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House of Representatives

The House met at 10 a.m.

The Reverend Stephen A. Owenby, Senior Pastor, Stewartsville Baptist Church, Laurinburg, North Carolina, offered the following prayer:

Our sovereign Lord, we praise You for the freedom to enter Your heavenly throne room. We deserve not Your favor nor are we worthy of Your grace. All we can ask is, ''Forgive us our transgressions, grant us salvation and guide us in the way of righteousness.''

We have prayed, ''God bless America.'' You have. ''Some trust in chariots, and some in horses; but we will remember the name of the Lord our God.'' May we not depend upon our own ingenuity, but in You alone.

I offer thanks for these men and women You have lifted up to serve their fellow countrymen. In James chapter 1, you tell us, ''If any lack wisdom, let him ask.'' So we ask, Please grant to these servants the wisdom necessary to carry out Your will for our Nation. We ask this in Jesus' name and for His sake. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. CAMPBELL) come forward and lead the House in the Pledge of Allegiance.

Mr. CAMPBELL of California led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND STEPHEN A. OWENBY

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. HAYES. Mr. Speaker, I rise today to honor an individual here with us who has dedicated his life to the service of others in his congregation and in his community. Pastor Steve Owenby is a selfless person who continually exemplifies servant leadership. I want to express my appreciation for his witness and the difference he makes in the lives of others each day, and thank him for being here with us to deliver this morning's prayer.

Steve has been married to his loving wife, Donna, for almost 21 years and has three wonderful children, Megan, Josh and Christy.

As a young adult, Steve began his life of service in the United States Air Force where he served 4 years honorably. He later felt called to the ministry and attended Liberty University, where he completed his Master of Theology.

He is currently the Senior Pastor of Stewartsville Baptist Church in Laurinburg, North Carolina. Stewartsville is a member of the Southern Baptist Convention and currently has about 800 members. It is a vibrant congregation that has a strong focus on missions, to the credit of Pastor Owenby and his family.

Mr. Speaker, I ask you to join me in appreciation for Steve's many years of service as he leads his family, congregation, and community. I pray that others may follow his lead so that they too would understand the true meaning of life.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 10 one-minute speeches on each side.

MORE GOOD NEWS ABOUT THE ECONOMY

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

Ms. FOXX. Mr. Speaker, I rise today to share more good news with the American people about our economy.

Yesterday, the Commerce Department reported that consumer spending shot up by nine-tenths of a percent in January, which is the strongest gain in 6 months. In addition, Americans' personal incomes rose by seven-tenths of a percent, which is the highest rate since September.

Clearly, our economy's positive momentum is a direct result of the pro-growth agenda of our President and our Republican-led Congress.

We are the party that is holding the line on fiscal responsibility and showing our commitment to continuing economic growth. We are the party that is working to improve the lives of the American people by lowering taxes, enacting legal reform, and decreasing government interference in the lives of entrepreneurs and small business owners.

Democrats, on the other hand, continue to promote their tax-and-spend policies, because they think they know how to spend your hard-earned money better than you do. My Republican colleagues and I know better than that.

JUXTAPOSITION OF TWO NEWS STORIES

(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, I want to call the attention of the House to the juxtaposition of two news stories: one that says, relating to 9/11, Federal officials were repeatedly warned in the months before the September 11, 2001, terror attacks that Osama bin Laden

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and al Qaeda were planning aircraft hijacking and suicide attacks according to a new report that the Bush administration has been suppressing.

And this, from the front page of today's Washington Post: a newly leaked video recording the high-level government deliberation the day before Hurricane Katrina hit shows disaster officials emphatically warning President Bush that the storm posed a catastrophic threat to New Orleans and the gulf coast, and a grim-faced Bush personally assuring State leaders that his administration was fully prepared, quote-unquote, to help.

Do we see a pattern here? 9/11, Katrina? They knew something was going to happen and they did not act. They knew that if they went into Iraq that we were looking at a disaster, that there was no way we were going to be able to run that country.

They know that global climate change poses a threat to the entire planet. Nothing is being done. There is a pattern of recklessness, indifference, callousness. The implications are deadly for the people of the United States.

CHILDREN'S SAFETY ACT

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

Mr. FOLEY. Mr. Speaker, last September the House overwhelmingly passed H.R. 3132, the Children's Safety Act.

This bill will, among other things, overhaul and strengthen our Nation's sex offender registration and notification laws.

Over the past few years we have lost too many children to the hands of these pedophiles: Jessica Lunsford, Jetseta Gage, Sarah Lunde, Megan Kanka, Jacob Wetterling, just to name a few.

While it may not be on the national news, there are still stories every day of children being hurt by these predators.

