The Call, in the issue for the week of December 9th–December 15th, our colleague laid out in a very persuasive and reasoned fashion the objections to the confirmation of Samuel Alito to the Supreme Court that arise from his record on civil rights. I believe that this very useful analysis makes a significant contribution to the national debate on this question and I ask that it be printed here.

[From The Call, Dec. 9–15, 2005]

ALITO: A THREAT TO CIVIL RIGHTS

(By Rep. Emanuel Cleaver II, 5th Congressional District)

KANSAS CITY, MO.—In a almost every news stqryabout President Bush's latest Supreme Court nominee, Samuel Alito, the subject of Roe v. Wade, the Court's 1973 decision guaranteeing women the right to choose to have abortions has been the focus. Unfortunately, minorities are not receiving ''much information on Alito's awful'' attitudes on issues of civil rights. In fact, a November 14 edition Newsweek, which carned a seven page story on Alito, did not bother to discuss civil rights.

One case that sheds badly needed light on Alito disgraceful civil rights record involved Beryl Bray; an Africa American housekeeping, manager at a Park Ridge, N.J. Marriott Hotel. Ms. Bray appealed to a trio of federal judge's that she had been turned down on a promotion in the Marriott operation because she'' was black. Two judges wrote that enough evidence had been presented to, justify a jury trial. You guessed it, Samuel A. Alito Jr. dissented.

He downplayed the whole matter by writing that the hotel had simply made ''minor-inconsistencies'' in how they handled hirings; Alito went further in, saying that it would be unfair to allow ''disgruntled employees to impose the cost of trial of employers who, although they have not acted with the intent to discriminate, may have treated their employees unfairly.''

The two judges with a different view of the case felt so strongly about their evidence that they broke. With tradition and actually criticized Alito's written opinion. According to this fellow judges in Bray v. Marriott hotels, Alito's position would have ''eviscerated'' legal protection under Title VII of the Civil Rights Act. The majority said that Alito's position would protect employers from suit even in situation where ''the employer's belief that it had selected the ''best'' candidate ''was the result of conscious racial bias.'''

In a 2001 racial discrimination case, Alito, cast the deciding vote and wrote the opinion in a 2–1 ruling that rejected claims by African American defendant who had been convicted of feloy murder by an all-white jury from which black jurors had been impermissible struck because of their race.

The full Third Circuit reversed this ruling, and the majority specifically criticized Alito for having compared statistical evidence about the prosecution's exclusion of blacks from juries in capital cases to an explanation of why a disproportionate number of recent U.S. Presidents have been left-handed: Judge Dolores Slovitar, in Riley v. Taylor wrote that Alito overlooked the obvious fact that there is no provision in the Constitution that protects persons from discrimination based on whether they are right handed or left-handed. To compare the striking of jurors based their race is to minimize the history of discrimination against prospective, black jurors and black defendants.

My colleague, Congresswoman Eleanor Holmes Norton, a former head of the U.S. Equal Employment Opportunity Commission, and a distinguished constitutional scholar in her own right, told me that Alito, in her opinion is dangerous to civil rights.

Ms. Norton has studied Alito's, opinions and has led the Congressional Black Caucus in its opposition to the extremely conservative judge. Senator Edward M. Kennedy (D-

Mass.) has stated through a spokeswoman that: ??? when it comes down to it, he's on the wrong side of civil rights.'' I strongly agree with the Senator. I reviewing the opinions of Alito, even with my law laity status, I have concluded beyond logical challenge, that this nominee has repeatedly made difficult for those claiming to have been victims of discrimination to prove it or to even get a trial.

Should Alito receive Senate confirmation, he will replace retiring Justice Sandra Day O'Connor who often cast the critical swing vote that protected civil rights. Alito's addition to the Court means that it will clearly move to the right. With affirmative action, Voting Rights Act reauthorization and other issues likely to be considered by the Supreme Court, it would behoove minorities and people of good will to seek additional information, should they desire such, and in the opinion of the 60's soul group Charles Wright and the Watts 103 Street Rhythm Band, ''Express Yourself!''

IN HONOR OF DR. JULIAN M. EARLS, DIRECTOR, NASA GLENN RESEARCH CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Julian M. Earls, upon his retirement as Director of the National Aeronautics and Space Administration's (NASA) Glenn Research Center in Cleveland, Ohio. Dr. Earls' service at NASA Glenn reflects 4 decades of leadership, accomplishment and discovery.

Dr. Earls' exemplary service and expertise within the ever-transforming frontier of space aeronautics began at NASA Glenn in 1965 and is a legacy that spiraled from a brilliant academic foundation. He earned a bachelor's degree in physics from Norfolk State University, a master's degree in radiation biology from the University of Rochester, School of Medicine and Dentistry, and a doctorate degree in radiation physics from the University of Michigan.

His exceptional standing at NASA Glenn was framed by integrity, vision, innovation and accomplishment. His incredible intellect was equally matched by his congenial nature and his ability to form vital bonds with staff members and with local, national and international leaders in the field of aeronautics. Dr. Earls' work included the development and direction of programs necessary to accomplish the missions of the Center. His work spanned the scope of research, technology, and systems development programs in aeronautical propulsion, space propulsion, space power, space communications, and micro-gravity sciences in combustion and fluid physics. Dr. Earls has written for 28 educational and technological journals and he wrote the first health physics guides for NASA Glenn.

Mr. Speaker and colleagues, please join me in honor and recognition of Dr. Julian M. Earls, whose integrity, expertise, commitment and leadership has infused energy and possibility throughout all operations at NASA Glenn Research Center. His 40-year legacy of achievement and leadership will continue to exist as a foundation of learning and exploration, where the promise of dreams, discovery and hope take flight. I wish Dr. Earls and his family an abundance of good health and happiness, today and always.

CONGRATULATIONS TO GRANBURY LADY PIRATES' COACH LETA ANDREWS ON HER RECORD SETTING 1218TH VICTORY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. EDWARDS. Mr. Speaker, I rise today to honor a true champion for public education and women's athletics, Leta Andrews of Granbury, Texas, head coach of the Granbury Lady Pirates' basketball team. Coach Andrews recently recorded her 1218th victory, making her the winningest girls' high school basketball coach in U.S. history. Since coaching her first game in 1962, Coach Andrews has come to personify the values of hard work, dedication, and responsibility that she has instilled in her players over the years.

Coach Andrews is now in a category of her own making because of her commitment to excellence and unique ability to motivate, mold, and mentor young lives. While we honor her coaching success on the basketball court, it is her positive example and lasting influence on the lives of her players off the court that will be remembered most. That remarkable achievement alone is enough to qualify her for anyone's hall of fame.

Coach Andrews's impact on women's athletics will continue for years to come. We can all rest assured that Coach Andrews's exemplary mark on history will serve as an inspiration for teachers and coaches of all sports everywhere.

At this time, it is my privilege to honor the extraordinary achievements of Coach Leta Andrews in her 44 years of coaching and I personally want to thank her for the shining example to us all and wish her well in future endeavors.

HONORING JERRY AND LILLIAN FRIEDMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. ENGEL. Mr. Speaker, Jerry and Lillian Friedman are celebrating their 50th anniversary, two wonderful people who have worked as much for their community as for themselves.

Jerry was a Brooklyn boy who saw the light and moved to the Bronx. There he met Lillian and in 1955 they married. They have two children, Evelyn and Stuart, a son-in-law, Mark, and two grandchildren, Sophie and Benjamin.

Lillian was a Girl Scout, and when their daughter was old enough to join the Scouts, Lillian became a Girl Scout Leader. Jerry was a Boy Scout in Brooklyn, and later a Scoutmaster as part of a 65-year relationship with the Scouts.

They were both involved in their communities. They organized tenant-help groups, leading to lower rents and improved upkeep of the apartments. In Co-Op City in the Bronx they helped to form a building association with Jerry eventually becoming a member of the Board of Directors and First Vice President.

Both were also active in local Democratic politics.

Jerry and Lillian are the kind of people who make a community more of a community. I ask all who believe in love to join me in celebrating their 50 years together.

TRIBUTE TO STATE REPRESENTATIVE MARK HASS

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. WU. Mr. Speaker, I rise today on behalf of myself and the people of Washington County, Oregon to thank State Representative Mark Hass for his service. His enthusiasm, dedication and success can be attributed to one simple thing: a love for Oregon. Representative Hass chose to turn his compassion into action; to make a real difference for Oregonians.

Mark Hass has served his constituents in Beaverton and the state of Oregon with great distinction for the last three legislative sessions. In 2001, Governor John Kitzhaber signed into law the Hass Scholarship bill which created incentives for businesses to set up scholarship funds for employees. Making college more affordable is a passion he and I share.

Mark Hass has fought for and secured more high quality early intervention and full day kindergarten in Oregon so our children start off with the tools they need to learn and succeed.

He served as House Whip and as vice-chair on the Revenue Committee where he mentored newly elected legislators and became a strong advocate for restructuring Oregon's tax system.

He returns now to private life and to his family, but we are all better off today because Mark Hass has come forward to serve the State that he loves.

IN HONOR AND RECOGNITION OF LUCILLE CRISAFI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mrs. Lucille Crisafi, devoted wife to her late husband, Ralph Crisafi, devoted aunt and great aunt, and dear friend to many. Let us celebrate her life as her friends and loved ones gather in tribute to her 100th birthday.

Mrs. Crisafi grew up in Cleveland's Clark-Fulton neighborhood and later moved to Parma. In 1927, she married Ralph Crisafi. Their shared values of work, faith, family and community were reflected throughout this Westside neighborhood. For many years, Mr. and Mrs. Crisafi owned and operated an appliance store, located on the corner of Clark and Fulton Roads. Although they never had children, they were devoted to their nieces, nephews and the children of the neighborhood, all

of whom affectionately referred to them as 'Aunt Lu' and 'Uncle Ralph.'

Mrs. Crisafi remained in her home 25 years after her husband passed away. Her life-long spirit of activism and volunteerism with St. Rocco's Catholic Church continues to uplift all aspects of the parish. She has been an active member of the Holy Family Sodality of St. Rocco's for 72 years and served as the Financial Secretary for nearly 20 years.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mrs. Lucille ''Aunt Lu'' Crisafi, as we join her in celebration of her 100th birthday on December 13. At 100 years young, Mrs. Crisafi's sharp intellect, quick wit, kind smile and spirit of love and generosity for others shine brighter than ever and continues to illuminate the hearts of friends and family along Clark Avenue, throughout St. Rocco's parish, in Parma, Ohio and far beyond. I wish Mrs. Crisafi a joyous birthday and many blessings of peace, health and happiness today and always. Cent' Anni, Aunt Lu.

TRINITY CATHOLIC CONGRATULATIONS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. STEARNS. Mr. Speaker, it is with great pleasure that I rise today to congratulate Trinity Catholic High School of Ocala, Florida on its first-ever football state championship.

On Saturday, December 3, the Celtics completed an undefeated season by defeating Pahokee High School 37 to 30 in front of 4,327 fans at Florida International University to clinch the Class 2B state title.

Coach Kerwin Bell and his Celtics became the first team to bring a state championship in football to Marion County since 1979 in only the fourth year of the program's existence. The Celtics' season slogan, ''It's our time,'' embodied the determination that they showed in pursuing their goal. Despite a furious comeback by Pahokee to tie the game in the 4th quarter, the team pulled together and prevailed in a game that came down to the final whistle. The hard work of this group of young men has served as an inspiration to Ocala and Marion County and I congratulate them by saying, ''It is your time.''

IN RECOGNITION OF TATIANA HORUNOWYCZ VONDERSAAR AND RUSSIAN HERITAGE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise to pay tribute to Tatiana Horunowycz Vondersaar and Russian Heritage on the occasion of the 10th Annual Russian Heritage New Years Celebration, January 15, 2006. Mrs. Vondersaar's contributions to the Russian community have touched countless lives. It is a pleasure to pay tribute to this illustrious community leader and, of course, to all Americans of Russian heritage who have offered so much to our great Nation.

There is no doubt that America has become great because the American people are great. Coming from all parts of the globe and from humble beginnings, the average American is a priceless gift to our society and world. Without the common citizen, America would not have assumed the uncommon role she enjoys among the nations of the earth. Among these citizens are the proud and humble people of Russian heritage who are precious gems in the American mosaic.

I can think of no better example of this unique heritage than Tatiana Horunowycz Vondersaar, who has tirelessly promoted Russian heritage among the citizens of the great State of Florida. Mrs. Vondersaar is a former president and board member of the Russian Heritage located in St. Petersburg, FL. The Russian Heritage was established to preserve and promote Russian heritage, culture and educational programs among family, friends and neighbors.

Volunteering her time and talents to better the lives of others, Mrs. Vodersaar has been active on numerous committees and boards. She represented the St. Petersburg International Folk Fair Society, SPIFFs, promoting Russian heritage and culture. Mrs. Vondersaar has worked with the Police Athletic League and educated students about the influence of Russian customs and traditions. She has lectured at St. Petersburg College and volunteered her time at the Salvador Dali Museum. Mrs. Vondersaar has served as a translator for Russian immigrants for the public defender's office, assisted the elderly, and participated as an active and leading member at St. Andrew's Russian Orthodox Church. She also has served as treasurer of the Association of Russian Cadets, and board member of the Russian American Club.

Mrs. Vondersaar and her husband Lee, a courageous veteran of World War II, are the proud parents of 6 children, 14 grandchildren and 2 great grandchildren.

I want to commend Russian Heritage and its President Bill Parsons for their leadership in raising awareness of the rich contributions of Russian Americans to the United States. I ask my colleagues to join me in honoring all Americans of Russian descent and particularly Tatiana Horunowycz Vondersaar, whose spirit and dedication serve as a model of commitment to us all.

TRIBUTE TO 113TH ENGINEER BATTALION OF THE INDIANA ARMY NATIONAL GUARD

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great pride that I rise today to pay tribute to the 113th Engineer Battalion of the Indiana Army 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. And throughout the past year, these Iron men and women have shown a dedication to their mission, and a commitment to their country that truly is 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.

Based in Mosul, Iraq since last year, the soldiers of the 113th made heroic missions a part of their daily routine. They located and detonated improvised explosive devices, reinforced police stations and conducted combat patrols.

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 dangers our soldiers face every day.

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

Mr. Speaker, the following men and women of the 113th have bravely served their Nation in Iraq, and I am honored to submit their names for the CONGRESSIONAL RECORD:

Rodolfo Alfaro Jr., Jose Luis Andujar, Erendira B. Ayala, Robert Kenneth Banaszak, Lechia Tiara Banks, Timothy Patrick Bishop, Jerry Joe Blackford, Ernest Lee Boyles, Steven Ravey Brumfield, Travis Allen Byrd, Andre Steven Carr, Jason Allen Carrera, Luis Valentin Castro, Johnathan Michael Clabbers, Joseph Earl Collins Jr., Jonathon C Creviston, Michael Brian Daake, Keenon Carlton Davis, Walter Joseph Dinga Sr., Dennis Shawn Eastman, David Michael Eckhard, Tyler Jacob Egli, Saleem Amin Elamin, Wesley Etchison, David James Evans, David Paul Evans, Steven Edward Francher, Anthony Lee Fleming, John Paul Furman III, Jennifer Arlene Graves, Justin K Greentree, Michael Crispin Guajardo, Karl Eugene Hausenfleck, Shalonda Moniece Henderson, Andre Terrell Hillard, Paris H. Holeyfield, Richard Jakubowicz, Steven John Jesuit, Bradford Shawn Jones, William Michael Rich Kalina, Douglas Paul Kinger Jr., Gary Bernard Kinney Jr., Joshua Daniel Koch, Thomas Kopanda, Thomas Edward Kren, Mark Lathrop, John Lindsey, William Charles Mackey, Anthony Romon Madry, Garrett Emon Marshall, Leo Sharpe Marshall, Scott Arnold Marshall, Nicole Dionne McCant, Gregory Quinn McHenry, Terry Dionne McQuay, Lester Dwayne McSwain, and James Allen Miller.

Keith Allen Miller, William Moses Milligan, Joshua Arvino Miranda, Johnny Melvin Mitchell, Rodney Dean Mitchell, Leticia Marie Montez, Lawrence Edward Nemcek II, Steven Charles Patterson, Melvin Pennington Jr., Jorge Antonio Perez, Ricky Lee Phillips, John Edward Pitt, Peter Alan Pizarek, Thomas Michael Prosser, Mark Steven Reimer, Tommy Wade Roeske, Felicia Ronay, Briggs Obrian Rumph Jr., Alvaro Eneas Saenz, Berris Fitzroy Samuels Jr., Paul Randolph Scott Jr., Richard Dean Shatto, William Michael Sideris, Loretta Silvers, Larry Smith, Leroy Smith Jr., Jeffrey Scott Springer, Henry Louis Stone, Dawn Theresa Swantko, Michael William Thomas, Samantha Nicole Thomas, Johnny A. Trinidad, Michael Ralph Via, Dontreal Walters, Paul Nathaniel Wilderness, Demond Ellis Wilkins, Chery Lynn Williams, David Allen Young, Michael Zinman, Alexander James Baker, Charles Edward Beavers, Sean Peter Begley, Samuel James Benford, Christopher Ryan Boger, Ryan G. Bowerson, Steven Anthony Bramer Jr., Adam Joseph Branson, Johnathan Leon Bright, Aaron A. Brown, Charles Paul Bruce, Michael Joseph

Brunsman, Joshua Scott Buikema, and Max Allen Colestock.

Angel Luis Colon, Lasean Antowine Colter, Michael George Coughlin, Corrie Alexander Covelli, David James Croyle, Anthrice Arnez Culp, David Donald Davis, Earl Ernest Deal Jr., Tony Chang Dicharia, Tywan Tremain Dickerson, Ryan Patrick Eder, Matthew Bernard Flaherty, Matthew Alan Gabrano, Joseph Maxwell Gibbs, Mitchel Glover Jr., Michael Aloysius Goin, James Frederick Grauvogl, Elijah David Alvis Gray, Michael Guz, Donald James Adams, Rex E. Agness, Jason Ray Amstutz, Ian Thorne Armstrong, Christopher Brian Aviles, Thomas Shawn Baker, David Matthew Barker, Michael Bauman, Kevin Lee Bell, Tracy Red Bell, Justin Lee Bladecki, Ronnie L. Bond, Shaun Alan Casto, Byron Scott Chambers, Charles Scott Clabbers, Juba Akilaerveal Cochran, Robert Allen Craft, Gary Allen Cravens, Adam Lee Davis, Craig Mathew Dryden, Spencer Lee England, Brian Dean Farlie, Joshua Aaron Filson, Shaun Fitzpatrick, Timothy Alan Fort, Steven Franklin Foss, Daniel Trent Gakle, Brian Keith Gardner, Randy Jay Gauck, Joe Gomez, John Geoffrey Grafton, Christoff Mathew Haglund, Willim Lee Hayes, Michael DeWayne Heffner, David Scott Hitz, and Matthew John Hooper.

William Austin Jarret, David Pascal Johnson Jr., Dean Arthur Jones, Stefen Michael Kaur, Joseph Ralph Kolosci Jr., Andrew Kovats, Jason Michael Landfald, Ricky Lawson, Jared Douglas Leinart, Kyle Lewis Leonard, Israel Lopez, Michael Paul Ludwig, Aaron James Malerich, Jonathan Joseph Martin, Mark Andrew Masters, Kenneth Edward Maynor, Carey Allen McCrary, Jerame Edward Miller, Dale Allen Muzik Jr., James Byron Newland, Charles Carlon Odle Jr., James Kenneth Papay, James Robert Parker, David Lee Peer, David Scott Pegg, Gregory Allen Perra, Harold Thomas Petri Jr., Paul David Price, Franklin Allen Reed Jr., Jason Keith Reed, Brian Michael Richmond, Robert Rollins, Daniel Gabriel Ronay, Aaron John Rosenfeld, Brian Michael Sardeson, Andrew Kevin Scalf, Harrold Allan Schrimsher, Damon Alan Schroeder, Blaine Daniel Schultz, David Sendejas Jr., Thomas Alan Sergent, Sean Patrick Smiertelny, Carl James Smith, Gayle Thomas Smith, Brett Robert Sobiski, Donald Jeffery Spoor, David Michael Stone, Derek William Surowiec, James Raymond Swanson, Timothy Michael Vaclavik, Omar Velez, Rodney Allen Wells, Scott Allen Williams, and Cameron Mitcheal Wright.

Marlin Lee Lloyd Wunder, Anthony Derrell Alston, Brandon R. Antkowiak, Ryan William Ayres, Derek Michael Barragan, James Basinger Jr., Kevin Joseph Bell, Matthew James Bisig, Gary Robert Blake, Jason Paul Blunt, Jacob Ronald James Boyd, Kevin Briskey, Kirk Joseph Brownson, Chandler Clint Cahoon, Tomas Ignacio Canchola, James Edward Cash, Patrick Gerard Cleary, Delbert Lee Clem, Rodrice Lenall Cole, Edward T Cooney, Jason Michael Cribari, Jose Luis Cuadra, Clyde Leonard Daniel, Brian Douglas Delcourt, Rene Delgadillo, Billy Joe Dixon, Matthew Jason Farner, Richard Flores, Richard Paul Freeman, Mark Allen Gerber, Jason Alexander Hefner, Michael Alexander Hermann, Patrick Jermaine Hernandez, Christofer D. Hoyum, Jamie Darrell Jarboe, Michael Jonson, Chester Lee Jones Jr., Michael Ryan Jones, Richard Joseph Kerr Jr., Daniel Gerard Kirby, John Harold Koch, Stephen Kometz, David John Kozinski, Rodney Allen Kreft, Melvin Oswaldo Lira, William Lito Loubriel II, John Quincy Lubbe, Rick Allen Marino Jr., Brien Michael McCartney, Ivan Lamont McIntosh, William Everett McKee III, Matthew Lawrence Mitchell, Jason Moody, Michael Raymond Murray, Spiro David Olympidis, Kenny Wayne Parks, and David James Phillips.

Jon Robert Pitts, Thomas Duane Rankin, Douglas Alan Ricca, Wesley Aaron Robertson, Samuel Victor Rogowski, William John Schissler II, Ryan Scott, Deon Scott, Anthony Joseph Schultz, Robin Laurence Siems, Andrew Wayne Sigler, Christopher Alan Smith, Bartholomew Smith, Adam James Stewart, Jerry L. Sumner Jr., Zoltan Louis Szabo, Marion Otis Thatcher, Jose Anthony Trujillo, Frank Hobert Turner III, Theodore Widin Uzelac Jr., John M. Villegas, Jerod Lee Wagner, Jerome Nathaniel Watts, Kenneth Paul Wells III, Dane Emerson Wheeler, Patrick Williamson, Lamar Benjamin Wilson, Walter Johnson Wright Jr., James Ewel Yacconi, Benjamin Thomas Zimmermann, Yvette Bell, Melissa T. Elliot, James Austin Gazaway, Steven Randall Hines, Kevin E. Kuwik, Paul Timothy South, Reynaldo Benjamin Urra, James Nelson Marker, Charles Richard Socks, Somsack Thanthima, Keith Mark Hall, Matthew John Hamater, Ruben Haro Jr., Demetrius Demonte Henderson, Jaime Demetrio Hoch, Matthew Scott Hopkins, Allen David Hughes, Charles Edward Hunter III, Muain Issa, Alvino Luis Jaime, Robert Anthony Jaso, Derrell Donte Jenkins, William Robert Johnson II, Kerry Kinney, and James Foster Knight.

Nicholas John Kowalczyk, David Marshall Kuzmar, Luis Andre Landecho, Dean Lane, Vincent Isaac Lenart, Kevin Lee Littlejohn, Jason Elliot Loebbaka, Angel Miguel Lozano, Darnell Porter Malone, Thomas Martinez, Brandon Thomas McCormick, Robert William Metcalf, William Arnett Mills Jr., Sean Minard, David Ernest Moake Jr., Donald Marvin Mull, Stephen Michael Otten Jr., Brian Scott Panzik, Gershom Richard Parr III, Bruce Wayne Pierce II, Gregory Allen Potter, Carlos Reyes, Jody Van Roberts, James Michael Robinson, Aaron Shane Santonelli, Julian Anthony Scott, Ashley Cole Sharp, Richard Smart, Terry Alan Specyal, Mark Thomas Tegtman, Jeremy Thomas, Jose Angel Tovalin, Enrique H. Uribe Jr., Aaron Michael Vance, Joseph Edgard Vedette, Michael Edgard Vician, Cornelius Horace Weathers, Aaron Michael Webb, Travis Lane Wheatley, Daniel Kareen Wiley, Larry V. Williams Jr., Danile James Wills Sr., Bryan Thomas Zabrecky, Leonard Leroy Cottom, Paul Raymond Gordon, Steve Elias Haddad, Benjamin Matthew Joy, Michael Alan Kieszkowski, Thomas Willard Lamb, Jeremy Aaron Morton, Charles Andrew Pendleton, Peter Ruvalcaba, Alan Gene Scott, John Spann Everett, Derek Randall Sutton, and Alan Earle Thomas Jr.

IN HONOR OF TIM TAYLOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mr. Tim Taylor, award-winning television journalist, devoted family man, community volunteer and friend and mentor to many, including me, upon the occasion of his retirement that follows more than forty years of excellence in broadcast journalism in Cleveland, Ohio.

Mr. Taylor worked for ten years in radio. For seven of those years, he worked as the News Director at WHK Radio, where he covered stories ranging from everyday events to pivotal moments in history, including the Hough Riots, the Kent State shootings and live coverage of the splashdown of the aborted Apollo 13 mission. Mr. Taylor also conducted in-depth, one-on-one interviews with Presidents Nixon, Ford, Carter, Reagan, Bush and Clinton. His career in TV journalism began in the early 1970s at WEWS TV–5, when he became northeast Ohio's first TV consumer advocate as ''Action Reporter.''

For nearly thirty years, Mr. Taylor has led the news team every weekday at Fox 8 News. His tenure as Chief News Anchor reflects twenty-five years of talent, grace and professional integrity. His kind and humble nature consistently belied his sharp intellect and keen ability to extract reason, truth and a balanced perspective from news ranging from heartfelt human interest stories to complex national issues. Mr. Taylor was awarded three Emmys and was selected by the National Academy of Television Arts and Sciences as a member of the prestigious Silver Circle. He is only the second news anchorperson ever honored with the Cleveland Association of Broadcaster's ''Excellence in Broadcasting'' award.

Mr. Taylor's unwavering dedication to his profession parallels his steadfast commitment to giving back to the community. Among his numerous volunteer efforts, Mr. Taylor's thirteen-year involvement with the annual Tim Taylor Golf Tournament to Benefit the Epilepsy Foundation has raised awareness and millions of dollars to assist families and individuals who suffer the devastating effects of epilepsy.

Mr. Speaker and colleagues, please join me in honor, recognition and gratitude of my friend, Tim Taylor, whose unwavering integrity and talent has permanently raised the bar on broadcast excellence in Northeast Ohio and whose genuine concern for others has uplifted our entire community. I wish Mr. Taylor, his wife Cathy, children and grandchildren much health and happiness today and throughout all days to come.

TRIBUTE TO ROBERT L. VON ROCH

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. BAIRD. Mr. Speaker, Robert L. Von Roch was born on May 10, 1942 in New York, New York. The son of a German immigrant father who passed away in late 1946, Robert, along with his brothers and sisters, was later placed in a Long Island orphanage around 1951. The children grew up in that orphanage where Robert lived until he graduated from high school and entered Allegheny College in Pennsylvania and enrolled in the Air Force ROTC.

When Robert finished college he entered the United States Air Force on September 30, 1964 as a 2nd lieutenant. He later became a captain and served in the Air Force until he was honorably discharged as a veteran on September 29th, 1968.

Following his service in the Air Force Mr. Von Roch went on to graduate school to pursue a law degree at Villanova. While studying at Villanova Mr. Von Roch was recruited to work on security at U.S. embassies around the world. Mr. Von Roch was hired to provide security at different embassies as well as heading security during construction and reconstruction at various embassies. He served in Russia, Finland, Jordan and Kuwait, among other countries.

Robert Von Roch's final assignment was in Africa where he became ill and was transported to Vienna for treatment. He was later sent home to recuperate fully, but unfortunately Robert never recovered. Mr. Von Roch passed away September 3, 2005. His family misses him greatly.

HONORING MRS. HELEN CAIRO McCARTHY OF ST. LOUIS DE MONTFORT SCHOOL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mrs. Helen Cairo McCarthy as she retires from an exceptional career in education.

Mrs. Cairo-McCarthy has devoted twenty-six years to the Catholic education of students in the Archdiocese of Chicago. Just over twenty-one years of her profession were spent as a teacher at St. Louis de Montfort School in Oak Lawn, Illinois.

St. Louis de Montfort School is located in the heart of Oak Lawn Illinois. Since its foundation in 1963 the small, progressive Catholic school has been committed to excellence in education and Catholic values. A dedicated faculty and staff work diligently to serve students in the offered classes, preschool through eighth grade.

Since 1984 Mrs. Cairo-McCarthy has touched countless lives with her gentle, caring manner at St. Louis de Montfort. She has taught students spanning from grades fourth through eighth, has served as a Eucharistic Minister, has been a Minister of Care for the Homebound, has been a facilitator of the Rainbows for All God's Children program. Mrs. Cairo-McCarthy has truly been a tremendous role model for the children as well as the faculty, family and friends of St. Louis de Montfort School.

It is my honor to recognize Mrs. Helen Cairo-McCarthy of St. Louis de Montfort School for her many achievements both within and outside of the classroom, fostering the growth of a community as well as helping solidify a foundation for our future. I ask my colleagues to join me in extending many wonderful wishes for Mrs. Cairo-McCarthy as she enters into retirement. While she may not be in the classroom each day, I am sure she will continue to influence many lives throughout her new endeavors.

TRIBUTE TO RICHARD P. HOWE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to honor Richard P. Howe for his 40 years of public service to the City of Lowell. Richard P. Howe is a community leader, political activist, and dear friend.

The story of the city of Lowell is a cycle of rise and decline, a constant struggle to revive and then maintain the local economy and to always improve the quality of life of its residents. During the past decade, Lowell has been in the ascent. The fully occupied Cross Point office towers, a rejuvenated downtown symbolized by the Bon Marche building, a newly constructed ballpark and arena, and 10 new schools are the symbols of Lowell's resurgence. Many people contributed to the success of these projects. There is one person, however, whose leadership was critical to each of these projects and that is City Councilor Richard P. Howe.

First elected in 1965, Howe's electoral accomplishments alone would identify him as having great impact on the revitalization of the city of Lowell. Tonight marks the end of a 40-year career on the Lowell City council. He has been mayor 4 times (8 years) and a city councilor for longer than anyone else in the city's history.

During the first half of his career, Howe's campaign slogan was "Keep a strong voice in city government." On that note, he never let his constituents down. While his critics—not coincidentally the targets of his pointed questions and critical comments—called him an obstructionist, the voters saw it differently, reelecting him repeatedly by comfortable margins. The time of Howe's fiercest political battles was also the time of his greatest electoral success, topping the ticket on four occasions.

Finishing first once again in the 1987 elections, Howe was unanimously elected mayor in January 1988. In a January 9, 1988 Sun article entitled "Richard Howe: From political outcast to elder statesman" Terry Williams called the veteran councilor's election as mayor "perhaps the most remarkable turnabout in recent Lowell history." Williams, however, ended with a question:

> But will Howe, who made a career as a critic, be "comfortable" in his new role? And more importantly, will he be as effective as a leader as he was a dissident? The answer is critical to Lowell's future.

Events of the past 17 years have answered that question in the affirmative.

The first test of Howe's leadership abilities came within days, when the new mayor attended a hearing in the United States District Court in Boston. Judge Robert Keeton was about to place the city's schools under Federal control in response to a suit brought by the parents of minority students who alleged segregation and unequal treatment in Lowell's schools. Acceding to Howe's plea that, having just taken office, he needed some time to address the problem, the judge delayed the takeover. After numerous meetings, a city team led by Howe negotiated a settlement of the suit that prevented the Federal takeover. As a result of this desegregation settlement the city was able to secure funding for 10 new schools, making the physical plant of its school system the envy of every community in the State.

The city council ratified Howe's leadership by again electing him mayor in 1990, the first time in Lowell's history that a mayor served consecutive terms.

School desegregation was not the only problem that made this period a turbulent one. The influx of 30,000 Southeast Asian immigrants strained the city's resources to the breaking point. During this period, Howe made frequent trips to Washington where he persuaded Senator EDWARD M. KENNEDY to secure additional funds for the city to ease the strain. More importantly, Howe's principled and practical approach to Lowell's newest immigrants set the example for the rest of the city. The relatively smooth and rapid integration of an enormous population of new comers into Lowell's fabric is a remarkable and under appreciated story.

Economic difficulty returned, however. Banks were seized by the FDIC, foreclosures abounded, and Wang filed for bankruptcy. City government faced a $14 million deficit. The city council of 1992–93 seemed powerless—or unwilling—to respond. That all changed with the election of November 1993 when the voters elected 6 new city councilors. They, in turn, elected Richard Howe mayor.

Mayor Howe played a major role in putting together the city council votes necessary to construct the Paul E. Tsongas Arena and Edward LeLacheur Field. No one played a greater role in securing an arena for Lowell than Paul Tsongas. But Tsongas, whose first vote on the Lowell City Council in January 1970 was to elect Richard Howe mayor, realized that unless you get a majority vote of the city council, no project would succeed. He also realized that Richard Howe, through the strength of his personality and the wisdom of his experience, had an unsurpassed ability to put those votes together.

While votes on the arena and baseball park are better known, Howe's leadership proved critical to the success of two other and equally important projects during this term. The city and the region were shocked when the Wang Towers were sold at auction for only $525,000. Renaming the complex Cross Point, the new owners needed the city's help—in the form of a $4 million letter of credit—to land Nynex as its anchor tenant. Viewed in light of Cross Point's subsequent sale in 1998 for $110 million, the vote on the letter of credit could be viewed as a "no brainer." Nothing could be farther from the truth, however, because the vote to extend the letter of credit faced substantial opposition and succeeded only because of Howe's decisive leadership on the floor of the city council.

This scenario was replayed with the Bon Marche renovations. That building, long the anchor of downtown, had stood vacant and decaying for years until two local residents proposed its redevelopment. The finances would not work without city government providing a major tenant. In spite of strong opposition by some members of the school committee, Howe persuaded a majority of that board to lease two floors of the building for the school department headquarters, and convinced the city council to pay a portion of the rent. Bon Marche was a success, winning an award for historic preservation; it has resumed its former prominence in downtown Lowell.

In Lowell, during the past 40 years, Richard P. Howe has been a strong and independent voice in city government. Cross Point, the Bon Marche building, the Tsongas Arena, LeLacheur Field, and 10 new schools are monuments to his leadership.

CONGRATULATING THE Y.O. RANCH ON ITS 125TH ANNIVERSARY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. BRADY of Texas. Mr. Speaker, people leave footprints on the land, but as most private property owners in Texas know, land leaves bigger footprints on people. The brave families that ventured to Texas when Texas was just bare land left an imprint on the land and in the souls of all who live in or around the legacies they leave behind. This is perfectly embodied in the Historic Y.O. Ranch in the heart of the Texas Hill Country. Five generations of the Schreiner family folks have left their indelible prints on the Y.O.

I want to congratulate the Hill Country for taking care of this legend and the Schreiner family for continuing the legacy of the Y.O. Ranch as they join together in their 125th Anniversary Celebration on December 31, 2005.

This legendary ranch sprang from a young man's dream and his family's determination to keep the dream alive. In 1852, 14-year-old Charles A. Schreiner arrived in Texas with his family—18 days later his father died and for the next 2 years Charles helped his family get by. When he turned 16, he enlisted in the Texas Rangers. When he "retired" from the Rangers 2½ years later, Charles took up ranching.

Charles, who was known as Captain Schreiner, began buying up Hill Country property and cattle. During this period, more than 300,000 head of Texas Longhorns bearing his brand trailed up to Dodge City laying the foundation of the Captain's empire. Part of this empire included the present day Y.O. Ranch, which the Captain purchased in 1880.

During his life, the Captain continued to gather land, launch successful enterprises and contribute to his community. In 1917, when he was 79 years old, the Captain divided his holdings, which included 566,000 acres of land, equally among his eight children. Walter R. Schreiner, the Captain's youngest son, was the owner of 69,000 acres located about 40 miles northwest of Kerrville now called the Y.O. Ranch. In 1922, Walter married Myrtle Barton a decision that not only gave the Y.O. a woman's touch, but another leader.

In 1933, Walter died, leaving the Y.O. to his wife, Myrtle and his young son, Charlie III. When Walter died at the heighth of the Great Depression, Myrtle knew nothing about running the ranch, but circumstances forced her to learn quickly and to learn well. She stepped up to the vast challenge of keeping the legacy alive.

Myrtle relied on her brother-in-laws, Gus and Louie Schreiner. By sticking to cattle, sheep and goats, Myrtle kept the ranch afloat and then some. Not bound by convention, in 1943, Myrtle leased the ranch to Petty Geophysical Engineering, not for oil and gas exploration, but for hunting. She pioneered a practice that has been adopted as an income generator on almost every ranch in Texas and has been a vital part of the Y.O.'s economic picture ever since.

Charlie III grew up on the ranch and learned ranching from the ground up, preparing to take on his share of the responsibility. In the aftermath of the drought of the 50s, Charlie III began his relentless pursuit of Longhorns. He had strong feelings for the animals and the role they'd played in developing the West and the Y.O. but the drought drove home the importance of having a hardy, resilient breed of cattle for tough times in tough country. Charlie III not only built the largest quality Longhorn herd in the world, but recruited other cattlemen to the cause and eventually helped found the Texas Longhorn Breeders Association and is widely credited with single handedly saving the longhorn breed from extinction.

Charlie III also undertook another notable conservation project providing a home to exotic wildlife a business that other ranchers later entered. The first animals released were blackbuck antelope and Aoudad sheep, which proved that higher fences were necessary. Today, the Y.O. is home to more than 60 exotic species, many of which are available for hunting.

Charlie III didn't introduce exotics with the intention of establishing a hunting program, but as the animals thrived and reproduced the numbers had to be managed. Plus, hunting is another source of revenue and is a vital part of the ranch's newest undertaking the people business. Other wildlife includes white-tailed deer, wild hogs, wild turkey, axis deer, eland antelope, sika deer and fallow deer.

Charlie III and his sons, Charlie IV, Walter, Gus and Louis, over the years, diversified into photography safaris, Y.O. Adventure Camp for children, corporate retreats and the Y.O. Ranch Steakhouse in Dallas's West End. But perhaps the biggest foray into this area came in 1986, when the Schreiner family set aside 11,000 acres to be sold as home sites for people who weren't born on the Y.O., but wanted to get to the Hill Country as soon as possible. The Schreiner family has worked hard to make it easy to for people to call the ranch home. Inside the high fence that surrounds Y.O. Ranchlands, buyers can choose from tracts ranging from 50 acres to 125 acres, all of which showcase the Hill Country's rugged beauty.

The ranch, then and now, survived strictly on the skills, creativity and determination of the owners. Fighting off Indians, outlaws, Wars, The Depression, Droughts, Estate Taxes, Divorces and Mother Nature, generations of Schreiners—and now landowners who've "joined the family"—continue to care for the beautiful Hill Country of Texas and preserve Texas's proud ranching heritage.

I wish Charlie IV and the rest of the Y.O. Schreiner family (all 17 of them) the best of luck in the future and am proud to congratulate the Y.O. Ranch on its 125th Anniversary.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. HYDE. Mr. Speaker, on December 13, 2005, I was absent for several votes for personal reasons. Had I been present, I would have voted: vote No. 623, Korean American Day, "yes"; vote No. 624, Presidential $1 Coin Act, "no"; vote No. 625, Small Public Housing Authority Act, "yes."

HONORING THE 50TH ANNIVERSARY OF THE HONORABLE JOHN D. DINGELL'S SERVICE IN THE HOUSE OF REPRESENTATIVES

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. CAMP of Michigan. Mr. Speaker, I rise today to pay tribute to the service of a fellow Michigan congressman: the Honorable JOHN DINGELL, who marks today his fiftieth year as a member of this distinguished House of Representatives. The length of his labors is astounding; his constant concern for his constituents is exemplary; and his integrity is simply beyond reproach.