We still have over 150,000 offenders missing, and those numbers are growing.

Mr. Speaker, the House did its job last fall by passing that bill. Now it is time for the other Chamber.

I applaud the Senate majority leader's recent decision to cosponsor the Senate version of the sex offender bill and his commitment that he made the other day to victims' parents to move the bill soon.

We must pass this bill, and we must do it now before another victim is killed.

IN SEARCH OF A COMPETENT CONSERVATIVE

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

Mr. EMANUEL. Mr. Speaker, by now we have all seen the Katrina tape of the President being briefed on the magnitude of the upcoming hurricane disaster. The tape clearly shows that the President and his administration knew about Katrina's magnitude, regardless of their after-action denial.

All I can say is forget the compassionate conservative that we were promised in 2000. At this point I would settle for a competent conservative.

Remember, this administration repeatedly maintained that if American leaders in Iraq needed more troops all they needed to do was ask. But now we know that the President's top man in Iraq, Paul Bremer, asked for more troops right after the invasion and the President and the Secretary of Defense failed to respond.

This administration said that the intelligence it used as a case for the war was flawed. But Paul Pillar, a high-ranking CIA official, recently revealed that the administration intentionally distorted and cherry-picked the intelligence in order to justify the prescribed decision.

Today, we are seeing the failure of those decisions. This administration said that the Medicare prescription drug benefit would cost no more than $400 billion. The real cost of the benefit, nearly $800 billion, and the administration knew all along the true cost.

The President's people say people do not need to worry about security, and then we found out that neither the President nor the Secretary of Defense knew that the United Arab Emirates was about to take over the six major American ports. We do not need a compassionate conservative, a fiscal conservative. We need a competent conservative.

OUR ECONOMY IS ON A ROLL

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

Mrs. BLACKBURN. Mr. Speaker, if you get your news from the mainstream media, you probably don't know that our economy is on a roll.

Our tax policies, the tax relief and reform we passed in 2003 and 2005, helped get government out of the way of America's entrepreneurs, and our unemployment rate is now lower than it was in the 1970s, the 1980s, and the 1990s.

Those across the aisle who voted against our tax relief for Americans, and against our tax reform, say that Americans are not paying enough and that the tax relief costs the government too much. Imagine that. They think government has the first right of refusal on your paycheck. Well, they are wrong on that.

Our tax relief generated $160 billion more in tax revenues in 2004 and 2005 than what was anticipated, than what was expected.

Mr. Speaker, the liberals in this body think that tax relief is a gift from the government to the American worker. They are wrong on that. We Republicans know that they are wrong. We know taxes are a gift that the American taxpayer sends to Washington.

EDUCATION CUTS IN THE BUDGET

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

Mr. OLVER. Mr. Speaker, in his State of the Union speech, President Bush said: ''Our greatest advantage in the world has always been our educated, hardworking, ambitious people, and we are going to keep that edge. But the President's budget for next year cuts education by more than $2 billion. His budget freezes the maximum award for Pell grants for the third year in a row. That means Pell grants will be worth almost 10 percent less than they were just 5 years ago.

His budget cuts hundreds of millions of dollars from loan programs, making it more difficult for half a million low- and moderate-income students to get the financial aid they need to stay in college.

His budget totally eliminates funding for TRIO Upward Bound that helps students trying to be the first person from their family to go to college. Yet President Bush's budget adds over $350 billion to the national debt that our children and grandchildren will have to pay.

Americans lose when the President's actions contradict his promises.

STATE OF THE UNION'S HEALTH CARE

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

Mr. MURPHY. Mr. Speaker, the rapidly rising cost of health care has put quality coverage out of the reach of millions of families. Too many cannot afford to see their doctor. Too many put off early treatment. Too many are overwhelmed by hospital bills. Too many meet a wall of bureaucracy that stands between them and their doctor. This system costs too many lives and too many dollars.

Each side of the aisle has offered solutions: national health care on one side of the aisle, health savings accounts on the other. But these two plans deal with payments. Neither solves the problem of costly errors and inefficiency. Cost shifting is not cost savings. They only focus on who is paying, when we need to reform what we are paying for.

Electronic medical records, electronic prescribing, eliminating hospital-borne infections, accurate dates on prescription drugs, expanding patients' care management, ending defensive medicine and allowing doctors to volunteer at community health centers are among the reforms our Nation needs.

Any of us would reach out to save the life of one person. We must reform the

health care system to save ten of thousands of lives and tens of billions of dollars. Members can see more information on this at www.murphy.house.gov.