Having been elected to fill the seat and the shoes of his father (who passed away while still in office), Mr. DINGELL has blazed his own path over the past five decades. Impacting virtually every major piece of legislation to be signed into law during the last half century, Mr. DINGELL is one of a handful of lawmakers whose effectiveness does not rely solely on his party being in the majority.

Impressive in both stature and the tenacity with which he pursues his positions, Mr. DINGELL has lent his life to public service. The good citizens of his district and his colleagues here on the Hill are all the better for his tenure; may it long continue.

TRIBUTE TO EDWARD A. "ED" PENICHE

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. CULBERSON. Mr. Speaker, I rise today to honor my constituent, Edward A. "Ed" Peniche, of Houston, Texas. He has made an immeasurable contribution to America through two outstanding careers—first with the U.S. Army as an airborne soldier, and following his military retirement—achieving advanced degrees that enabled him to embark on a second career as a college professor. This career has been the fulfillment of Ed's childhood dreams for a better life.

Ed was born on June 25, 1925 in Progreso, Yucatan, Mexico. He was the oldest of eight children. His parents were not highly educated, but they instilled in their son the value of an education. To that end, he immigrated to the United States on December 7, 1942 on a student visa to pursue education that was what was not available to him in Mexico.

Ed arrived in Paducah, Kentucky with four dollars in his pocket and stayed with an aunt and uncle while attending high school. During this time, World War II was being fought, and on September 27, 1943, Ed entered active duty with the U.S. Army. He was trained as an airborne infantryman, and served with valor in combat from shortly after D-Day to VE-Day (Victory in Europe.)

Ed is very proud of his airborne training, which instilled in him a "can do" attitude despite all adversities. He served proudly and heroically with the 101st Airborne Division during the Battle of the Bulge, which started on

December 16, 1944. This was the greatest battle in the European Theater of World War II. Victory came with ferocious fighting at a cost of thousands of American casualties, but it provided a opening for General Patton's Third Army to march into the heart of Germany, which ultimately led to the unconditional surrender of the Nazi regime on May 8, 1945.

Ed was in Bastogne for eight days to hold the town despite repeated German ground assaults, continuous artillery and rocket bombardment, sub-zero temperatures, and bad weather conditions that prevented Allied air power from supporting the surrounded Americans. Despite these conditions, the 101st Airborne Division courageously held their ground and General McAuliffe famously replied "Nuts!" to the German Commanding General's offer to accept surrender or face immediate annihilation.

Ed was wounded in combat action on January 3, 1945 at Longchamps, Belgium, for which he received the Purple Heart Medal. He was assigned to a 57 mm anti-tank gun that was credited with knocking out three German tanks, and supported the destruction of seven other enemy tanks before an exploding German shell destroyed Ed's gun. Despite his own wounds, Ed voluntarily exposed himself to enemy fire to report the situation and guide medical aid men to the casualties in his unit. For his heroism on that day, he was awarded the Bronze Star Medal with "V" device indicating his personal valor in the engagement. Ed was also awarded a second Bronze Star Medal for meritorious achievement in ground combat against enemy forces in the European Theater of Operations.

After the war, Ed served a brief stint in the Mexican Army and was co-founder of their Parachute School. He returned to the U.S. in 1952, and re-enlisted in the U.S. Army. Ed became a U.S. citizen on February 25, 1953, and on October 6 married Lois Dean "Deanie" Baggett of Paducah, KY. They had three sons, John, Carlos and Frank, six grandchildren to complete Ed and Deanie's family circle.

Ed completed his undergraduate degree by taking night courses while he served on active duty. He was awarded an AA degree in Liberal Arts from George Washington University in 1966, and a BGS degree in Political Science and History from the University of Nebraska-Omaha in 1969. An extended tour of duty in Vietnam lasted from January, 1959 to July, 1962. He was awarded the Joint Services Commendation Medal, Army Commendation Medal, and Good Conduct Medals prior to his retirement from active duty as a U.S. Army Sergeant First Class in 1970.

Retirement allowed Ed to pursue graduate work full time at Murray State University in Kentucky. He was awarded a MA degree in Spanish-American Literature in 1971. Additional graduate work was done at the University of Virginia and the University of Texas.

Ed was a college professor at Central Virginia Community College in Lynchburg, Virginia for 22 years, and was awarded the title of "Professor Emeritus" on May 14, 1996. He was also a professor at Kingwood College, Texas until he retired from active teaching at the age of 74. He keeps busy by speaking at veterans' events and attending memorial commemorations honoring his fallen comrades at the Battle of the Bulge in Longchamps, Belgium.

Edward A. Peniche is the embodiment of the "American Dream." He achieved his ambitions through hard work and self-motivation, and the tireless support of his wife Deanie. Ed has said on more than one occasion "I am most proud that I lived the American dream. This is the greatest country on earth!"

Mr. Speaker, I am very proud to honor Ed Peniche's many lifetime achievements, and wish him and his beloved Deanie much happiness and good health in the years to come.

HONORING THE PERFECT FOOTBALL SEASON OF THE TROUSDALE COUNTY YELLOW JACKETS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. GORDON. Mr. Speaker, today I rise to recognize the championship season of the Trousdale County Yellow Jackets. The Yellow Jackets brought their perfect season to an end by winning the 2005 Tennessee Secondary School Athletic Association's Class 1A state championship.

Residents of Trousdale County, Tennessee, can be proud of their Yellow Jackets. Through determination and hard work, the team dominated their opponents with five shutouts and finished the season with a perfect 15–0 record.

In the state title game, the Yellow Jackets went on a rampage, scoring seven touchdowns and holding the Union City Golden Tornados to only two touchdowns.

Trousdale County High School has a long history of football supremacy. The Yellow Jackets have made the playoffs every year since 1988, and this year's championship win marks the sixth time since state playoffs began in 1969 that the team has won the title.

I commend the Yellow Jackets and their head coach, Clint Satterfield, for a fine season and an outstanding championship win. Kevin Creasy, Phillip Dean, Jackie Dillehay, Jason Dobbs, Jason East, Eric Eden, Adam Keeton, Steve McClain and Ronnie White serve as the team's assistant coaches. Toby Woodmore is Trousdale County High School's principal.

I congratulate all the talented members of the 2005 1A State Champion Yellow Jackets: Dustin Dillehay, Marco Wright, Jared White, Blake Satterfield, Nelson Harper, Sammuel Dunn, Terrian Luster, Cal Welch, Creigh Hall, Michael Ring, Blake Merryman, Leroy Wooten, Josh Cunningham, John Scruggs, Justin Payne, Maurice Harris, Kendall Belcher, Kenneth Pedigo, Zach Porter, Derek Dunn, Tim Cunningham, Trondez Burnley, Shane Johns, Curt McGowan, Jeffrey Butcher, Terrance Calhoun, Krieg Story, Phillip White, Austin Dillion and Steven Angel.

A TRIBUTE TO BILL LEWIS

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today and ask my colleagues to join me in paying tribute to Mr. Bill Lewis, a great American. Mr. Lewis passed away Saturday, November 26, 2005 at the age of 84. As an outstanding resident of Wilson County and as its first Director of Agriculture, I know that I speak for the masses when I say that he will be greatly missed.

Mr. Lewis was born in Fairmont, North Carolina and attended North Carolina State University where he graduated in 1942 with a degree in Agricultural Education. He served the United States of America from 1942 until 1945 as a member of the Army Air Corps in the Pacific Theater. He was discharged as a Captain.

Mr. Speaker, after leaving the Army Air Corps, Mr. Lewis began work with the Agriculture Extension Service in 1948 as an Assistant County Agent working with Turkish tobacco at North Wilkesboro. Two years later he relocated to Wilson County.

Mr. Lewis served the people of North Carolina his entire life. He established Wilson County's Agriculture Extension program which continues to serve the County well. He served as President of the North Carolina Association of County Agricultural Agents (NCACAA) from 1968–1969 and was also Chairman of NCACAA in 1971. He was a member of the National Committee of Extension programs in 1971. Mr. Lewis also served as Agriculture Advisor to North Carolina Governor Jim Hunt where he was able to ensure North Carolina's agricultural success.

Mr. Speaker, Mr. Lewis was awarded for his great contributions to North Carolina agriculture when he was presented with the Distinguished Service Award from Wilson's Kiwanis Club in 1962. Mr. Lewis was also recognized in 1972 by Southern Tobacco Journal and served as Chairman of the extension programs committee of NACAA from 1973 until 1974. Under his Directorship, the Wilson County extension staff was recognized on two occasions by the Epsilon Sigma Phi Fraternity for team work and total performance.

Mr. Speaker, I value this opportunity to pay tribute to such an outstanding citizen. I ask my colleagues to join me in acknowledging the outstanding contributions of Mr. Bill Lewis to the state of North Carolina and to this Nation.

TRIBUTE TO FIRST LIEUTENANT CHRISTOPHER JOHN BUSCAGLIA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor 1LT Christopher John Buscaglia of the 110th Mountain Division of the United States Army. A native of Western New York, Lieutenant Buscaglia exemplifies the character and good will of our community.

Following his graduation from high school, Lieutenant Buscaglia stayed in Buffalo to attend Canisius College. There, he majored in history and excelled academically. Outside of the classroom, he played the French horn in the college band, was a talented photographer for the campus newspaper, and, for three consecutive summers, spent 2 weeks in Mexico City, running a day-camp for neighborhood kids.

Walking through the halls of Canisius, Lieutenant Buscaglia looked like any other student. But if you saw him running down Main Street

early in the morning before classes or spending his vacations in camouflage at Fort Drum, Lieutenant Buscaglia looked much different. In addition to all his academic and extra-curricular accomplishments, he spent his free time training to become an officer in the United States Army.

After graduation in 2004, Lieutenant Buscaglia was commissioned and, for the last 5 months, has served with distinction as an intelligence officer and platoon leader in Iraq. Because of his dedication to duty, Lieutenant Buscaglia has recovered information that prevented numerous insurgent attacks and saved American lives. Appropriately, he has received outstanding ratings from senior officers and the respect of his fellow soldiers.

Mr. Speaker, the debt we owe to our servicemen and women can never be fully repaid—they protect our shores, our families, and our democratic government. Lieutenant Buscaglia put his bright future on hold and volunteered to fight on our behalf. I thank him today for his dedication to the safety of all Americans and his willingness to serve our Nation.

CONGRATULATING THE LOS ANGELES GALAXY ON THEIR VICTORY IN THE 2005 MAJOR LEAGUE SOCCER CHAMPIONSHIP

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. BECERRA. Mr. Speaker, I rise today to congratulate the players, coaches, staff, and owners of the Los Angeles Galaxy for winning the 2005 Major League Soccer (MLS) Cup Championship and to pay tribute to this historic feat.

On November 13, 2005 in Frisco, Texas, the Galaxy became the 10th MLS Champion by defeating the New England Revolution by a score of 1–0 in extra time. This is the Galaxy's second MLS championship and represents only the third time in league history that a team has won the ''domestic double''—the Lamar Hunt U.S. Open Cup and the MLS Cup Championship in the same year.

The team was challenged throughout the entire season both from sustaining several injuries and also player absences due to call-ups by the United States Men's National Team The Galaxy's ability to overcome these adversities is a testament to the skill of the coaching staff and the talent of players who never once compromised team cohesiveness for individual glory.

Mr. Speaker, I would like to take a moment to recognize the individual players for their role in developing this championship team. This year's superb squad was led by team captain Peter Vagenas and a terrific line up that included Chris Albright, Benjamin Benditson, Pablo Chinchilla, Mubarike Chisoni, Steve Cronin, Ednaldo da Conceicao, Landon Donovan, Todd Dunivant, Michael Enfield, Josh Gardner, Herculez Gomez, Guillermo Gonzalez, Alan Gordon, Ned Grabavoy, Kevin Hartman, Ugo Ihemelu, David Johnson, Cobi Jones, Quavas Kirk, Tyrone Marshall, Paulo Nagamura, Joseph Ngwenya, Michael Nsien, Troy Roberts, Marcelo Saragosa, Josh Saunders, Michael Umana, and the 2005 MLS Cup's Most Valuable Player, midfielder Guillermo ''Pando'' Ramirez.

The coaching crew was also instrumental in cultivating this triumphant team. The fantastic staff was led by head coach Steve Sampson; assistant coaches Afshin Ghotbi, Billy McNicol, and Ignacio Hernandez; Head Athletic Trainer Ivan Pierra; Team Administrator Anthony Garcia; and Equipment Manager Raul Vargas.

Mr. Speaker, my hometown of Los Angeles has the best fans any team can ask for. They are more than just spectators, they are the 12th player on the field—building momentum and inspiring their team to fight on to victory. These devoted and spirited fans contributed to eight sold out home games and brought the average home game attendance to 24,000 people this season.

The Los Angeles Galaxy deserves as many accolades for their heroic work off the field as they do for their gallant efforts on the field. During the past several years, the Galaxy Foundation has hosted the Foundation's Feast, which provides Thanksgiving dinner for 200 needy children and families. The Foundation also hosts a special holiday shopping spree for children selected by several local Salvation Army chapters.

Mr. Speaker, I would like to thank Chairman TOM DAVIS, Ranking Member HENRY WAXMAN, Congressman CHRIS CANNON, and Congressman DANNY DAVIS for their help in bringing H. Res. 574 to the floor today.

The Los Angeles Galaxy is a truly remarkable team whose high standards of excellence, professionalism, demonstrated courage, sacrifice, and teamwork should be commended. Their passion continues to captivate a growing and diverse fan base from all across Southern California.

Mr. Speaker and fellow colleagues, please join me and all soccer fans from across the country and the around world in congratulating the 2005 Major League Soccer Cup Champions Los Angeles Galaxy.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. MENENDEZ. Mr. Speaker, I rise to offer a personal explanation. Last Thursday, I was unable to vote on tabling the motion on H. Res. 591, a resolution raising a question of the privileges of the House (rollcall No. 622), due to an unavoidable commitment in New Jersey. Had I been present, I would have voted ''no'' on rollcall vote 622.

CONGRATULATING THE HIGHLAND PARK SCOTS FOOTBALL TEAM FOR WINNING THE TEXAS CLASS 4A DIVISION I HIGH SCHOOL CHAMPIONSHIP

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to congratulate the Scots of Highland Park High School in Dallas, Texas for winning their first State Championship in almost half a century, defeating the Marshall High School Mavericks by the largest margin of victory in Texas High School eleven-man Football Championship history. I am proud to represent Highland Park as part of the 32nd District of Texas.

Head Coach Randy Allen and his team put on an impressive display at Tyler's Rose Stadium in front of over 14,000 fans plus several thousand more who couldn't get in due to a lack of seating. It was a fitting end to their first-ever undefeated, untied season of 15–0. Highland Park dominated the competition throughout the season on their way to their first State Championship appearance since 1957, with only one game in the entire season decided by 7 points or less.

This team and its fans have certainly waited a long time to reach this point. They have come extremely close to reaching the final game several times in recent years, but have always come up just a little shy. Twice in the past 10 years the Scots have seemingly been within arm's reach of the championship game, losing in the semifinals in both 1996 and 2003. After having come so close with such talented teams, they and their fans were very ready to return to glory.

Their avid fans came out in droves to support them in the championship game, even prompting the operators of the Rose Stadium to erect more seats at the last minute to accommodate up to 2,000 more fans. They also lobbied successfully to have the game broadcast live so that all of the Highland Park faithful who were unable to get tickets to the game could at least watch from afar as their beloved Scots brought home their first championship in 48 years.

The 2005 Scots, dubbed the ''Band of Brothers,'' fielded quite a large and talented team. It consisted of 116 total players, including at least one national standout. Matthew Stafford, the Scots quarterback, broke the school's passing record on the team's road to victory by throwing for over 8,000 yards in his three seasons at the helm. Stafford, considered by some to be the top recruit in the country at his position, will attend the University of Georgia next year. Another notable performance was that of senior Jake Feldt, who scored an incredible five touchdowns in a valiant effort for his team during the championship game.

In closing, I would like to honor the Highland Park Scots Football Team, HP coach Randy Allen, and the Community of Highland Park for their spirit, dedication, and winning attitude in their best season in a historically competitive program.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Ms. SLAUGHTER. Mr. Speaker, due to a technical error my vote was not recorded for rollcall 618. I should have been recorded as voting ''yes.'' Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD immediately following this vote. H.R. 4440, on Motion to Suspend the Rules and Pass, rollcall No. 618, ''yes.''

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. FORTENBERRY. Mr. Speaker, on Tuesday, December 13, 2005, I was unavoidably detained due to the birth of my daughter, thus I missed rollcall votes Nos. 623, 624, and 625. Had I been present, I would have voted "aye" on all three votes.

CELEBRATING THE CITY OF FREMONT, CALIFORNIA'S 50TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. STARK. Mr. Speaker, I rise today to recognize the city of Fremont, California's 50th anniversary. Fremont is the largest city in the 13th Congressional District. When Fremont incorporated in 1956, it had a population of approximately 22,000 residents. Today, Fremont residents number over 210,000, nearly 10 times the population of 50 years ago.

The Ohlone people and their ancestors had occupied Fremont for thousands of years when Spanish priests arrived from Mexico and founded Mission San Jose in 1797. After Mexico won independence from Spain in the early 1800s, an appointed administrator divided the mission lands into four large tracts known as Rancho del Agua Caliente, Rancho Arroyo de la Alameda, Rancho Portero de los Cerritos and Mission San Jose.

John C. Fremont arrived in the 1840s to map a trail through Mission Pass. California's admission to the United States and the Gold Rush stimulated further migration to the area, attracting people from all parts of the world. By 1853, the communities of Mission San Jose, Centerville, Niles, Irvington and Warm Springs had formed themselves into Washington Township. The City of Fremont officially came into existence on January 23, 1956, when citizens of these communities voted to incorporate their town to form a single city.

Fremont is one of the most ethnically and culturally diverse cities in the United States. Over 137 languages are spoken; its residents come from all 50 states within the United States as well as 155 countries throughout the world.

The celebration of Fremont's 50th anniversary promises to be as unique as Fremont itself. Celebrate Fremont's mission is to enhance the quality of life in the Fremont Community, now and for generations to come by serving all segments of the community by promoting the vitality of nonprofit organizations, fostering volunteerism and serving as a vital resource that promotes and enhances community activities including but not limited to those civic, cultural, and educational activities that celebrate the past, present and future of Fremont.

I join the City of Fremont's civic leaders and its residents in celebrating Fremont's 50th anniversary. The motto for the celebration is "creating a legacy for tomorrow by cherishing our past and connecting with our present." This celebration offers the city an historic opportunity to celebrate its past, while uniting its diverse community and historic districts around a shared vision for the future. Happy Birthday Fremont and best wishes for continued success as a model city.

REINTRODUCTION OF THE VETERANS HOUSING FAIRNESS ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mrs. MALONEY. Mr. Speaker, today I reintroduce legislation that allows veterans to use their guaranteed VA loans to purchase co-operative housing units. FHA and other government agencies already have programs to give loans for co-operative residential units, and most banks accept co-operative shares as collateral. The Department of Veterans Affairs should do the same. For many veterans who live in communities where co-operative housing is common or where the cost of houses and condominiums can be high, a co-operative residential unit is an affordable alternative.

HONORING THE 100TH ANNIVERSARY OF WATERTOWN, TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. GORDON. Mr. Speaker, today I rise to recognize the 100th anniversary of Watertown, Tennessee, which I have the honor of representing in this esteemed body.

The community in Wilson County was originally known as Three Forks, but the town's Postmaster, Wilson L. Waters, changed the name to Waterstown. Eventually, the town's name changed one final time to Watertown. The town was incorporated in 1905 as a result of a devastating fire in 1903. Today, Watertown's residents enjoy a quality of life that is second to none.

Throughout history, Watertown has been home to several thriving businesses. Williams Pin Mill put the community on the map, as it was the largest manufacturer of threaded insulator rods in the world. Another notable business is the Watertown Bed and Breakfast, the only structure that survived the numerous fires, including the great fire of 1903, that ripped through Watertown during its adolescent years.

The citizens of Watertown embrace their community, and that spirit has made it the flourishing town it is today. The Watertown Jazz Festival, a popular musical event held in July, draws crowds from hundreds of miles away. Another famous attribute is Watertown's Excursion Train. These passenger trains, operated by Tennessee Central Railway Museum, take riders on a scenic tour of Middle Tennessee.