□ 1015

REPUBLICANS' FAILURES IN SECURING PORTS: FAILURES GO BEYOND DUBAI PORTS WORLD

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

Mr. CARNAHAN. Mr. Speaker, the Bush administration's deal with the United Arab Emirates showed the American people again that securing our ports is not their priority.

The bipartisan and unanimous 9/11 Commission report clearly showed the need for increased security for our Nation's ports. Now 4 years after 9/11, less than 10 percent of the 9 million containers entering our ports are ever screened. Even worse, Republicans in this House have fought Democratic efforts to increase port security funding.

In 2003, this House voted to kill a Democratic amendment to add $250 million for port security grants; then again, in 2005, against a Democratic proposal calling for an additional $400 million in funding for port security.

For the record, let me say, my constituents in St. Louis, Jefferson County, and Ste. Genevieve County, Missouri, understand right from wrong. They, like all Americans, demand action from this Congress that is long overdue, and they will not go along with any deal compromising our national security.

The American people have every right to be outraged with the administration's approval of the UAE port deal. It is time the people's House make the security of our Nation's ports a priority.

HONORING GENERAL SAM HOUSTON

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

Mr. POE. Mr. Speaker, Sam Houston from Virginia was born this day, March 2, 1793. He was unique among all Americans. He grew up in the mountains of eastern Tennessee. He befriended the Cherokees as a kid. He fought the British in 1814. He stood with Andrew Jackson and was wounded three times fighting Indians. He became a lawyer, Member of Congress, and a Governor of the great State of Tennessee. More than enough for one life. But then he left for Texas and quickly got passion about Texas independence.

On his birthday, March 2, 1836, he was one of the signers of the Texas Declaration of Independence from Mexico. General Sam was made commander in chief of all Texas armies, and on the plains of San Jacinto his outnumbered volunteer army defeated the invaders. Texas was free.

General Sam became President of the Republic of Texas, and when Texas joined the Union, he became Governor and U.S. Senator. He is the only American in history to be Governor of two different States.

His example was a majestic story of bravery, boldness, and brashness.

Mr. Speaker, his last words before he died were ''Texas, Texas, Texas.'' Sam Houston, the stuff real Americans and real Texans are made of. And, Mr. Speaker, that's just the way it is.

DEMOCRATS' EFFORTS TO ADDRESS PORT SECURITY

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

Mr. CLEAVER. Mr. Speaker, the United Arab Emirates port deal should never have been approved. Sure, the admission is now backpedaling, but despite this 45-day delay, the administration is still going to try to push this deal through.

It does not matter that the Coast Guard voiced concerns about the proposal before the administration initially approved the deal. It does not matter that large numbers of Democrats and Republicans have come out in opposition to the deal. It does not matter that the overwhelming majority of Americans do not support this deal and believe it to be dumb. Nor does it matter that the administration never checked with the affected communities before signing off on it. No, the Bush administration sees this 45-day period as an opportunity to steamroll Congress.

We simply cannot allow that to happen. Congress must play an active role in this decision. I hope, I really hope, that the House Republicans will join us in insisting that no deal move forward without a vote here on this floor. Democrats insist that in addition to the 45-day investigation there must also be a congressional vote. This is a national security decision, and it is simply too important for partisanship to take precedence over prudence.

IMMIGRATION BILL IN SENATE AND CAMPBELL AMENDMENT

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

Mr. CAMPBELL of California. Mr. Speaker, today the Senate Judiciary Committee will begin work on the immigration and border security legislation the House passed at the end of last year.

This bill is one of the most important pieces of national security legislation before Congress because border security is national security.

Recently we have been engaged in debates, some of which you have just heard, about whether or not our ports are secure. This is an important debate. But we know our southern border is not secure; we know that illegal aliens, criminal illegal aliens, are attempting to cross that border every single day, and it is time that we stop it.

In December, the House passed a good enforcement and border security bill, and the bill is a great start to address this problem and make our Nation safer. One important provision included in the bill was an amendment I had authored which will withhold Federal law enforcement funding from sanctuary cities that prohibit law enforcement officers from notifying Federal officials about known illegal aliens.

The practice of prohibiting cooperation is appalling. We should not reward these cities with Federal funds. I urge my colleagues in the Senate to include this provision and pass a strong enforcement bill without amnesty.

BUSH ONCE AGAIN SKIRTING LAW IMPACTING OUR NATIONAL SECURITY

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

Ms. WATSON. Mr. Speaker, Congress should not allow the secretly decided backroom United Arab Emirates port deal to go through. It must be stopped, and House Republicans should stand up to the President in the name of national security. Our ports are not for sale to the highest bidder.