I congratulate Watertown on this anniversary, and I hope the next 100 years are as prosperous and progressive as the first 100 years.

HONORING MR. J.W. ANDREWS ON THE OCCASION OF HIS BEING HONORED WITH ''J.W. ANDREWS ROAD''

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. BONNER. Mr. Speaker, today I rise to honor Mr. J.W. Andrews of Preswick, Alabama, on the occasion of his being honored by his community with the naming of the "J.W. Andrews Road" in Jackson, Alabama.

Mr. Andrews was born on August 30, 1919, and he has dedicated much of his life to the service of Clarke county. He married the former Ida B. Tiggs, and they had four children. He is the owner of Andrews Funeral Home in Jackson, Alabama; a business in which he remains active to this day.

In 1978, Mr. Andrews became president of the Clarke County Voter's League. In this position, he ensured African Americans were able to serve as deputy registrars with the Clarke County Board of Registrars.

In 1981, Mr. Andrews was recognized by then Alabama Governor Fob James who praised him for his support in the successful passage of a responsible education budget.

Mr. Andrews was also the first African American to serve on the Clarke County Board of Education, a capacity in which he served for two years.

In 1985, Mr. Andrews became the first of two African Americans to ever be elected to the Jackson City Council. He served on the city council for over 14 years in district one.

I ask my colleagues to join with me in congratulating J.W. Andrews for both the great success he has enjoyed in his life and his outstanding representation of the Clarke County, Alabama. I know his wife Ida, his children, many friends, and colleagues are also proud of him, and I wish Mr. Andrews and his entire family much health and success in the years ahead.

U.S. STATE DEPARTMENT'S SUPPORT OF CROATIA'S MEMBERSHIP IN NATO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. RADANOVICH. Mr. Speaker, I would like to enter this letter into the RECORD. The letter focuses on the importance of the U.S. State Department's support of Croatia's membership into NATO.

NATIONAL FEDERATION OF CROATIAN AMERICANS (NFCA),
Washington, DC, Nov. 3, 2005.

Re Resolution on The Republic of Croatia and NATO Membership.

The Hon. ELTON GALLEGLY,
Chairman, Europe and Emerging Threats Subcommittee, International Relations Committee, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Federation of Croatian Americans (NFCA), I want to commend and thank you for the courageous leadership you have shown by introducing H. Res. 529. The NFCA was pleased to contribute to the Resolution's

development, and we stand ready with our national community to assist you in generating support for its expeditious passage in the U.S. Congress.

The U.S. State Department may object to some of the language in this Resolution, since over time the State Department has ramped up its requirements related to Croatia's membership in the North Atlantic Treaty Organization (NATO). This Department's requirement for support of Croatia's entry into NATO has actually morphed from 'complete cooperation with the International Criminal Tribunal for the former Yugoslavia, ICTY, in the pursuit of the remaining indictee' to 'the capture and delivery of the remaining indictee to The Hague'. The State Department holds to this position in spite of the fact that the ICTY Chief Prosecutor claims that the remaining indictee is hiding in an Italian monastery protected by the Vatican. The ICTY Chief Prosecutor has further asserted that Croatia is now completely cooperating with the ICTY. Furthermore, the new government of Prime Minister Ivo Sanader has affirmed the Government of Croatia's commitment to cooperate fully and continue to take all necessary steps to locate and transfer the remaining indictee to the ICTY. After complying with 626 demands of the ICTY, the people of the free and democratic Republic of Croatia deserve better treatment from the United States and they have certainly earned our strong support expressed so well in this Resolution.

We agree with the view that stability in South Central Europe is of a very high priority, and that 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. As you know, Montenegro may wish to break from Serbia in the future, and Kosovo is considering its own independence. Furthermore, Bosnia and Herzegovina has yet to be reconstituted into a nation-state that can equitably govern its three ethnic constituencies. And, unfortunately, The Serbian Radical Party—using Republika Srpska as a foothold—openly promulgates activities oriented towards the creation of a Greater Serbia, which may also include current parts of Croatia. These potentially explosive situations require the stability that a NATO presence in Croatia will provide.

I am taking the liberty of providing a copy of this letter to your Subcommittee's Ranking Member, Representative Robert Wexler, and to the Co-Chairs of the Croatian Caucus, Representatives George Radanovich and Peter Visclosky, who we believe will be helpful on this matter. If I may provide anything further, please do not hesitate to contact me directly or our NFCA Government Relations Director, Mr. Joseph Foley. Thank you again for your important continued support for Croatia's NATO membership.

Sincerely,

EDWARD A. ANDRUS,
President.

PERSONAL EXPLANATION

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. MARSHALL. Mr. Speaker, CORRECTION: I intended to vote against the U.S.-Bahrain Free Trade Agreement and attempted to do so. Upon inquiring with the clerk why my vote was recorded as a "yes" instead of a "no", the clerk checked the electronic record and discovered that I had pressed the "no" button several times on the preceding vote. At no time did I intend to cast a "yes" vote on the agreement. To date, I have voted against every trade agreement that has come up while I have been in Congress, including the agreement with Bahrain.

TEXAS NATIONAL GUARD—RETURNING FREEDOM FIGHTERS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. POE. Mr. Speaker, a National Guard unit is coming back home to Texas. On Saturday, December 17, 2005, the 1st Battalion 133rd Field Artillery will be welcomed back home to the Beaumont Armory, in Beaumont, Texas after bravely serving the past year in Iraq. In August 2004 the Texas Army National Guard deployed the 56th Brigade Combat Team of the 36th Infantry Division, to go to Iraq. They trained for four months in Ft. Hood, and got to Iraq in December of 2004.

The 133rd Field Artillery has a long-standing history. This was the same famous Texas Army National Guard Division that landed on the beaches of Anzio, Italy during WWII, liberated Rome and freed hostages in Dachau, Germany.

They continued this long-standing tradition in Iraq where they conducted offensive operations, deny and destroy operations, combat logistic patrols and civil military affairs operations. They built schools, hospitals, and won the hearts of the Iraqis they met along the way.

In January, I had the privilege of going to Iraq to witness the first elections. I met with our military and saw firsthand their accomplishments in their fight for Iraqi freedom.

Mr. Speaker, freedom has a price. Our troops are paying that sacrificial price for the Iraqi people and world freedom. Unfortunately, the 133rd lost 6 members during their fight for freedom and I would like to extend my prayers and our condolences to their family and friends. They were making a difference in the world when they gave their life. Their bravery, dedication and patriotism will never be forgotten.

President John 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." 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.

The 133rd operated in the Sunni Triangle, Tikrit, Tillal, on the Jordanian Border and in Baghdad and it is my pleasure to welcome them back to Beaumont, Texas today. I would like to extend a sincere thank you to all the members of the 133rd and all the men and women of the United States Armed Forces. They have honored us with their commitment to Texas and the Nation, and the citizens of America and Iraq owe them a debt of gratitude. They are America's best. They are the sons and daughters of liberty, they are freedom fighters. They make us proud.

I join the citizens of Texas's 2nd Congressional District in paying the utmost respect to the 1st Battalion 133rd Field Artillery. Through their service, Iraq is a free democracy, and America remains the land of the free and the home of the brave. That's just the way it is.

RECOGNIZING SCOTT TUCKER, THE SAN FRANCISCO DISTRICT MANAGER OF THE U.S. POSTAL SERVICE, WHO IS RETIRING AFTER 13 YEARS OF EXCELLENCE IN SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Mr. Scott Tucker, District Manager of the San Francisco District of the U.S. Postal Service. Mr. Tucker has served the San Francisco/Bay Area with distinction for thirteen years. On January 1, 2006, Mr. Tucker will retire from his post as District Manager.

Under Mr. Tucker's supervision, the San Francisco postal district has been recognized continually as having one of the best on-time mail services of any metropolitan area in the nation. When one considers that Mr. Tucker oversees a workforce of 10,400 employees who are responsible for delivery of nearly 10 million pieces of mail daily, to 3 million customers in San Francisco, the Peninsula and throughout Northwest California from Sunnyvale to the Oregon border—the success of his district has been no simple feat.

Mr. Speaker, Scott Tucker began his postal career in 1968 as a letter carrier in Hanford, California. During his career with the Postal Service, he has held a succession of managerial positions in postal operations, ascending to his current post in 1992. Throughout his career, Scott Tucker has been recognized by a multitude of community organizations for his outstanding service.

As lead executive for the San Francisco postal district, Mr. Tucker worked aggressively to heighten awareness of the multicultural groups within the District. Establishing diversity leadership advisory councils including a Women's Council, African American Council, Asian American/Pacific Islander Council and Hispanic Council, Scott Tucker was named the recipient of a diversity leadership achievement award presented by the Bay Area Federal Executive Board, for these efforts.

However, Mr. Speaker, Scott Tucker's accolades do not end here. Additionally, he was recognized by the Federal Asian Pacific American Council for promoting Diversity/Equal Employment Opportunity in the workforce. He also earned the Excellence in Public Service Award from the Chinese American Voters Education Committee for his community service.

Mr. Tucker's fine work reached overseas to military service personnel stationed abroad earning him honors by the Joint Military Postal Activity-Pacific. The California National Guard also recognized Mr. Tucker for his support of our troops in Iraq, some of whom are postal employees with reserve status that were called to duty.

Mr. Speaker, under Mr. Tucker's leadership, the San Francisco District received the "Order

of Yellow Jersey'' for nine consecutive quarters, a prestigious award that recognizes a Postal district for excellence in customer satisfaction and commitment to professionalism.

Last but not least, in the culmination of his dedication in service to the people of the San Francisco Postal District, Mr. Tucker was the recipient of the Postmaster General Award, one of the top awards given to postal executives.

Mr. Speaker, I ask my colleagues to join me in this great opportunity to recognize one of our finest public servants, Mr. Scott Tucker. Please join me in wishing Scott Tucker a happy and fulfilling retirement.

CONGRATULATIONS TO ALCOA HIGH SCHOOL'S TORNADO FOOTBALL TEAM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. DUNCAN. Mr. Speaker, on December 2nd of this year, the Alcoa High School Tornado football team finished its season as the 2005 Class 2A Tennessee state champions after defeating Goodpasture High School of Nashville, 55–13, at this year's championship game in Murfreesboro, TN. This is Alcoa's second straight state championship and the seventh state title in Alcoa High School's history.

This victory capped off an outstanding season for Head Coach John Reid's Tornados as they amassed a record of 14–1. They did so behind the leadership of only nine seniors and a dominant offensive attack led by outstanding play of Quarterback Joei Fiegler, Brandon Warren, recipient of the Mr. Football award as the state's finest player, and Dustin Lindsay, also a finalist for the Mr. Football award and a future University of Tennessee Volunteer.

The Tornado offense lit up scoreboards this season as they scored 40 or more points a remarkable ten times this season, had an amazing five game stretch in which they scored 68, 52, 55, 69 and 91 points respectively and became the first team in Tennessee High School football history to average more than 50 points a game throughout the playoffs.

Mr. Speaker, I ask the readers of the CONGRESSIONAL RECORD and my fellow colleagues to join me in congratulating Head Coach John Reid and the Alcoa High School Tornado football team for their outstanding victory. I also include the following news article printed in the Maryville Daily Times. The team's leadership, strength, and determination should be recognized by all, and their sportsmanship and dedication are at a level that should be followed by every high school team in this Country.

[From the Maryville Daily Times: Dec. 3, 2005]

SHIVERDECKER, HICKS NAMED MVPS

(By Kelly Franklin)

Shooting fish in a barrel would be similar to the job faced by TSSAA officials in choosing Most Valuable Players after Alcoa's state championship victory over Goodpasture on Friday night.

For the record, the offensive hardware was won by Chris Shiverdecker and Bart Hicks took the defensive trophy. Both were well deserved.

Shiverdecker finished with three touchdowns including a back-breaking, 86-yard kickoff return, and ran for 126 yards on 13 carries.

Hicks led the stiff Alcoa defense with nine tackles, including five solo stops. Using a new 5–2 formation with Hicks roaming from sideline to sideline, the defenders didn't allow Goodpasture to crack the end zone until Alcoa was already up 34–0 late in the third period.

But there was no shortage of other candidates.

As Claude Rains said in the classic movie Casablanca, ''Round up the usual suspects.''

Start with Dustin Lindsey, just as the Tornadoes did. Perhaps feeling snubbed by missing out on the Mr. Football award, the future Volunteer scored Alcoa's first two touchdowns and added another on a 47–yard catch-and-run to give his team a 34–0 halftime lead.

He also added 55 rushing yards, contained the Goodpasture run game from his defensive end-linebacker position, and added a fumble recovery for extra measure.

Then consider how often a quarterback is going to tie a state championship record for touchdown tosses and not be chosen.

Joei Fiegler tied that mark in one quarter, as he went 4 for 4 in period two.

That's four completions, four scores. He finished with nine completions on 11 attempts for 140 yards. Only a pass interference call against Goodpasture early in the fourth quarter prevented the mark from being his alone. As in many Alcoa games this year, the left-hander basically shut down his passing attack at the half once the lead was firmly established.

Fiegler, whose current short-list of colleges includes Louisville, North Carolina State and Southern Miss, also punted for a 41–yard average. His first boomer was mishandled by Goodpasture, recovered by Logan Love (speaking of unsung heroes) and converted into the first Alcoa score of the night.

Throw in Kyrus Lanxter, with two touchdown receptions, and Brian Sommer, who picked off his 12th interception of the season to set up Lanxter's first score.

Alcoa head coach John Reid even offered up a dark-horse entry for MVP status, the offensive line.

''What about the O-line?'' asked Reid when queried about the heroes.

''Everyone said they (Goodpasture) were too big and we couldn't move them out, but our line was just tremendous and without them Chris doesn't get those yards,'' said the third-year skipper.

Shiverdecker and Hicks, both juniors, send a strong signal to future Alcoa opponents that the graduation of Lindsey, Fiegler, Love, Martin White, Brandon Warren and others doesn't mean there's going to be a drop-off.

''They'll be back here next year,'' said Lindsey. ''This is not just us, this is a dynasty.

''We expected the seniors to get those awards,'' said Shiverdecker, ''but it's all just one team working together anyway.''

A team, made up of unselfish and talented individuals. And sporting one more championship trophy now.

CELEBRATING THE 100TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF GRANBY, COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to commemorate the 100th Anniversary of the town of Granby, Colorado.

Granby is a small town with a population of 1,525 located on the Fraser River with breathtaking views of the Continental Divide and Rocky Mountain National Park. Despite its size, Granby holds an important place within Colorado's history. It was first settled in 1904 and incorporated the next year. The town was established along the railroad line being built by Denver, Northwestern & Pacific and was a connection with the state route to Grand Lake.

The Granby site was chosen because of the dry ground and good view of the surrounding mountains. The town was named in appreciation of the services of Denver attorney, Granby Hillyer, who worked to layout the town site.

By the 1920's the town was a thriving commercial and service center for local farmers and ranchers. It was during this time that Granby became known for its lettuce which became a major crop for Granby. In fact, at the peak of the market, the Waldorf Astoria hotel in New York City proudly advertised Granby Head Lettuce on its menus.

Today Granby boasts some of the finest recreational opportunities that Colorado is so well-known for, including hiking, rafting, hunting, gold medal river water for fishing, horseback riding, and dog sledding. to name a few.

Granby is also known for its local charm and hospitality, as well as its preservation of its western rural roots—I have developed an affinity with this town and appreciate the friendliness and communal spirit of its residents. This community has welcomed me to their town in a manner that greatly reflects the essence of Colorado.

Mr. Speaker, I ask that my colleagues join me today in commemorating the historic 100th anniversary of Granby, Colorado. I believe that by honoring Granby and all the other historic small towns of this vast nation, we keep the great tradition of the American spirit alive for future generations. We must not forget about the many places that molded our country into what it is today. Centennial celebrations are few and far between, and Granby is deserving of our recognition.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. GALLEGLY. Mr. Speaker, on Tuesday, December 13, 2005, I was unable to vote on the motion to suspend the rules and agree to H. Res. 487, Supporting the goals and ideals of Korean American Day (rollcall 623); on the motion to suspend the rules and pass S. 1027, to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past President and their spouses, respectively, to improve circulation of the $1

coin, to create a new bulletin coin (rollcall 624); on motion to suspend the rules and pass, as amended, H.R. 3422, the Small Public Housing Authority Act (rollcall 625). Had I been present, I would have vote ''yea'' on all 3 measures.

HONORING LUCY POPSON

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. GRIJALVA. Mr. Speaker, I rise before you today to recognize Lucy Popson, an outstanding teacher in our community. Mrs. Popson is the proud recipient of the Arizona Teacher of the Year Award for 2005.

The Teacher of the Year Award honors teachers that are not only exemplary in the classroom, but teachers that are involved in the community as well. Nominated teachers are identified as leaders by parents, students, and co-workers. They gain the admiration of everyone they work with, and their efforts on behalf of education are notable.

Lucy Popson exceeds these criteria. She is dedicated to her students and to her community, teaching at Walter Douglass Elementary school for 23 years, and third-grade for the past 11 years.

Mrs. Popson always makes sure her students are learning and she strives to make every student understand the material. She is a teacher that understands the different needs of students, teaching material in multiple styles to ensure that no student is left out in the learning process. Mrs. Popson strives to make her lessons fun and interesting. She is proud of her students and has a superior ability to help all her students achieve.

When Mrs. Popson was asked about her feelings upon receipt of the award, she stated, ''This is a team effort . . . Teaching is not one person. It's a bunch of people working together.'' She brought this statement to life when she dedicated her award to all those who help her in the Plowing Wells School District.

Teaching is a talent that few possess and even fewer choose to pursue as a career. All teachers in our community need to be recognized for their enormous efforts to enrich the lives of children. It is teachers such as Lucy Popson who deserve awards for their daily achievement of helping students.

I honor Lucy Popson for her generosity, kindness, and compassion and thank her for committing herself to the profession of teaching.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. McDERMOTT. Mr. Speaker, I was unable to be in Washington, DC, yesterday, and part of today. As a result I missed several votes. Had I been able to vote I would have voted in support of H. Res. 487, S. 1047, H. Res. 594, for the motion to recommit H.R. 3199, and against final passage of H.R. 3199. I would have voted against H.R. 3010.

CONGRATULATIONS TO MARYVILLE HIGH SCHOOL'S RED REBEL FOOTBALL TEAM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. DUNCAN. Mr. Speaker, on December 3 of this year, the Maryville High School Red Rebel football team finished its season with an undefeated record of 15–0 as it became the 2005 Class 4A State champions. The Red Rebels defeated Melrose High School of Memphis, 23–10 at this year's championship game in Murfreesboro, TN. This victory gave Maryville its second straight State championship, its fifth championship in the past 6 years and its ninth Football State Championship overall.

At the beginning of the 2005 season, Maryville Coach George Quarles stated that it was his goal for each senior class to win a State championship. This particular senior class has not only achieved this goal set by Coach Quarles but they exceeded it. This group of seniors will leave Maryville High School having won three State Championships, completed each of its regular seasons undefeated and achieved an outstanding record of 58 wins to only 1 defeat. The Red Rebels became the first team in 10 years to finish consecutive seasons with an unblemished record.

I am proud of the Maryville Red Rebel football program as it has become a perennial powerhouse under Coach Quarles. Year in and year out, Coach Quarles has produced winners on and off the football field.

Mr. Speaker, I ask the readers of the CONGRESSIONAL RECORD and my fellow colleagues to join me in congratulating Head Coach George Quarles and the Maryville High School Red Rebel football team for their glorious victory. I also include the following news article printed in the Knoxville News Sentinel. The team's leadership, strength, and determination should be recognized by all, and their sportsmanship and dedication are at a level that should be followed by every high school team in this country.

[From the Knoxville News Sentinel, Dec. 11, 2005)

MARYVILLE, ALCOA HONORED FOR STATE CHAMPIONSHIPS

(By Brad Gaskins)

MARYVILLE.—John Reid and George Quarles know good high school football programs when they see 'em. Reid of Alcoa and Quarles of Maryville both won second consecutive state championships last weekend.

Their programs shared the stage in celebration Saturday morning at the amphitheater downtown, on what was proclaimed ''Maryville Rebels and Alcoa Tornadoes Day'' by the mayors of the respective cities.

The respect between the Blount County programs is more than mere chivalry.

''You think of Alcoa-Maryville, you think of enemies, or rivals,'' Quarles said. ''And it certainly wasn't like that today. Both schools have a healthy amount of respect for one another.''

''In their case,'' Reid said of Maryville, ''good coaching is going on. We discuss things back and forth. Both staffs are dedicated to being good football teams.''

Both proved how good last weekend in Murfreesboro. Maryville beat Memphis Melrose 23–10 in the Class 4A title game. In 2A, Alcoa beat Goodpasture 55–13.

Maryville mayor Joe Swann had a ''unique'' situation on his hands.

''A lot of people celebrate a state championship,'' Swann said. ''These kids get a chance to celebrate together.

''They've both accomplished something that's really remarkable. It'll make for a lot of good conversations over the years between these boys as the grow up in this community.''

It's that community, Alcoa senior running back and University of Tennessee commitment Dustin Lindsey said, that made all this possible.

''It's not only coaches and players, it's people in general,'' he said. ''We've got a wonderful community that's backing us up, and people that love each other.''

The community wasn't cheering the night of Nov. 29, 2003. Both teams were eliminated from the playoffs in semifinal losses.

Since then, neither team has lost to a team outside Blount County. Maryville went undefeated and handed Alcoa its only two losses. Combined record: 58–2.

''I think that says about all you need to say about it,'' Quarles said. ''There's good football in Blount County.''

''In this size of a county,'' Reid said, ''to be carrying around four state championship balls is unbelievable.''

Three years ago, Reid became Alcoa's coach, wondering if the Tornadoes would ever win a game. They've lost just six.

''How lucky can you get?'' Reid asked aloud. ''And that's part of it.''

''It seems so incredible that 365 days have gone by this fast,'' Reid said of last year's celebration. ''It's a tremendous amount of work to get here, and I think that's one of the things that gets overlooked at times.''

Alcoa was expected to win it all this year. Maryville was not, but still won its fifth title in 6 years. What was most fulfilling?

''The fact that a lot of people didn't give us much chance,'' Quarles said. ''We lost so many players from last year's team, but these kids refused to listen to other people.

''They wanted to make sure that they gave themselves every opportunity to hopefully win a state championship.''

Thirty minutes after the ceremony, Quarles was fielding his last question from reporters. He waved at a passing jogger where the crowd had stood, and offered one last pep talk to players of both teams:

''If you've watched the movie 'Friday Night Lights,' you see people who live in the past, where the greatest thing that ever happened to them was a state championship,'' he said. ''I don't want this to be the best thing that ever happens to these kids. I want them to take what they've learned in football and be successful in life.

''Be a good dad, a good husband, a leader in the community—all those things. Don't let this be the high water mark. A lot of people live in the past. That's a mistake.''

SPECIAL TRIBUTE TO DR. ROBERT E. FISCHELL

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Dr. Robert E. Fischell, a mechanical engineer, biomedical engineer, inventor, physicist, researcher and teacher. Robert Fischell is one of the brightest, most accomplished people I have ever met.

Let me tell you a little bit about his career. After graduating cum laude from Duke University in 1951 with a degree in mechanical engineering, Bob earned a Masters degree in

physics from the University of Maryland, where he also holds an honorary Doctor of Science degree.

In 1959, he went to work for the Johns Hopkins Applied Physics Lab (APL), where he developed a number of inventions dealing with the control of satellites. His work at APL has led to numerous awards, including the IR–100 Award which is presented annually for the 100 most significant inventions. He has won this honor twice; once in 1970 for a rechargeable pacemaker, and again in 1973 for a drag-free satellite.

Dr. Fischell holds nearly 200 U.S. and international patents. His inventions—which include an implantable insulin pump, a rechargeable pacemaker, a flexible stent for placement in coronary arteries, and a micro-miniaturized computer that can be implanted to prevent epileptic seizures—have changed the practice of medicine and saved hundreds of thousands of lives.

On December 19, the University of Maryland at College Park is announcing the establishment of the Fischell Department of Bioengineering and the Robert E. Fischell Institute for Biomedical Devices.

I urge my colleagues in the U.S. House of Representatives to join me in honoring Robert E. Fischell, an innovative American inventor who has made enormous contributions to medicine, space discovery and higher education.

COMMEMORATING THE JAVITS-WAGNER O'DAY PROGRAM

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KINGSTON. Mr. Speaker, I wish to commemorate the Javits-Wagner O'Day program (JWOD) on the service they provide to thousands of individuals.

The JWOD program is the single largest source of employment for individuals who are blind or have severe disabilities. This program employs more than 45,000 people. The JWOD program trains persons with disabilities to acquire job skills that will be resourceful in their everyday lives. With these skills and training, a participant in this program can receive wages and benefits thereby gaining a greater independence and quality of life.

In my district in Georgia, there is a JWOD program named Happy Hour that exemplifies the good work that this organization is built upon. Happy Hour employs 170 disabled individuals and gives them an opportunity to contribute to their communities. Executive Director Steve Smith and Community Relations Manager Bob Wilbanks lead an office of 90–100 hard working staffers along with many volunteers who are all dedicated to ensuring each person reaches a common goal.

Happy Hour has a working relationship with Robins Air Force Base. Through this relationship Happy Hour participants are able to help the government and save taxpayers money. A few of the projects that help Robins Air Force Base is Robin's Recycling, respiratory cleaning and repair, tool die numbering, and aircraft sorting. Though they may seem minor, without Happy Hour, workers who do these tasks at Robins AFB would have a much harder time operating.

CONGRATULATING WOMEN IN GOVERNMENT RELATIONS ON ITS 30TH ANNIVERSARY

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Ms. PRYCE of Ohio. Mr. Speaker, I rise, today to honor an organization that has been a staple of empowerment for Washington, D.C. women who serve in the field of government relations.

This year is the 30th anniversary of Women in Government Relations. WGR is a nonpartisan organization that educates and advances women in this field. WGR helps women be smarter, stronger, and more influential in the work they do.

Surprisingly, the field of government relations is fairly new to women. In fact, WGR was founded only about 30 years ago when women were struggling to network in a male-dominated field.

I honor WGR today because it provides educational and networking opportunities for its members and the community. These women serve our country by representing public interest groups; federal, state and local government; corporations; trade associations; and many others.

I am proud to say that I join many of my colleagues here in Congress as an honorary member of WGR. I rise to applaud WGR and encourage the organization to continue its important mission of advancing and empowering women.

Congratulations to WGR for its service to our nation for the past 30 years and for many more years to come.

HONORING DR. KATRINA POE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize an outstanding family physician, Dr. Katrina Poe.

Dr. Katrina Poe, 35, is being recognized by Staff Care Incorporated, an insurance company that provides short-term coverage to physicians as "Country Doctor of the Year." This national honor is awarded to a "doctor who has dedicated his or her life career to serving rural communities. Dr. Poe, a family physician at the Greenwood Leflore Hospital's Kilmichael Clinic, also serves as chief of staff at the Kilmichael hospital.

Since fifth grade, Dr. Poe, a native of Kilmichael, Mississippi wanted to become a physician. She graduated from Kilmichael High School in 1988 and went on to earn a bachelor's degree in biology from Mississippi State University in 1992. Dr. Poe attended medical school at the University Medical Center in Jackson, MS. Only two months after completing her residency training at UMC in June 2001, she began officially serving the people of Kilmichael where she spent several summers assisting Dr. L.C. Henison.

Dr. Poe, who was nominated by Nurse Linda Turner of the Kilmichael Clinic collected and submitted testimonials from patients to the Staff Care nominating committee citing the physician's devotion to the town and its residents. She has an average patient caseload per week of 250, a successful practice of 5,000 patients and works an average of 80 hours per week. The nationally renowned "Country Doctor of the Year" award includes a signature plaque that features an illustration of a physician making his rounds by horse and buggy. In addition, Dr. Poe will be provided with a "fill-in" physician for one week at no charge.

Dr. Poe has received numerous awards and recognition which include being named Business and Professional Woman of the Year, Winona Times; Family Medicine Assistant Chief Resident, University of Mississippi Medical Center; CIBA-Geigy Community Service Award, University of Mississippi School of Medicine and; Cultural Diversity Academic Achievement Award.

Dr. Poe, a shining example of Kilmichael County's finest, has garnered the personal and professional respect of her community, patients and colleagues and is worthy of this auspicious award. I commend Dr. Poe, the "Country Doctor of the Year" and wish her continued success.

H.R. 4297, THE TAX RELIEF EXTENSION RECONCILIATION ACT

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to express my opposition to H.R. 4297, the FY05 tax reconciliation bill.

I do not oppose tax cuts, and in a more stable fiscal climate I could support reduced tax rates for capital gains and dividend income. What I do oppose is borrowing money to pay for tax cuts, and particularly for tax cuts that do not expire for another three years.

In 2001, I was one of only 28 House Democrats to vote for President's Bush's 2001 tax cuts that reduced marginal income tax rates. Since 2001, however, our country's fiscal condition has dramatically reversed course. In 2001, the Congressional Budget Office (CBO) predicted that the 10-year budget surplus would be $5.6 trillion. That projected 10-year surplus of $5.6 trillion has deteriorated into a projected $3.9 trillion deficit during the same period. In FY2005, the Federal Government ran a budget deficit of $319 billion, the third largest deficit in our Nation's history.

Further, on February 17, 2004, the national debt of the United States exceeded $7 trillion for the first time in our country's history. On October 21, 2005, the national debt of the United States exceeded $8 trillion for the first time in our country's history. That is an increase of $1 trillion in our national debt over the last 2 years. It took our country 193 years, from 1787 to 1980, to rack up $1 trillion in debt, and just under two years, from 2004–2005, to match that level of borrowing.

An $8 trillion national debt comes down to nearly $27,000 per person in our country, and that is simply unacceptable. The first rule of holes is that when you're in a hole and you don't want to go deeper, stop digging. It is now past time that we stop digging our country deeper and deeper into debt, leaving our

children and grandchildren to pay a steep price for the deficits and debt we are adding to today.

Mr. Speaker, H.R. 4297 extends several tax relief measures, including reduced rates for capital gains and dividend income, that I support and would vote for in a balanced, revenue neutral measure. I support: the saver's credit; small business and brownfields expensing relief; the Work Opportunity Tax Credit; the research and experimentation credit; deductions for higher education and classroom expenses; the exclusion for active financing income; and 15-year depreciation rates for restaurant equipment and improvements to leased property. Unfortunately, the Joint Tax Committee estimates that H.R. 4297 will cost $56.1 billion over the next five years, and the CBO estimates that extending the dividend and capital gains tax reductions alone would cost approximately $160 billion from FY2008 to FY2015.

Further, unlike the Senate tax reconciliation bill, the House version of this legislation does not address what is arguably the most significant looming tax concern for middle-class American families, namely the growing number of Americans who are forced to pay the alternative minimum tax (AMT). While reduced rates for capital gains and dividend income will not expire for another three years, AMT relief is scheduled to expire in less than one month, at the end of this year.

If AMT relief is allowed to lapse, the number of taxpayers subject to the AMT will increase from 3 million in 2004 to 21 million in 2006. The Congressional Budget Office estimates that extending AMT relief and indexing it for inflation would reduce federal revenue by $191 billion over the next five years. This is an immediate problem that Congress and the Administration need to work together to fix in a responsible, bipartisan way, before millions of Americans are hit with large, unexpected tax increases.

Mr. Speaker, I will continue to work with my colleagues in both parties to advance commonsense, bipartisan approaches to solving our country's fiscal problems. I urge my colleagues on both sides of the aisle to act as soon as possible, in a fiscally sound way, to prevent serious consequences for current and future generations.

PROVIDING FOR CONSIDERATION OF H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

SPEECH OF

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mrs. DAVIS of California. Mr. Speaker, weeks after passing a spending bill that failed to reflect our national values, we are repeating our mistakes with today's tax cut bill.

We are once again "robbing Peter to pay Paul"—only this time we have picked the worst possible time to do so.

The holiday season is supposed to be a time for giving.

Only this year, it has become a time for giving primarily to the wealthiest 20% of American families.

Upper-income families will not lose much under last month's spending cuts bill.

But they will benefit greatly from today's tax cut package.

Conversely, lower- and middle-income families will suffer great losses under the spending cut bill . . .

. . . yet stand to gain very little from today's tax bill.

That's what I call "Scrooge-onomics."

We continue to dig ourselves deeper and deeper into debt.

The bill before us today comes with a price tag of $56 billion, with no means to offset that cost.

And what do we get in return?

If you are not among the top tier of wealthiest Americans, not much.

Thirty-six percent of the cost of this bill goes towards extending reduced tax rates for capital gains and dividends.

That's $20.6 billion dedicated to tax breaks that aren't even scheduled to expire until 2008.

That's $20.6 billion that could be spent on education, worker training, affordable housing, or improving the quality of life for service members and their families.

It is fiscally irresponsible to spend $56 billion we do not have on those who do not need it.

And it is unwise to further complicate an already complex tax code to do so.

That is why I am supporting the Democratic substitute to this bill.

This substitute still extends vital tax cuts but includes offsets to pay for the cost, taking the burden off American taxpayers.

It extends the Work Opportunity Tax Credit and the deduction of higher-education expenses.

It extends the research and experimentation credit and the expensing of brownfield sites.

It protects millions of California's taxpayers by extending sorely needed alternative minimum tax relief.

And, importantly for my district of San Diego, California, it extends a critical provision allowing military personnel to elect to include combat pay as earned income.

This allowance will expand the pool of armed services personnel eligible to receive the earned income credit, and it will even increase this credit for some military families.

The brave men and women who sacrifice time with their own families to protect ours deserve no less.

Although this bill would be out of place at any time of year, it is unconscionable during the holiday season.

A nation as prosperous as ours should never ignore its weakest citizens for the sake of tax cuts for the wealthy.

I do not believe this bill reflects our priorities as a nation.

I know it does not reflect my own values.

Yet it does represent the true colors of the majority party.

In the spirit of giving, I hope you will join me in opposing a bill that regards only the wealthy as worthy of receiving.

IN SUPPORT OF H.J. RES. 73, TO REDEPLOY U.S. FORCES FROM IRAQ

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Ms. ESHOO. Mr. Speaker, I rise today in support of the Joint Resolution introduced by Representative JOHN MURTHA. This Resolution should be brought to the floor because the time has come for a change in our Iraq policy.

I believe our military has done its job. They were sent to Iraq to depose a tyrant and free the Iraqi people from Saddam Hussein's brutal regime. They accomplished what can be described as one of the most successful and well-executed military campaigns in history, defeating the Iraqi army in a matter of days and going on to hunt down and capture Saddam Hussein.

The issue before us is not "surrender" or "cut and run". Our troops have accomplished their mission. What they're now having to battle is an insurgency comprised largely of Iraqis who they were sent to liberate. According to our top military leadership, fewer than 7% of the insurgents in Iraq are foreign militants and the primary target of the insurgents are U.S. troops.

The violence is taking its toll on the Iraqi people, the vast majority of whom want a stable, secure Iraq free from foreign occupation. A recent poll taken in Iraq indicated that 80% of Iraqis want the American military to leave, and most chilling, 45% believe attacks against U.S. forces are justified. The daily toll inflicted on our military and our national purse (close to $1 billion per day now), is simply unsustainable.

Congressman MURTHA has proposed a plan calling for the redeployment of U.S. troops consistent with the safety of U.S. forces, the creation of a quick-reaction force in the region and an "over-the-horizon" presence of Marines, and the pursuit of security and stability in Iraq through diplomacy.

Congressman MURTHA based his sober and professional judgment on the following:

The U.S. and coalition troops have accomplished all they can in Iraq and the American people have not been shown clear, measurable progress for the establishment of a stable and improving security in Iraq or of a stable and improving economy.

American troops have become the primary targets of attacks in Iraq, which is significantly impeding progress. Continued military action is not in the best interest of the United States, the Iraqi people, or the Persian Gulf region.

As Commander of Iraqi forces, General George Casey stated in a September 2005 hearing, "the perception of occupation in Iraq is a major driving force behind the insurgency."

The cost of the war to our country, and the burden on the troops to whom Congressman MURTHA has dedicated his life, is skyrocketing.

Congressman MURTHA knows of what he speaks. He is a 37-year veteran of the Marine Corps, a Colonel, the first Vietnam War veteran elected to this body and an unimpeachable, first-hand authority on the needs of our military.

Congressman MURTHA is one of the most decorated veterans in the Congress. No one

has taken care of our troops on a more consistent basis since coming to the Congress than JACK MURTHA. Previous Presidents know this, this President knows it, present and former members of Congress know it, and most importantly, our troops know it.

Congressman MURTHA has been standing side-by-side with our troops throughout the Iraq war, from his presence in Kuwait just days before the start of the war, to his ongoing weekly visits to wounded troops at Bethesda Naval Medical Center and Walter Reed Army Medical Center, to his regular travel to the region to be with our troops. Each and every step of the way JACK MURTHA has made sure that our troops have what they need, that their families are cared for, and that our country honors their service as deeply as he does. In one case, when a mother told him that bureaucratic red tape would prevent her son, a young man severely wounded in service to his country from receiving a Purple Heart, JACK MURTHA said that if her son didn't get a Purple Heart, he would give him one of his. This is JACK MURTHA.

After great personal reflection on the war and its effects and constant consultation with the military leadership, Congressman MURTHA has done what members of this body are charged to do: He spoke truth to power. He announced it was ''time for a change in direction'' in Iraq. He did not call for an immediate withdrawal. He has not called for surrender and he has not called for retreat.

Whether Members agree with Congressman MURTHA's judgment on the individual details of his proposal, it's become clear that our current policy in Iraq is unsustainable. It's time to tell the Iraqis that the training wheels have to come off . . . it's time for the Iraqis to take charge of Iraq. Today the American people are ahead of us, with some 65% saying it's time for a change. It's time to begin the overdue debate on how and when we bring our troops home. Congressman MURTHA has set forth a pragmatic and clear proposal. I'm proud to support it.

METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2005

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to offer my support for this legislation, of which I am a cosponsor. As a member of the Energy and Commerce Committee, I have participated in several hearings and mark-ups on methamphetamine legislation.

One of the many unsafe effects of this drug is the environmental harm caused by producing it and disposing of the byproducts. Given that the products necessary to produce meth can be purchased at a drug store, and it can be produced in small quantities, many users make the drug in their basement, garage or kitchen, despite the health and safety risks.

Cooking meth indoors allows toxic fumes to escape into the house and be trapped in furniture and walls, causing additional health concerns for those producing it—and especially for the family and children who live in these homes. The production of meth puts family members and children in harm's way, as there is a possibility of inhaling fumes, absorbing chemicals or accidentally ingesting the toxic materials used to manufacture this drug.

Depending on the process used, each pound of meth produced results in about six additional pounds of waste which will likely end up in our sewer systems, in streams or rivers, or on the ground. Given that some of the key ingredients can be acetone, hydrochloric acid, ether and ammonia, disposing of this byproduct improperly can lead to additional health risks and environmental damage.

I am pleased the House is taking up this legislation to address the negative environmental impacts of methamphetamines, and problems posed by clean-up and remediation by directing the EPA to develop assessment standards and remediation guidelines. H.R. 798 also directs studies to be conducted on the residual effects of methamphetamine production, and supports the development of methamphetamine detection testing.

Mr. Speaker, I urge my colleague to join me in supporting this legislation.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT FACILITIES CONVEYANCE

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill and commend my Colorado colleague, Mrs. MUSGRAVE, for its introduction.

The bill would direct the Interior Department to convey to the Northern Colorado Water Conservation District wants the title to some of the water-distribution facilities that are part of the Bureau of Reclamation's Colorado-Big Thompson project.

That project, authorized by Congress in 1937 to provide water for agricultural and other uses, consists of dams, dikes, reservoirs, powerplants, pumping plants, pipelines, tunnels, and substations spread over approximately 250 miles. The Northern Colorado Water Conservancy District, the project's local government sponsor, operates and maintains all of the water conveyance facilities.