This deal shows once again the lengths the Bush administration will go to bend the laws to their advantage. The administration failed to conduct a 45-day investigation that is legally required. This, in itself, should be enough to stop this deal. The national security implications are simply too important to ignore. And, unfortunately, House Republicans have neglected our vulnerable ports since 9/11.

Over the past 4 years, House Republicans have opposed and defeated Democratic efforts to increase funding for port security. Right now, only 6 percent of cargo coming into the U.S. is being checked, producing a large hole in our homeland security.

I would hope that we can make port security a top priority.

ENTITLEMENT REFORM

(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, in the coming days we will take up the Federal budget. While I am pleased to see the President's budget hold the line on discretionary spending, the Congress should also get serious about entitlement reform.

The numbers speak for themselves, Mr. Speaker. Three entitlement programs alone, Social Security, Medicare, and Medicaid, currently consume about 42 percent of the entire budget. If we add defense and homeland security,

which most people would consider mandatory spending, along with all the other entitlements, we get 82 percent. Only 18 cents on the dollar really is discretionary.

Mr. Speaker, entitlements are important programs, but they will benefit no one if they go bankrupt. And we are headed for a fiscal tsunami in this country. So as we begin the budget process, let us keep in mind that runaway discretionary spending is wrong, and we would do well to rein it in.

But unsustainable entitlement spending is a greater problem that we should address as well for the sake of our children and grandchildren. Whether we like it or not, this is a very real problem. It is not going to go away.

Doing nothing is simply not an option. In fact, doing nothing is the worst thing we can do.

IT IS TIME FOR A POLICY THAT REALLY SECURES AMERICA

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, over the last couple of days we have seen the focus of the American conscience look toward whether America is actually secure.

Mr. Speaker, I think it is time now for the administration to craft a policy that answers the enormity of the concerns that Americans have expressed in town hall meetings across America. Frankly, I think when the headlines read 1,300 Iraqi dead, our soldiers standing by, not knowing whether to engage or not in the civil war that is pending, it is actually now time for the President to acknowledge that our troops have done their job, they have won the victory, and they need to come home.

And then we speak of securing America and having conflicts cause the tension that they are causing and then we still want to say that it is all right to sell our ports to foreign entities; and, of course, I think America needs to know that in the 2007 budget there is no funding for securing the Nation's ports around America.

It is time now for the administration to craft a security posture and policy that really secures America. The time is now.

STATE TAX COMPETITIVENESS

(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, this week the Tax Foundation, an educational foundation for taxpayers since 1937, released its much anticipated third edition of their State business tax climate index. It ranks the 50 States on how business friendly their tax systems are.

The study finds the most business-friendly tax systems in Wyoming, South Dakota, Alaska, Florida, Nevada, New Hampshire and Texas. The least business-friendly tax codes were found in New York, New Jersey, Rhode Island, Vermont and Maine.

Low-tax States are where the job growth is. Governors and businesses and residents want jobs to flow to their States. Low taxes will do that. So low taxes in America will also keep jobs here.

So, Mr. Speaker, there is a cautionary tale from this report, reminding us that we are truly competing in a global economy, and we cannot ignore the fact that low taxes indeed create new jobs.

RECOGNIZING AMBER CASHWELL'S SERVICE TO SOUTH CAROLINA

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

Mr. WILSON of South Carolina. Mr. Speaker, as I always say, congressional schedulers have some of the hardest jobs in Washington.

While serving as a scheduler, Amber Cashwell has seamlessly planned a calendar, helped manage the office, and assisted the citizens of the Second District of South Carolina. Throughout her service she has handled her responsibilities with patience, professionalism, and good humor. Her colleagues and I truly appreciate her hard work and dedication.

A native of Spartanburg, South Carolina, Amber began her career in Washington as a staff assistant for Congressman BOB INGLIS. In May, 2004, she graduated from Converse College with an impressive double major in French and history.

Tomorrow, Amber will depart the halls of Congress to work at the Moore Van Allen law firm in Charlotte, North Carolina. I am proud of her success and pleased to congratulate Amber on this wonderful opportunity.

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

MALPRACTICE INSURANCE

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

Mr. PRICE of Georgia. Mr. Speaker, when I opened up my local paper the other day, I was troubled by a letter to the editor. This gentleman was lamenting the fact that he and his wife were losing a long-time doctor because the physician could not afford to remain in business. What is even more troubling is that none of this is a surprise.

Every day more and more doctors across the country are watching their malpractice rates skyrocket. These premiums are going up as the insurance companies are being forced to pay higher and higher awards for malpractice lawsuits.