H.R. 3443 directs the Secretary of the Interior to transfer 58 miles of the Project's water conveyance facilities (the St. Vrain Supply Canal, Boulder Creek Supply Canal, and South Platte Supply Canal) to the District. The transfer will allow the District to more cost-effectively manage the facilities, reduce paperwork requirements, provide for local ownership and reduce the federal government's liability. The District, which has operated and maintained these water conveyance facilities since 1957, has repaid the appropriate capital costs associated with the facilities. Despite this repayment, the title of the facilities remains in the Bureau of Reclamation. This bill directs the transfer of this title with no conditions. It is modeled on the successful transfer (Public Law 106–376) of other single purpose water conveyance facilities associated with the Colorado Big-Thompson Project.

None of the affected facilities are used to generate electricity. However, payments by electricity customers have been contributing to the repayment for the overall project, and the electricity customers still owe something under that repayment contract. To reflect that, the bill provides for transfer of funds from electricity-sale collections to complete repayment of the amount the electricity customers owe toward repayment of the facilities to be transferred.

The bill includes language to make clear that it will not lessen the existing responsibilities of the district or affect the rights of two ditch companies whose ditches have been part of the distribution system for water from the Colorado-Big Thompson project. And, to stimulate prompt implementation, the bill says that if the transfer isn't completed within a year Interior must send a written report to Congress explaining why it hadn't done so and to keep reporting annually until the transfer is complete.

I joined as a cosponsor of this legislation because I think it will be beneficial both for the Northern Colorado Water Conservation District and for the federal government. I urge its approval.

TRIBUTE TO HARRIET G. SIMPSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a former professional colleague and dear personal friend Harriet G. Simpson. Mrs. Simpson is a dedicated educator and devoted community activist, who is being honored Sunday, December 18, 2005 by the Charleston, South Carolina community and her home church, Mt. Zion AME.

I came to know Mrs. Simpson when I took my first job out of college as a Social Studies teacher in the Charleston, South Carolina public school system. She was one of the leaders in that school system who recognized my leadership potential at an early stage in my development. She became a mentor and one of my most ardent supporters.

Throughout her life, Mrs. Simpson has dedicated herself to the betterment of her community, and has received numerous recognitions for her work. They include, Delta Woman of the Year by Delta Sigma Theta Sorority, the Public Service Award from the Alpha Chi Pi Omega Sorority, and the Omega Service Award by the Omega Psi Phi Fraternity. Also, Arabian Court No. 128 recognized Mrs. Simpson as Outstanding Female Community Worker, and she was a semi-finalist for the Certificate of Achievement as a Role Model from the National Council of Negro Women. She has also been recognized for her achievements by the South Carolina State Senate, and the Moja Arts Festival bestowed upon her an Award for Contribution to Education. Former Charleston Mayor Palmer Gilliard gave Mrs. Simpson the ''Key to the City,'' and Channel 5 Television Station inducted her into its Hall of Fame.

Mrs. Simpson's dedication to her community has manifested itself through her love of education and her deep and abiding religious faith. She has been nominated for as Teacher of the Year at C.A. Brown High School, where I had the privilege of working with her for three years, and received the Human Relations

Award from the South Carolina Education Association. She was named Woman of the Year by her home Church Mt. Zion AME in 1987 and 1991. The Charleston Area Women's Missionary Society also chose Mrs. Simpson for their Outstanding Service Award.

Mrs. Simpson continues to make significant contributions to her community. She established the Harriet F. Simpson Scholarship Fund to help deserving students get a college education. She continues to support students while they are in college with financial help, letters of comfort, and small gifts, and helps them find jobs. She was a founding member of the Moja Arts Festival Committee, and has donated artifacts to the Avery Institute. Although she isn't a wealthy woman, Mrs. Simpson contributes generously to the National Heart Association, the American Cancer Society and to Alzheimer's research. And she continues a ministry of calling and writing the sick and shut-in from her church and those that have moved away from Charleston.

Mrs. Simpson earned a Bachelor of Arts in Education from Allen University, and a Masters degree in Education and Guidance from South Carolina State University, and did postgraduate work at North Carolina Central University. Mrs. Simpson has been a devoted wife for 55 years, and is the proud mother of two children. Her family is blessed with two grandchildren and three great-grandchildren. She is a loving friend and caring sister, aunt and godmother.

Mr. Speaker, I ask you and my colleagues to join me in thanking Harriet G. Simpson for her lifetime of devotion to education and her community. She is a shining example of how one person can make a tremendous difference an entire community. I commend Mrs. Simpson for her significant contributions and thank her church family at Mt. Zion AME Church for recognizing her.

HONORING THE FLINT POWERS CATHOLIC H.S. CHARGERS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KILDEE. Mr. Speaker, I am happy to rise today to congratulate the Chargers of Flint Powers Catholic High School, on winning the 2005–2006 Michigan High School Athletic Association Division IV football championship. The Chargers defeated the Grand Rapids Catholic Central Cougars 17–10 in the final game, held November 25 at Ford Field in Detroit.

It was certainly an exciting game that showcased some of the best talent the State of Michigan has to offer.

The Chargers are a true testament of what hard work, dedication, determination, and a passionate desire to win can accomplish. Under the guidance of Head Coach Jack Pratt, and Assistant Coaches John Zintsmaster, David Pratt, John Pratt, and Brian McInerny, the championship served as a wonderful finish to a remarkable year, highlighted by a tremendous record of 12–2.

The Chargers roster includes: seniors Josh Babcock, Tom Birchmeier, Eddy Brady, Nick Brown, Nick DeGroot, David Filipovich, Austin Flores, Billy Gonsler, Matt Gregson, Nate Kopydlowski, Tre Leoni, Andy McCarthy, Jamie Metcalf, Joe Mounger, Dain Murphy, Alex Perry, Tony Poma, Stevie Sleva, Zach Smith, Justin Ward, Ryan Webber, Zeke Zanettaj juniors Matthew Callahan, Kyle Everhart, Chris Filipovich, Eric Fridline, Ricky Guerra, Lance Harchick, Spencer Hickoff, Laval Lucas-Perry, Bobby Macciomei, Michael McPherson, Joshua Michalik, James Milne, Matt Ockerman, Adam Pelc, Ryan Riker, Ryan Sitko, Andrew Skowronski, Thomas Strong, Brad Wittj and sophomores Chris Beer, Steve Bonar, John Buck, Louie Chamberlain, John Crook, Andy Herman, Ernie Jones, Tim Kirtek, Andrew Kowalczyk, Brendan Laney, Ronnie Lark, Jeff Maksymowski, Josh Miller, Aaron Sitko, Kyle Steibel, Alex Summers, David Weishuhn, Tom Zintsmaster, and Mike Zureikat. These young men, led by senior captains Birchmeier, Filipovich, Leoni, Poma, and Ward, proved to be leaders in the classroom, the football field, and the community. They are all shining examples of the school's commitment to success in all aspects of life.

Mr. Speaker, I salute the accomplishments of the Powers Chargers, and share the joy of victory with the students, faculty, parents, alumni, and the entire Flint community. I am certain that when these fine young men look back upon their high school days, they shall deservedly count this state championship as one of their most cherished memories. I ask my colleagues to please join me in congratulating them, and wishing them the very best in their future endeavors.

IN SEARCH OF MIDDLE EAST PEACE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. FARR. Mr. Speaker, the United States must rededicate itself to creating the groundwork for a lasting peace between all the sons of Abraham. A just and lasting peace will be achieved by imbuing the region with the unswerving proof that democracy is the better path than armed conflict and insurgency.

To quote a great American, Abe Lincoln, "The ballot is stronger than the bullet." The Palestinian elections are a historic opportunity to bring more Palestinians into the folds of a democratic state; replacing guns with ballots. This election will, hopefully, give President Abbas the legitimacy to implement the necessary reforms for a democratic government: eliminating paramilitary groups, ending corruption and creating a government infrastructure that can provide economic and social services. Hamas is a popular organization in many parts of the West Bank and Gaza because it, not the state, provides a variety of social services.

President Abbas must work to create law and order but, just as important, he needs to foster economic and social development for the Palestinian people, but he cannot do this alone. The West Bank and Gaza Strip will remain economically stagnant and ripe for further violence unless there are serious international efforts to improve the deplorable living conditions of Palestinians. I urge the Administration and my colleagues in Congress to robustly fund programs that will create economic development for Palestinians, which I believe is an essential step in creating peace in the region.

Finally, the Administration and Congress should be promoting programs that bring about reconciliation between Israelis and Palestinians. For example, programs like the Interfaith Encounter Association based in Jerusalem bring together Muslims, Jews and Christians to work on building peace and reconciliation. I urge the Administration to include robust funding in the FY 07 budget request for reconciliation programs and to work to build a strong, legitimate civil society in West Bank and Gaza so that Palestinians voices, not gunfire, can reverberate throughout the Middle East.

I voted for passage of H. Res. 575 not because it is the only solution, but because dismantling the Hamas terrorist organization is part of a solution for peace between two peoples who are truly brothers.

THE INTRODUCTION OF THE KALAUPAPA MEMORIAL ACT OF 2005

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. CASE. Mr. Speaker, I am truly honored today to introduce, with my colleague, Congressman NEIL ABERCROMBIE, the Kalaupapa Memorial Act of 2005, legislation authorizing the establishment of a memorial at a suitable location or locations at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in my home State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969.

Kalaupapa National Historical Park, encompassing most of the isolated and haunting Kalaupapa Peninsula and adjacent lands, was established 25 years ago on December 22, 1980. In advance of celebrating its 25th anniversary, our National Park Service is hosting day-long commemorative activities today at Kalaupapa, and it is entirely fitting that we offer this measure during this time of renewed commemoration.

Kalaupapa National Historical Park is a very special and beautiful park with a rich and tragic history. While the park is widely known for the isolation and settlement of Hansen's disease patients from 1866 until 1969, Native Hawaiians inhabited the Kalaupapa Peninsula for 900 years prior to being forcibly removed from their homelands between 1865 and 1895. Surrounded on three sides by ocean and the fourth by steep cliffs, Kalaupapa is spectacularly breathtaking and ecologically diverse, home to nearly 20 federally listed threatened and endangered species of plants and animals. When one visits Kalaupapa today, it is like stepping back in time.

Due to its steep cliffs and isolated geography, the Kalaupapa Peninsula was used by the Kingdom of Hawaii, and subsequently the Territory and State of Hawaii, as an isolation settlement for individuals considered to have Hansen's disease, widely known as leprosy, for nearly a century. By law, individuals were forcibly separated from their families and isolated at Kalaupapa to "protect the welfare of

society.'' These isolation laws, dating back to 1865, were not abolished until 1969.

Although the World Health Organization still documents over a million registered cases of Hansen's disease worldwide, today it is considered one of the least contagious of all communicable diseases due to established and successful drug treatments. In Hawaii, those needing medical treatment outside of Kalaupapa are able to go to the Hale Mohalu wing of Leahi Hospital in Honolulu.

However, that is now, and the history of Kalaupapa is otherwise. Between 1866 and 1896, the first 5,000 individuals were forcibly relocated to Kalaupapa, most of whom lived at Kalawao. The second wave of patients (approximately 3,000) occurred after 1896 until 1969, when most of the community lived on the Kalaupapa side of the peninsula. Most of these unfortunate fellow citizens died on the peninsula; while many of their final resting places are known and remembered, many are not.

It is right and appropriate that these many lives be remembered, both individually and collectively, within the boundaries of the world to which they were condemned for life, through maintenance of the park itself, the history of the settlement, and an appropriate memorial. Ka Ohana O Kaluapapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park and their family members and friends, was established in August 2003 for just this purpose: to promote the value and dignity of the 8,000+ individuals (at least 90 percent of who were Native Hawaiian) who were forcibly relocated to the Kalaupapa Peninsula.

Since its establishment, Ka Ohana O Kalaupapa has sought to honor and perpetuate the memory of these 8,000+ individuals through the establishment of a memorial at a suitable location or locations at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park. I fully support its efforts, which have broad-based support from the Kalaupapa Advisory Council and the community.

The national and international significance of Kalaupapa is the rich and tragic history of the lives and memories of those individuals who were forcibly relocated to the Kalaupapa Peninsula between 1866 and 1969. It is fitting and appropriate that our nation, through the National Park Service, ensure that they are never forgotten through the establishment of a memorial.

I therefore believe that the establishment of a memorial is consistent with the basis for the park's establishment. It is timely. And it will enhance the purpose of the park, which is to ''preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations.''

I look forward to working with my House colleagues, particularly members of the House Resources Committee, the National Park Service, and the Hawaii congressional delegation, in passing this legislation.

TRAIL RESPONSIBILITY AND ACCOUNTABILITY FOR THE LANDS ACT

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill, and congratulate my Colorado colleague, Mr. TANCREDO, for his leadership in introducing it.

I joined as a cosponsor of this bill because I also want to improve the ability of the land-managing agencies to adequately enforce the rules that apply to uses of the federal lands.

That is why in the 108th Congress I introduced a related bill—the Responsible Off-road Vehicle Enforcement and Response Act, or ''ROVER.'' That bill was narrow, dealing only with enforcement of the regulations for use of vehicles on National Forest lands and public lands managed by BLM. This bill goes much further. In addition to the forests and BLM lands, it also applies to lands managed by the National Park Service and the refuges managed by the Fish and Wildlife Service. And it addresses the enforcement of all regulations, not just those related to use of vehicles.

Last year, Mr. TANCREDO and I worked with Chairman POMBO, Ranking Member RAHALL, and other Members of the Resources Committee, to develop the broader measure.

That bill passed the House, but the Senate did not complete action on it. So, Representative TANCREDO and I joined in reintroducing it as H.R. 975, the bill now before the House.

I urge its approval, because legislation for better and more consistent enforcement of regulations is needed. However, we need to recognize that it is only one part of a bigger picture.

Even more than new legislation, it seems to me, the land-managing agencies need more resources—more money and more people—if we want them to do a better job.

That was why I introduced a related bill—H.R. 599—which the Resources Committee has also reported. It would allow the agencies to use money from fines to help pay for some of the restoration work caused by violations of regulations, as well as for offsetting the administrative costs involved in enforcement of those regulations.

This is something that I think should be addressed in the future, and I will seek to work with other Members to do that. Today, however, we can take an important step forward by passing this bill, and I urge the House to approve it.

HONORING THE WORK OF EASTER SEALS OF SOUTHERN NEVADA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. PORTER. Mr. Speaker, I rise today to applaud the extraordinary efforts of Easter Seals in Southern Nevada. Their numerous programs provide the kind of community-based relief for individuals with disabilities and their families.

Unfortunately, one of these most valuable programs is facing significant financial hardship. This particular program has provided after school activities for children with disabilities from the age of 6 to 18 for the past 15 years. Without the help of business leaders and private individuals in the community, these children and their families will lose this most important resource. As a whole, Easter Seals is Nevada's largest community-based organization serving over 2,000 persons with disabilities and their families each year. Their efforts on behalf of individuals with disabilities bring greater self-sufficiency and most importantly greater dignity. We must work to ensure that these resources continue to be available in the community.

Mr. Speaker, I hope to bring to the attention of my colleagues the wonderful services that Easter Seals of Southern Nevada provides to the most vulnerable in our society. The needs of this single program highlight how we, as Members of Congress, must continue all of our efforts to strengthen the resources available to the neediest in our communities.

Easter Seals of Southern Nevada represents the ideal of a community-based care provider for disabled children. Without the generosity of all the individuals who make this dream a reality, these most valuable resources would fail to exist. I am confident that, during this holiday season, the businesses and individuals of Nevada will show their support for this important program and continue to demonstrate the generosity of my home community.

THE SPENT NUCLEAR FUEL ON-SITE STORAGE SECURITY ACT OF 2005

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. MATHESON. Mr. Speaker, Nevada Senators HARRY REID and JOHN ENSIGN introduced federal legislation today to mandate that nuclear waste be stored on-site at nuclear power plant sites. I'm proud to join my colleague from Nevada, SHELLEY BERKLEY, in introducing legislation in the House to mandate that nuclear waste be stored on-site.

The West—whether it is Utah's Skull Valley or Nevada's Yucca Mountain—should not be the de facto dumping ground for nuclear waste. Storing nuclear waste on site is the safest, most reasonable and most effective way of allowing nuclear power plants to continue operating while we search for an appropriate long-term storage solution.

The Utah and Nevada delegations are united on this—JIM GIBBONS and JON PORTER from Nevada, and CHRIS CANNON and ROB BISHOP from my home state of Utah have joined in this fight on the House side and our senators, BOB BENNETT and ORRIN HATCH are cosponsors of the Senate bill.

Under the Nuclear Waste Policy Act of 1982, the federal government has so far only focused on the flawed Yucca Mountain proposal for a central repository for spent nuclear fuel rods. Given the wealth of concerns about incomplete scientific evidence and falsified documentation stemming from the Yucca proposal and the clear gaps in transportation security for waste sent to the West, on-site storage is a much better solution.

Dry cask storage—the method proposed by a private entity that wants to store waste on the Skull Valley site in Utah—is currently being used at 33 nuclear power plants around the country. As approved by the Nuclear Regulatory Commission, dry cask containers can safely store waste for at least 100 years. We should not subject citizens to the dangers posed by transporting it through their communities when it can remain where it is.

The Spent Nuclear Fuel On-Site Storage Security Act of 2005 would require commercial nuclear utilities to transfer nuclear waste from spent nuclear fuel pools into dry storage casks. For spent fuel currently in pools, a contractor licensed to handle spent nuclear fuel would have up to 6 years, to allow sufficient time for cooling and construction, to transfer spent nuclear fuel from pools into dry casks. Any new spent nuclear fuel produced after enactment, also has no more than 6 years to cool, before being transferred into dry casks. Such continuous transfer would mean that the pools are never at capacity, leaving less waste exposed and making the site safer. This bill would also require the Department of Energy to take title of all spent nuclear fuel currently in on-site dry cask storage and would even compensate the utility companies for expenses associated with transferring and storing the waste.

This means that DOE will be responsible for possession, stewardship, maintenance, and monitoring of the spent nuclear fuel on-site, which is entirely appropriate. DOE was supposed to begin taking title to spent nuclear fuel in 1998, but because of the myriad of technical, scientific, legal and political problems surrounding the proposed Yucca Mountain nuclear waste repository, this has not happened. Taking title to spent nuclear fuel fulfills the federal government's obligation and commitment to retake control over nuclear materials. I thank my colleagues for their support of this legislation.

NATIONAL CAREGIVER MONTH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to offer congratulations and thank yous to the many grandparents and other relatives in California and across the Nation who are providing loving homes to some of our most fragile citizens. Children who may have suffered from neglect or abuse through the death of a parent, military deployment, poverty or other causes can be raised in warm, stable homes through subsidized guardianship programs.

Dedicated relatives who step forward to offer such care—sometimes at considerable personal sacrifice—guarantee these children the safe and nurturing upbringing that will enable them to be tomorrow's leaders. Today there are more than 6 million children living in relative-headed households, and I am proud to honor their service during National Caregiver Month and throughout the rest of the year.

H. RES. 438 (ON UNFAIR AND DISCRIMINATORY RESOLUTIONS AGAINST ISRAEL IN THE UNITED NATIONS)

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. HOYER. Mr. Speaker, I urge my colleagues on both sides of the aisle to support this very important bipartisan resolution calling on member states of the United Nations to stop unfairly criticizing Israel and to promote a more balanced approach to the challenges in the Middle East.

In June of this year, the House overwhelmingly adopted a resolution condemning anti-semitic statements made at U.N. meetings and by U.N. member states. It was proper and appropriate that we publicly and vocally condemn some of the outrageous statements made by U.N. officials and member states.

However, there also is a more subtle form of anti-semitism that has been taking place at the United Nations for far too long—the alarming rate at which the U.N. General Assembly has considered and adopted anti-Israel resolutions.

As noted in the text of Mr. Rothman's measure, 21 of the 71 resolutions adopted by roll-call votes during the 59th session of the General Assembly dealt with Israel, and in recent years, the General Assembly and Security Council have introduced and approved hundreds of measures and resolutions that unfairly criticize and condemn Israel.

At a time when the international community is confronted with crises such as the ongoing terror campaign being waged by Al Qaeda against democracies in every corner of the world, the tragic genocide in Darfur, Sudan, and the continued spread of HIV/AIDS, TB and malaria, the U.N. General Assembly has seen fit to devote nearly a third of its time to castigating the state of Israel.

These unbalanced and discriminatory anti-Israel resolutions have been adopted by overwhelming margins. Meanwhile, there has been a disturbing lack of condemnation of Palestinian terror attacks against Israel.

Mr. Speaker, I urge my colleagues to not only support this resolution, but also to carry its message to the ambassadors, foreign ministers and heads of state with whom they meet on a daily basis: The mistreatment of Israel at the hands of the United Nations has not gone unnoticed, and it is no longer acceptable.

Furthermore, this obsessive and inappropriate focus on Israel at the United Nations only serves to harm that institution's credibility and to undermine the U.N.'s ability to serve as an honest broker in the Israeli-Palestinian conflict.

INTRODUCING THE KENDELL FREDERICK CITIZENSHIP ASSISTANCE ACT OF 2005

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to introduce the Kendell Frederick Citizenship Assistance Act of 2005, legislation honoring one of America's fallen heroes who was killed by a roadside bomb in Iraq. Army Reserve Specialist Kendell Frederick's life may have been spared had he not made a fateful trip to provide his fingerprints for his citizenship application.

This bill would lessen the burden non-citizens serving in the U.S. military encounter while attempting to navigate a naturalization process that is all too often fraught with inefficiency and indifference.

Amidst car bombs and insurgent attacks, Specialist Frederick of Randallstown, Maryland, had a dual struggle of fighting the enemy in Iraq and the requirements for U.S. citizenship. All the while, his mother endured both the stress of having a child in a combat zone and the frustration of trying to assist her son meet the bureaucratic demands of naturalization.

Eventually, only one obstacle remained in Specialist Frederick's path-providing the Bureau of Citizenship and Immigration Services with his fingerprints.

Although the U.S. Military already had a copy, Specialist Frederick was required to travel through the battlefields of Iraq in order to provide a duplicate. Tragically, he did not survive this final journey and was awarded his citizenship posthumously.

Last month, Kendell Frederick achieved in death in a matter of minutes what he had so long fought to obtain in life, his U.S. citizenship. Tragically, he never enjoyed the privileges of U.S. citizenship—he would never cast a vote to determine those who govern, nor would he ever know the comfort of being fully embraced as an American by the very Nation he defended to his last breathe.

Fortunately, today we have an opportunity to honor the ultimate sacrifice of Specialist Frederick by doing what is right for the approximately 40,000 non-citizens who are serving on active duty in the U.S. military, including 3,200 brave men and women who are serving in Afghanistan and Iraq.

In 2002, President Bush signed an executive order that provides immediate eligibility for naturalization to active-duty members of the U.S. military during a period of military hostility, bypassing the waiting period that otherwise would apply to them. This was an important step—but we owe our brave soldiers more.

In clear and plain terms, those who are prepared to sacrifice and die for this country deserve a more efficient, common sense naturalization process that bestows to them the admiration and benefits of American citizenship befitting their service. For these reasons, Senator BARBARA MIKULSKI and I have sponsored the Kendell Frederick Citizenship Assistance Act of 2005.

Our proposed legislation would require that the Secretary of Homeland Security use the fingerprints provided by soldiers at the time they enlist in the Armed Forces to satisfy the fingerprinting requirements associated with their applications for citizenship.

New soldiers would be notified in writing about how to obtain citizenship; and the Secretary of Homeland Security would be required to update the appropriate application, guidebook, and Web site maintained by the Department of Homeland Security within 30 days of a change to law or regulation regarding the naturalization process.

Moreover, our bill would establish the position of Citizenship Advocate at each military entry processing station to provide information on the naturalization process to members of the armed forces.

Finally, we would also require the Government Accountability Office, GAO, to study the implementation of this act, including an evaluation of how technology may be used to improve the efficiency of the naturalization process for members of the armed forces. The GAO would then report to Congress its findings and recommendations.

Our bill emphasizes common sense over bureaucratic thinking and clarity over confusion, to establish a naturalization process that is more soldier-friendly and efficient.

Given the life-or-death battles soldiers like Specialist Kendell Frederick routinely face on foreign soil; let us never forget they need not battle red tape here at home. Support our troops by supporting this legislation.

TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to oppose the Republican tax bill.

As we approach the end of the year, I wonder 'How will this year be remembered?' For the deepening quagmire in Iraq? Will we remember 2005 as a year of hardships? For Katrina, for Rita?

Certainly this has been a year of great economic difficulties for low and middle income families. The poorest residents of the gulf coast were most affected by the devastating hurricanes, and the poorest Americans have shouldered a disproportionate share of the burden in Iraq.

The Republican tax bill is just another example of the disdain the Majority in Congress has for its low and middle income citizens. Recently, this Congress cut Food Stamps, student loans, child support and Medicaid.

Now the Administration is rewarding the rich. In the proposed tax cuts, over 50% of the Capital Gains and Dividends Rate Cut will benefit people who make more than one million dollars. The 55% of American households that make less than $40,000 will get a tax break of only $7 while the households that make more than $1 million will receive an average tax break of $32,000.

I support responsible spending, and balancing the budget, but this tax cut and the budget cuts of last month accomplish neither of these goals. In fact, these bills will actually increase the deficit by $16 billion. And at what benefit? So that some of our wealthiest citizens can save a few extra dollars?

President Bush has gone on the offensive. He is touting an improved economy by pointing to job statistics from this most recent quarter. But the economy is not improving where we need it to. Middle class Americans are worse off than they were 4 years ago. The average two-earner family needs to work more to pay for health care, housing, college, and transportation than they did in 2001.

Middle class families are forced to work more and save less. This means less time to spend with family and less money to put away for retirement.

This is not how I want to remember 2005. I don't want to remember 2005 as a year that the government heaped unnecessary burdens upon American families. Stealing from the poor and middle class and giving to the rich, while increasing the deficit, is hardly responsible. I urge you to vote no on the Republican tax cuts.

ESTABLISHING A MEMORIAL WITHIN KALAUPAPA NATIONAL HISTORICAL PARK

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. ABERCROMBIE. Mr. Speaker, I rise today in support of a bill introduced by my colleague, Representative ED CASE. His bill to establish a memorial within Kalaupapa National Historical Park would serve to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866–1969.

The sad history of Kalaupapa is well known within the State of Hawaii. Two tragedies occurred on the Kalaupapa Peninsula on the north shore of the island of Moloka'i. The first is the removal of indigenous people in 1865 and 1895. The removal of Hawaiians from where they had lived for 900 years cut the cultural ties and associations of generations of people from the 'aina (land).

The second tragedy is the forced isolation of sick people to this remote place from 1866 until 1969. The establishment of an isolation settlement, first at Kalawao and then at Kalaupapa, tore apart Hawaiian society as the Kingdom of Hawaii, and subsequently the territory of Hawai'i, tried to control the feared disease of leprosy, now known as Hansen's disease. The impact of broken connections with the 'aina and of family members ''lost'' to Kalaupapa are still felt in Hawai'i today.

Kalaupapa National Historical Park, established in 1980, contains the physical setting for these stories. Within its boundaries are the historic Hansen's disease settlements of Kalaupapa and Kalawao. The community of Kalaupapa, on the leeward side of Kalaupapa Peninsula, is still home for many surviving Hansen's disease patients, whose memories and experiences are cherished values. In Kalawao on the windward side of the peninsula are the churches of Siloama, established in 1866, and Saint Philomena, associated with the work of Father Damien (Joseph De Veuster), a great humanitarian who gave his life to minister to the physical and spiritual needs of those banished to the settlement.

Kalaupapa retains the memories and spirit of all those who lived there. Someday, the last Hansen's disease patient living in Kalaupapa will pass away. A memorial will be a permanent tribute to the brave souls who called Kalaupapa home. I support this legislation and hope my colleagues will also extend their support.

ROMANIA'S BAN ON INTERCOUNTRY ADOPTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. SMITH of New Jersey. Mr. Speaker, last month I introduced a resolution, H. Res. 578, expressing disappointment that the Government of Romania has instituted a virtual ban on intercountry adoptions that has very serious implications for the welfare and well-being of orphaned or abandoned children in Romania. As Co-Chairman of the Commission on Security and Cooperation in Europe (the Helsinki Commission), I am pleased to be joined as original cosponsors by the Commission's Ranking House Member, Representative CARDIN, fellow Commissioners Representative PITTS and PENCE as well as Chairman of the International Relations Subcommittee on the Western Hemisphere Representative BURTON, and Representative NORTHUP, COSTELLO, JO ANN DAVIS, TIAHRT, BRADLEY and FRANK.

Mr. Speaker, the children of Romania, and all children, deserve to be raised in permanent families. Timely adoption of H. Res. 578 will put the Congress on record:

Supporting the desire of the Government of Romania to improve the standard of care and well-being of children in Romania;

Urging the Government of Romania to complete the processing of the intercountry adoption cases which were pending when Law 273/2004 was enacted;

Urging the Government of Romania to amend its child welfare and adoption laws to decrease barriers to adoption, both domestically and intercountry, including by allowing intercountry adoption by persons other than biological grandparents;

Urging the Secretary of State and the Administrator of the United States Agency for International Development to work collaboratively with the Government of Romania to achieve these ends; and

Requesting that the European Union and its member States not impede the Government of Romania's efforts to place orphaned or abandoned children in permanent homes in a manner that is consistent with Romania's obligations under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

In 1989, the world watched in horror as images emerged from Romania of more than 100,000 underfed, neglected children living in hundreds of squalid and inhumane institutions throughout that country. Six weeks after the end of the dictatorial regime of Nicolae Ceausescu, I visited Romania and witnessed the misery and suffering of these institutionalized children. They were the smallest victims of Ceausescu's policies which undermined the family and fostered the belief that children were often better cared for in an institution than by their families.

Americans responded to this humanitarian nightmare with an outpouring of compassion. For years now, Americans have volunteered their labor and donated money and goods to help Romania improve conditions in these institutions. Many families in the United States also opened their hearts to Romania's children through adoption. Between 1990 and 2004, more than 8,000 children found permanent

families in the U.S.; thousands of others joined families in Western Europe.

The legacies of Ceausescu's rule continue to haunt Romania and, when coupled with widespread poverty, have led to the continued abandonment of Romania's children. According to a March 2005 report by UNICEF, ''child abandonment in 2003 and 2004 [in Romania] was no different from that occurring 10, 20, or 30 years ago.'' UNICEF reports that more than 9,000 children a year are abandoned in Romania's maternity wards or pediatric hospitals. According to the European Union, 37,000 children remain in institutions; nearly 49,000 more live in nonpermanent settings in ''foster care'' or with extended families. An unknown number of children live on the streets.

During Romania's first decade of post-communist transition, the corruption which plagued Romania's economy and governance also seeped into the adoption system. There is no question that corruption needed to be rooted out. The U.S. Government and the U.S. Helsinki Commission have been steadfast in our support of Romania's efforts to combat corruption and to promote the rule of law and good governance.

I strongly disagree, however, with supporters of the current ban on intercountry adoption who allege that it was a necessary anti-corruption measure. There are many indications that corruption has been used as a hook to advance an ulterior agenda in opposition to intercountry adoption. In the context of Romania's desire to accede to the European Union, unsubstantiated allegations have been made about the fate of adopted children and the qualifications and motives of those who adopt internationally. Romanian policy makers chose to adopt this law against intercountry adoption in an effort to secure accession despite the fact, as stated in H. Res. 578, that there is no European Union law or regulation restricting intercountry adoptions to biological grandparents or requiring that restrictive laws be passed as a prerequisite for accession to the European Union.

The resolution notes that the Romanian Government declared a moratorium on international adoptions in 2001 but continued to accept new applications and allowed many such applications to be processed under an exception for extraordinary circumstances. Then, in June 2004, Law 273/2004 was adopted, taking effect on January 1, 2005, which banned intercountry adoption except in the exceedingly rare case of a child's biological grandparent living outside the country. At the time of enactment, approximately 1,500 adoption applications were registered with the Romanian Government; of these, 200 children had been matched with prospective parents from the United States and the remainder from Western Europe.

Intercountry adoption is, and always should be, anchored on the need to find homes for children, not to find children for would-be parents. Nonetheless, the individuals who applied to adopt Romanian children in the past few years committed their hearts to these children and we must recognize that the Romanian Government's mishandling of their applications has put them through a years-long emotional agony. H. Res. 578 calls on the Government to conclude the processing of these cases in a transparent and timely manner. Since introduction of the resolution, the Romanian press has reported that intercountry adoption would be denied in all of the pending cases. If indeed this is accurate, then it is impossible to believe that the standard applied in each case was that of the best interest of the child.

Romania's new adoption law and another addressing child protection, Law 272/2004, create a hierarchy of placement for orphaned or abandoned children. By foreclosing the option of intercountry adoption, the laws codified the misguided proposition that a foster family, or even an institution, is preferable to an adoptive family outside the child's country of birth.

On November 29, the European Commission issued a press release stating that ''according to the Romanian Office for Adoptions, there are 1,355 Romanian families registered to adopt one of the 393 children available for adoption. Thus there is little scope, if any, for international adoptions.'' The European Commission's press release fails to mention that more than 80,000 children in Romania are growing up without permanent families—in orphanages, foster care, maternity hospitals, or on the streets. That less than 400 have been declared available for adoption is a denunciation of the child welfare system. Barely 1,000 children have ever been domestically adopted in Romania in any given year and since enactment of the new laws in 2004, the rate of domestic adoption has fallen further. There is no doubt that if more children were to be made available for adoption, there would be a great need for intercountry adoption to provide them with permanent, loving homes. For thousands of children abandoned annually in Romania, intercountry adoption offered the hope of a life outside of foster care or an institution. That hope has now been taken away. This will fall hardest on the Roma children who are least likely to be adopted in-country due to pervasive societal prejudice.

The Romanian Government and the European Commission are attempting to use a Potemkin Village to hide a grim reality of suffering children and bureaucratic obstacles which prevent them from being declared legally available for adoption. In one case that has come to the Commission's attention, an adoptive family is waiting for biological parents to sign away their rights to a child they abandoned at birth and who has spent the first four years of her life with her prospective adoptive parents. She knows no other parents. Her biological parents have on four previous occasions relinquished their parental rights and yet, because of the new laws, the child has still not been declared available for adoption.

Other sources also belie a Potemkin approach. A November 5th article in the British journal The Lancet entitled ''Romania's Abandoned Children are Still Suffering,'' quotes a charity worker saying, ''of course something needs to be done to help the children here, but at the moment all the Romanian government is doing is signing forms sending children back to their parents . . . It doesn't seem to matter that the parents might be alcoholics or have no means to look after their kids as long as the numbers are cut.'' The article continues, ''Romanian authorities have proudly claimed that last year only 1,483 children aged 0–2 years were in state institutions, compared with 7,483 in 1997. But those figures do not include hospitals, where staff admit they rely on donations from charities and individuals to keep helping such children. . . . The head of the Neonatology Department at the University Hospital in Bucharest says abandoned children stay on average for 6–7 months [and] the situation is almost as bad as it was in Ceausescu's time.'' The article also quotes the head of the Neonatology Section at the Bucur Maternity Hospital, also in Bucharest, as saying ''last year, we had more abandoned kids than ever because the law changed. And it changed for the worse for the people in the maternity wards because the law forbids us to send children under 2 years old to state orphanages.''

At a Helsinki Commission hearing on September 14, Dr. Dana Johnson, Director of the International Adoption Clinic and Neonatology Division at the University of Minnesota Children's Hospital, testified that Romania's concentration on the reunification of an abandoned child with his or her biological family is only superficially consistent with the U.N. Convention on the Rights of the Child or the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. According to Dr. Johnson, ''in neither of those documents is the mention of time. . . . It doesn't tell you how long you should spend reunifying that child with the family. . . . Contemporary child development research has clearly shown that there is a known amount of deterioration that occurs in children who are in hospitals or institutional care and outside of family care during the first few years of life. . . . You can predict that every child who is in institutional care during that period of time will lose one month of physical growth, one month of motor development, one month of speech development for every three months they're in institutional care. You also can predict that from age four months through 24 months of age, they will lose one to two I.Q. points a month during that period of time. The other thing we know is that by placing them into a caring, competent family, that you can recover some of this function. . . . A child that is abandoned in Romania today at the end of next summer will have permanently lost 15 I.Q. points. That child two years from now will have permanently lost 30 I.Q. points, which means that half of those kids are going to be mentally retarded.''

Mr. Speaker, the clock is ticking for Romania's children. H. Res. 578 notes that Romania is a party to the Hague Convention on Intercountry Adoption which recognizes that ''intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin.'' State Department officials and nongovernmental experts from the adoption and child welfare communities have testified that Romania's child welfare and adoption laws are inconsistent with Romania international commitments under this and other agreements.

The resolution further notes that UNICEF has issued an official statement in support of intercountry adoption which, in pertinent part, reads: ''for children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care, which should be used only as a last resort and as a temporary measure. Intercountry adoption is one of a range of care options which may be open to children, and for individual children who cannot be placed in a permanent family setting in their countries of origin, it may indeed be the best solution. In each case, the best interests

of the individual child must be the guiding principle in making a decision regarding adoption.''

Finally, Mr. Speaker, with regard to the role of the European Union in this debacle, I ask who in the European Union will stand with Members of Congress to protect these defenseless children? All children deserve better than to spend their lives in group homes or warehoused in institutions where their physical, psychological, emotional and spiritual well-being is critically endangered. It is indeed tragic if the price of admission to the European Union is the sacrifice of thousands of Romania's orphaned or abandoned children.

I strongly urge my colleagues to support this resolution. For the sake of the innumerable children in need of permanent families, the voice of the United States Congress must be heard clearly in this transatlantic dialogue on intercountry adoption.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 15, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 16

10:30 a.m.

Armed Services

To receive a closed briefing regarding future naval force structure requirements.

SR–222

JANUARY 9

12 noon

Judiciary

To hold hearings to examine the nomination of Samuel A. Alito, Jr., of New Jersey, to be an Associate Justice of the Supreme Court of the United States.

SH–216

FEBRUARY 9

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine commercial aviation security, focusing on Transportation Security Administration's aviation passenger screening programs, Secure Flight and Registered Traveler, to discuss issues that have prevented these programs from being launched, and to determine their future.

SD–562

2:30 p.m.

Commerce, Science, and Transportation

To continue oversight hearings to examine commercial aviation security, focusing on physical screening of airline passengers, including issues pertaining to Transportation Security Administration's Federal passenger screener force, TSA procurement policy, air cargo screening, and the deployment of explosive detection technology.

SD–562

Daily Digest

HIGHLIGHTS

The House agreed to the Conference Report to accompany H.R. 3199, USA PATRIOT Improvement and Reauthorization Act of 2005.

The House agreed to the Conference Report to accompany H.R. 3010, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006.

Senate

Chamber Action

Routine Proceedings, pages S13517–S13597

Measures Introduced: Nine bills and four resolutions were introduced, as follows: S. 2096–2104, S. Res. 331–333, and S. Con. Res. 69. **Page S13570**

Measures Passed:

Honoring Former Governor Carroll A. Campbell: Senate agreed to S. Res. 332, honoring the life of former Governor Carroll A. Campbell and expressing the deepest condolences of the Senate to his family. **Page S13593**

Recognizing the Philippines: Senate agreed to S. Res. 333, recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century. **Pages S13593–94**

Settlement Common Stock: Senate passed S. 449, 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. **Page S13594**

Indian Land Contracts: Senate passed H.R. 327, to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation, clearing the measure for the President. **Page S13594**

Deficit Reduction Act—Motions to Instruct Conferees: Senate began consideration of the message from the House of Representatives to accompany S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), disagreeing to the amendment of the House, requesting a conference with the House thereon, and taking action on the following motions to instruct Conferees proposed thereto: **Pages S13521–31**

Adopted:

By 64 yeas to 27 nays (Vote No. 351), Senate agreed to Carper Motion to Instruct Conferees to insist that any conference report shall not include the provision in the House amendment relating to the reauthorization of the Temporary Assistance for Needy Families Program, and insist that Congress enact free standing legislation that builds on the bipartisan Senate Committee on Finance's reported version of the Personal Responsibility and Individual Development for Everyone Act (the PRIDE Act, S. 667) to reauthorize the Nation's welfare-to-work laws. **Pages S13528–29**

By 75 yeas to 16 nays (Vote No. 352), Senate agreed to Baucus Motion to Instruct Conferees not report a conference report that would impair access to, undermine eligibility for, make unaffordable by increasing beneficiary cost-sharing, adversely affect Medicaid services, or in any way undermine Medicaid's Federal guarantee of health insurance coverage. **Pages S13527–28, S13529–30**

By 66 yeas to 26 nays (Vote No. 353), Senate agreed to Harkin Motion to Instruct Conferees to insist that any conference report does not contain any cuts to Federal food assistance programs, including the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.). **Pages S13527, S13530–31**

Pending:

DeWine Motion to Instruct Conferees to insist that any conference report shall not include the provisions contained in section 8701 of the House

amendment relating to the repeal of section 754 of the Tariff Act of 1930. **Pages S13522–23**

Kohl Motion to Instruct Conferees to insist that any conference report shall not include any of the provisions in the House amendment that reduce funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), and to insist that the conference report shall not include any restrictions on the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments. **Pages S13523–24**

Kennedy Motion to Instruct Conferees to insist that the Senate provisions increasing need based financial aid in the bill S. 1932, which were fully offset by savings in the bill S. 1932, be included in the final conference report and that the House provisions in the bill H.R. 4241 that impose new fees and costs on students in school and in repayment be rejected in the final conference report. **Pages S13536–37**

Reed Motion to Instruct Conferees to insist on a provision that makes available $2,920,000,000 for the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), in addition to the $2,183,000,000 made available for such Act in the Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, 2006. **Pages S13544–46**

A unanimous-consent agreement was reached providing for further consideration of the message from the House to accompany S. 1932 (listed above) at 3:30 p.m., on Thursday, December 15, 2005, with a series of votes to occur on the pending motions to instruct Conferees. **Page S13594**

USA PATRIOT Act—Conference Report: Senate began consideration of the conference report to accompany H.R. 3199, to extend and modify authorities needed to combat terrorism. **Pages S13546–61**

A motion was entered to close further debate on the conference report and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, December 16, 2005. **Page S13546**

A unanimous-consent-time agreement was reached providing for further consideration of the conference report on Thursday, December 15, 2005, with 2 hours equally divided between the two Leaders or their designees. **Page S13594**

Labor/HHS/Education Appropriations Conference Report—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the conference report to accompany 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, at 9 a.m., on Thursday, December 15, 2005; that following all debate time, the conference report be set aside with the vote on adoption to occur at a time to be determined. **Page S13593**

Nominations Received: Senate received the following nominations:

Patrick Joseph Schiltz, of Minnesota, to be United States District Judge for the District of Minnesota.

Jack Zouhary, of Ohio, to be United States District Judge for the Northern District of Ohio.

Routine lists in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, Navy. **Pages S13595–97**

Nominations Discharged: The following nominations were discharged from further committee consideration and placed on the Executive Calendar:

Stephanie Johnson Monroe, of Virginia, to be Assistant Secretary for Civil Rights, Department of Education, which was sent to the Senate on June 23, 2005, from the Senate Committee on Health, Education, Labor, and Pensions.

Donald A. Gambatesa, of Virginia, to be Inspector General, United States Agency for International Development, which was sent to the Senate on September 13, 2005, from the Senate Committee on Homeland Security and Governmental Affairs.

Marilyn Ware, of Pennsylvania, to be Ambassador to Finland, which was sent to the Senate on October 26, 2005, from the Senate Committee on Foreign Relations. **Pages S13569–70, S13593**

Messages From the House: **Pages S13567–68**

Measures Referred: **Page S13568**

Executive Communications: **Pages S13568–69**

Additional Cosponsors: **Pages S13570–72**

Statements on Introduced Bills/Resolutions: **Pages S13572–92**

Additional Statements: **Pages S13566–67**

Authorities for Committees to Meet: **Page S13592**

Privileges of the Floor: **Pages S13592–93**

Record Votes: Three record votes were taken today. (Total—353) **Pages S13529, S13530, S13531**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:59 p.m., until 9 a.m., on Thursday, December 15, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S13594–95.)

Committee Meetings

(Committees not listed did not meet)

SPILL PREVENTION CONTROL

Committee on Environment and Public Works: Committee concluded a hearing to examine the Environmental Protection Agency's spill prevention control and countermeasure program, focusing on methods and equipment requirements for non-transportation-related onshore and offshore facilities with a specified aboveground storage capacity, after receiving testimony from Thomas M. Sullivan, Chief Counsel for Advocacy, Small Business Administration; Thomas P. Dunne, Acting Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; Brent Cummings, Cummings Oil Company, Oklahoma City, Oklahoma; James Coyne, National Air Transportation Association, Alexandria, Virginia; Richard G. Owen, Geraldine, Montana, on behalf of the Agriculture Coalition on Spill Prevention Control and Countermeasure, and CHS, Inc.; Riki Ott, Cordova, Alaska; and James J. Corbett, University of Delaware Graduate College of Marine Studies, Newark.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Antonio Fratto, of Pennsylvania, to be Assistant Secretary of the Treasury for Public Affairs, David M. Spooner, of Virginia, to be Assistant Secretary of Commerce for Import Administration, Vincent J. Ventimiglia, Jr., of Maryland, to be Assistant Secretary of Health and Human Services for Legislation, who was introduced by Senator Gregg, Richard T. Crowder, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador, and Jeffrey Robert Brown, of Illinois, to be a Member of the Social Security Advisory Board, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: Will be in the next issue of the Record. **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Reports Filed: A report was filed today as follows:

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 (H. Rept. 109–346). **Page H11629**

Speaker: Read a letter from the Speaker wherein he appointed Representative Foley to act as Speaker Pro Tempore for today. **Page H11507**

Discharge Petitions: Representative Marshall moved to discharge the Committee on Rules from the consideration of H. Res. 568, providing for the consideration of H.R. 3936, to protect consumers from price-gouging of gasoline and other fuels during energy emergencies (Discharge Petition No. 7); and **(See next issue.)**

Representative Waxman moved to discharge the Committee on Rules from the consideration of H. Res. 570, providing for the consideration of H.R. 3925, to provide that a Federal public safety position may not be held by any political appointee who does not meet certain minimum requirements (Discharge Petition No. 8). **(See next issue.)**

USA PATRIOT Improvement and Reauthorization Act of 2005—Conference Report: The House agreed to the conference report on H.R. 3199, to extend and modify authorities needed to combat terrorism, after agreeing to order the previous question, by a yea-and-nay vote of 251 yeas to 174 nays, Roll No. 627. **Pages H11523–44**

Rejected the Conyers motion to recommit the conference report on the bill to the Committee of Conference with instructions to recede from disagreement with the Senate amendment, by a recorded vote of 202 ayes to 224 noes, Roll No. 626. **Pages H11542–43**

H. Res. 595, the rule providing for consideration of the conference report, was agreed to by voice vote, after agreeing to order the previous question. **Pages H11515–23**

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006—Conference Report: The House agreed to the conference report on H.R. 3010, to make appropriations for the Departments of Labor, Health and Human Services, and Education,

and Related Agencies for the fiscal year ending September 30, 2006, by a yea-and-nay vote of 215 yeas to 213 nays, Roll No. 628. **Pages H11544–52**

H. Res. 596, the rule providing for consideration of the conference report, was agreed to by voice vote, after agreeing to order the previous question.

Pages H11512–15

Suspensions: The House agreed to suspend the rules and pass the following measures:

CFTC Reauthorization Act of 2005: 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; **Pages H11553–61**

Commending 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: 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; **Pages H11567–69**

Trafficking Victims Protection Reauthorization Act of 2005: H.R. 972, amended, to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, by a yea-and-nay vote of 426 yeas with none voting "nay", Roll No. 632; **Pages H11570–79, H11585–86**

Reverse Mortgages to Help America's Seniors Act: 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; **Pages H11586–88**

2005 District of Columbia Omnibus Authorization Act: H.R. 3508, amended, to authorize improvements in the operation of the government of the District of Columbia; **Pages H11588–96**

Congratulating Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship: H. Res. 587, to congratulate Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship;

Pages H11602–05

Recognizing Commodore John Barry as the first flag officer of the United States Navy: H.J. Res. 38, to recognize Commodore John Barry as the first flag officer of the United States Navy;

Pages H11605–06

Reauthorizing the Congressional Award Act: S. 335, to reauthorize the Congressional Award Act—clearing the measure for the President;

Pages H11606–07

Providing certain authorities for the Department of State: H.R. 4436, amended, to provide certain authorities for the Department of State;

Pages H11607–09

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: H. Con. Res. 252, amended, to express 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; **Pages H11609–12**

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: H.R. 458, amended, to remember and commemorate 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; **Pages H11612–18**

Recommending the integration of the Republic of Croatia into the North Atlantic Treaty Organization: H. Res. 529, amended, to recommend the integration of the Republic of Croatia into the North Atlantic Treaty Organization; **Pages H11618–21**

Honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979: H. Con. Res. 238, amended, to honor the victims of the Cambodian genocide that took place from April 1975 to January 1979 **Pages H11629–30**

Suspensions—Failed: The House failed to agree to suspend the rules and pass the following measure:

Establishing the Task Force on Ocean Policy: H. Res. 599, to establish the Task Force on Ocean Policy, by a yea-and-nay vote of 103 yeas to 327 nays, Roll No. 631. **Pages H11561–67, H11585**

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration will continue at a later date on the measures:

Expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected: H. Res. 579, amended, to express the sense of the House of Representatives that the symbols and traditions of Christmas should be protected; **Pages H11596–H11600**

Urging the President to issue a proclamation for the observance of an American Jewish History Month: H. Con. Res. 315, to urge the President to issue a proclamation for the observance of an American Jewish History Month; **Pages H11600–02**

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: H. Con. Res. 312, amended, to urge 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; **Pages H11621–24**

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: H. Con. Res. 294, amended, to call 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; **Pages H11624–29**

Condemning the Government of Zimbabwe's "Operation Murambatsvina" under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to "restore order" to the country: H. Res. 409, amended, 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; **Pages H11630–37**

Providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority: H.R. 575, amended, providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority; **Pages H11637–42**

Recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq: H. Res. 534, to recognize the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq; and **Pages H11642–44**

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: H. Res. 598, to condemn 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. **Pages H11644–49**

Department of Defense Appropriations Act, 2006—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 2863, to make appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and agreed to a conference. **Page H11580**

Agreed to the Murtha motion to instruct conferees on the bill by a yea and nay vote of 308 yeas to 122 nays, Roll No. 630, after ordering the previous question. **Pages H11580–83, H11584–85**

Agreed to close portions of the conference when classified national security material is being discussed by a yea and nay vote of 415 yeas to 9 nays, Roll No. 629. **Pages H11583–84**

Later, the Chair appointed as 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, Messrs. Edwards, and Obey. **Page H11586**

Senate Message: Message received from the Senate today appears on page H11606.

Senate Referrals: S. 1231 was referred to the Committees on Resources and Energy and Commerce and S. 449 was referred to the Committee on Resources. **(See next issue.)**

Quorum Calls—Votes: Six yea and nay votes and one recorded vote developed during the proceedings of today and appear on pages H11542–43, H11543, H11552, H11583–84, H11584–85, H11585, and H11585–86. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 12:02 a.m., Thursday, December 15th, and stands in recess subject to call of the chair.

Committee Meetings

USDA POSTED COUNTY PRICES

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing to review Technical Procedures of USDA's Establishment of Posted County Prices. Testimony was heard from Floyd Gaibler, Deputy Under Secretary, Farm and Foreign Agricultural Services, USDA; and public witnesses.

POST-HURRICANES HOUSING OPTIONS

Committee on Financial Services: Subcommittee on Housing and Community Opportunity, continued hearings entitled ''Housing Options in the Aftermath of Hurricanes Katrina and Rita.'' Testimony was heard from the following officials of the Department of Housing and Urban Development: Brian D. Montgomery, Assistant Secretary, Housing/Federal Housing Commissioner; and Orlando J. Cabrera, Assistant Secretary, Public and Indian Housing.

SECURE HANDLING OF AMMONIUM NITRATE ACT OF 2005

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack approved for full Committee action, as amended, H.R. 3197, Secure Handling of Ammonium Nitrate Act of 2005, 10 a.m., 2237 Rayburn.

Prior to this action, the Subcommittee held a hearing on H.R. 3197. Testimony was heard from James W. McMahon, Director, Office of Homeland Security, State of New York; and public witnesses.

OVERSIGHT—NATIONAL PARK SERVICE ORGANIC ACT

Committee on Resources: Subcommittee on National Parks held an oversight hearing on The National Park Service Organic Act and its Implementation through Daily Park Management. Testimony was heard from Steve Martin, Deputy Director, National Park Service, Department of the Interior; the following former officials of the Department of the Interior: William Horn, Assistant Secretary, Fish and Wildlife and Parks; and Denis Galvin, Deputy Director, National Park Service; and public witnesses.

PENSION PROTECTION ACT OF 2005

Committee on Rules: Granted, by voice vote, a closed rule providing 90 minutes of debate in the House on the bill H.R. 2830, Pension Protection Act of 2005, as amended, equally divided among and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce and the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. In lieu of the amendments recommended by the Committee on Education and the Workforce and Ways of the amendments recommended by the Committees on Education and the Workforce and Ways and Means now printed in the bill, the amendment in the nature of a substitue printed in the part A of the report of the Committee on Rules accompanying the resolution shall be considered as adopted. The rule waives all points of order against the bill, as amended. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Chairman Boehner and Representatives Gutknecht and Visclosky.

HURRICANE KATRINA: PREPAREDNESS AND RESPONSE BY STATE OF LOUISIANA

Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina: Held a hearing entitled ''Hurricane Katrina: Preparedness and Response by the State of Louisiana.'' Testimony was heard from the following officials of the State of Louisiana: Katheleen Babineaux Blanco, Governor; Jeff Smith, Deputy Director, Office of Homeland Security and Emergency Preparedness; C. Ray Nagin, Mayor, and Terry Ebbert, Director, Homeland Security; both with the City of New Orleans; William M. Lokey, Federal Coordinating Officer, Baton Rouge, and Phillip Barr, Deputy Federal Coordinating Officer, Advance Team in New Orleans, both with FEMA, Department of Homeland Security.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 15, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, 10 a.m., SD–106.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nominations of George W. Foresman, to be Under Secretary for Preparedness, U.S. Department of Homeland Security, Mary M. Rose, to be a Member, Merit Systems Protection Board, S. 1445, to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the ''William H. Emery Post Office'', S. 1792 and H.R. 3770, to designate the facility of the United

States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building'', S. 1820, to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office'', S. 2036, to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the ''Raymond J. Salmon Post Office'', S. 2064, to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville ''Mac'' Lawrence Post Office, S. 2089, to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the ''Hiram L. Fong Post Office Building'', H.R. 2113, to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building'', H.R. 2346, to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the ''John J. Hainkel, Jr. Post Office Building'', H.R. 2413, to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the ''Lillian McKay Post Office Building'', H.R. 2630, to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex'', H.R. 2894, to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the ''Abraham Lincoln Birthplace Post Office Building'', H.R. 3256, to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the ''Congressman James Grove Fulton Memorial Post Office Building'', H.R. 3368, to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the ''Gagetown Veterans Memorial Post Office'', H.R. 3439, to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the ''Ava Gardner Post Office'', H.R. 3548, to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the ''Heinz Ahlmeyer, Jr. Post Office Building'', H.R. 3703, to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the ''Staff Sergeant Michael Schafer Post Office Building'', H.R. 3825, to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the ''Clayton J. Smith Memorial Post Office Building'', H.R. 3830, to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the ''U.S. Cleveland Post Office Building'', and H.R. 4053, to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office'', Time to be announced, Room to be announced.

Full Committee, to hold hearings to examine New Orleans levees relating to Hurricane Katrina, 10 a.m., SD–342.

Select Committee on Intelligence: closed business meeting to consider intelligence matters, 2:30 p.m., SH–219.

House

Committee on Energy and Commerce, to consider the following bills: H.R. 4167, National Uniformity for Food Act of 2005; H.R. 4127, Data Accountability and Trust Act; and H.R. 3699, Federal and District of Columbia Government Real Property Act of 2005, l0:30 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Oversight and Administration of the 340B Drug Discount Program: Improving Efficiency and Transparency,'' 1 p.m., 2322 Rayburn.

Committee on Government Reform, to consider the following: an Investigative Report entitled ''Bringing Communities into the 21st Century: A Report on Improving the Community Development Block Grant Program;'' and other pending Committee business, 10:30 a.m., 2154 Rayburn.

Committee on International Relations, to continue mark up of H. Res. 549, Requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address, 9:30 a.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans, oversight hearing on the Effects of Hurricanes Katrina and Rita on Fishing Resources, the Fishing Industry and Fishing Communities in the Gulf of Mexico, 10 a.m., 1324 Longworth.

Committee on Veterans' Affairs, Subcommittee Oversight and Investigations, oversight hearing on the Department of Veterans Affairs' flu vaccination program, and preparations for a possible Avian Flu Pandemic, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Global Updates/Hotspots, 9 a.m., H–405 Capitol.

Subcommittee on Intelligence Policy, executive, hearing entitled ''Radical Islam in the United States,'' 10:30 a.m., H–405 Capitol.

Next Meeting of the SENATE

9 a.m., Thursday, December 15

Senate Chamber

Program for Thursday: Senate will begin consideration of the conference report to accompany H.R. 3010, Labor/HHS/Education Appropriations. Also, Senate will continue consideration of the conference report to accompany H.R. 3199, US PATRIOT Reauthorization Act, and at 3:30 p.m., continue consideration of the pending motions to instruct conferees with respect to S. 1932, Deficit Reduction Act, with votes to occur thereon.

(Senate will recess following consideration of the US PATRIOT Reauthorization Act Conference Report (listed above), until 2:15 p.m. for the Democratic party conference.)

Next Meeting of the HOUSE OF REPRESENTATIVES

7 a.m., Thursday, December 15

House Chamber

Program for Thursday: H.R. 4437—Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

House

Abercrombie, Neil, Hawaii, E2538
Baird, Brian, Wash., E2523
Becerra, Xavier, Calif., E2527
Bilirakis, Michael, Fla., E2522
Bonner, Jo, Ala., E2528
Brady, Kevin, Tex., E2525
Butterfield, G.K., N.C., E2526
Camp, Dave, Mich., E2525
Cardin, Benjamin L., Md., E2531
Case, Ed, Hawaii, E2535
Clyburn, James E., S.C., E2534
Culberson, John Abney, Tex., E2525
Cummings, Elijah E., Md., E2537
Davis, Susan A., Calif., E2533
Duncan, John J., Jr., Tenn., E2530, E2531
Edwards, Chet, Tex., E2519, E2521
Engel, Eliot L., N.Y., E2520, E2521
Eshoo, Anna G., Calif., E2533
Farr, Sam, Calif., E2535
Fortenberry, Jeff, Nebr., E2528
Frank, Barney, Mass., E2519, E2520
Gallegly, Elton, Calif., E2530
Gordon, Bart, Tenn., E2526, E2528
Green, Gene, Tex., E2534
Grijalva, Raúl M., Ariz., E2531
Higgins, Brian, N.Y., E2526
Hoyer, Steny H., Md., E2537
Hyde, Henry J., Ill., E2525
Kildee, Dale E., Mich., E2535
Kingston, Jack, Ga., E2532
Kucinich, Dennis J., Ohio, E2519, E2520, E2521, E2521, E2523
Lantos, Tom, Calif., E2529
Lipinski, Daniel, Ill., E2524
McDermott, Jim, Wash., E2531
Maloney, Carolyn B., N.Y., E2528
Marshall, Jim, Ga., E2529
Matheson, Jim, Utah, E2536
Meehan, Martin T., Mass., E2524, E2538
Menendez, Robert, N.J., E2527
Moore, Dennis, Kans., E2532
Poe, Ted, Tex., E2529
Porter, Jon C., Nev., E2536
Pryce, Deborah, Ohio, E2532
Radanovich, George, Calif., E2528
Sessions, Pete, Tex., E2527
Slaughter, Louise McIntosh, N.Y., E2527
Smith, Christopher H., N.J., E2538
Stark, Fortney Pete, Calif., E2528
Stearns, Cliff, Fla., E2519, E2520, E2522
Thompson, Bennie G., Miss., E2532
Udall, Mark, Colo., E2530, E2534, E2536
Visclosky, Peter J., Ind., E2522
Woolsey, Lynn C., Calif., E2537
Wu, David, Ore., E2521

(House proceedings for today will be continued in the next issue of the Record.)

Congressional Record The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.