Doctors need to be held accountable, yes. However, there is also a need to recognize the institutional abuse that is far too often perpetrated in our courts by personal injury lawyers and the frivolous lawsuits they introduce. These lawsuits do not just affect doctors. They are affecting patients all across the country who either lose access to their doctor altogether or are cared for by a physician who has been intimidated into practicing defensive medicine.

While everyone is talking about rising health care costs, let us not forget to recognize there are a number of different ways to lower those costs, and starting with lawsuit abuse reform would be a genuine first step.

KATRINA EMERGENCY ASSISTANCE ACT OF 2006

Mr. SHUSTER. Mr. Speaker, pursuant to the order of the House of March 1, 2006, I call up the Senate bill (S. 1777) to provide relief for the victims of Hurricane Katrina, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of Wednesday, March 1, 2006, the Senate bill is considered read, and the amendment placed at the desk is adopted.

The text of the Senate bill, as amended, is as follows:

S. 1777

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Katrina Emergency Assistance Act of 2006''.

SEC. 2. EXTENSION OF UNEMPLOYMENT ASSISTANCE.

Notwithstanding any other provision of law, in the case of an individual eligible to receive unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)) as a result of a disaster declaration made for Hurricane Katrina or Hurricane Rita on or after August 29, 2005, the President shall make such assistance available for 39 weeks after the date of the disaster declaration.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

□ 1030

GENERAL LEAVE

Mr. SHUSTER. 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. 1777.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

Mr. Speaker, S. 1777, as amended, extends the disaster unemployment assistance for those affected by Hurricanes Katrina and Rita. Unfortunately, the economy in the gulf coast area remains devastated and re-employment opportunities are greatly limited.

Currently, disaster unemployment assistance is only available for 26 weeks following a disaster declaration. March 4, 2006, is the current deadline for program assistance as a result of Hurricane Katrina disaster declarations for Louisiana and Mississippi. Unless we act, unemployment benefits will expire this Saturday. This bill would extend that period for an additional 13 weeks, making disaster unemployment assistance available for 39 weeks total. This assistance is only available to those persons who are not eligible for regular unemployment assistance.

By extending these benefits, we are helping those most in need in the gulf coast region as they continue to recover and rebuild. We extended disaster unemployment assistance benefits after September 11 in the same fashion as we are extending these benefits today. I support this legislation and encourage my colleagues to do the same.

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

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

Mr. Speaker, I would like to begin by thanking Chairman DON YOUNG, Ranking Member JIM OBERSTAR, and, of course, my subcommittee chairman, BILL SHUSTER, for their leadership in acting together to assure that unemployment benefits are available to the many victims of Hurricane Katrina and Hurricane Rita who want to work.

We are acting in virtual unison, though under the wire, to pass S. 1777, the Katrina Emergency Assistance Act of 2006, which extends unemployment assistance under the Stafford Act, providing essential unemployment benefits before they lapse on Saturday. This bill extends the period that victims of Hurricanes Katrina and Rita would be eligible for unemployment benefits to an additional 13 weeks, for a total of 39 weeks.

Currently, the disaster unemployment assistance benefit period begins the week following the disaster or the date thereafter that the individual becomes unemployed and can extend up to 26 weeks after the declaration or until the individual becomes reemployed. This bill means 39 more desperately needed weeks, in addition to the first 26 weeks. The Department of Labor has the usual authority to administer the program.

The extension of these benefits would help untold thousands of workers who lost their jobs as a direct result of the unprecedented storms that hit the gulf region late last summer but do not qualify for regular unemployment assistance. The Labor Department reports that more than 500,000 individuals have already filed new unemployment claims.

Unemployment at 12.5 percent for those who had returned in November was more than twice the national rate; and for those still displaced the rate was an amazing 27.5 percent, more than twice the rate for those who had returned.

Unemployment benefits are available, of course, only for workers in search of actual employment. These benefits may, nevertheless, of course, be used wherever these workers are living today. However, the benefits also may encourage needed workers to take the many risks associated with returning to gulf cities and towns at a time when all the basic ingredients of working communities, from housing to health care, are at unprecedented low levels.

For example, relatively few workers have returned, despite a high rate of job openings in New Orleans. With at least the guarantee of unemployment benefits during the job hunt and much more rapid and sensible job training and reconstruction policies, these benefits could leverage new work opportunities for gulf residents that were unavailable even before the storm, leave alone what the benefits could do in helping the reconstruction of the region itself.

At the same time, I regret that a provision similar to the one approved by the committee of jurisdiction in the other body to increase unemployment benefits to 50 percent of the national average of unemployment benefits had to be removed from the final bill to achieve the rapid agreement needed. Mississippi, Alabama, and Louisiana have the lowest unemployment benefits in the country. As a result, disaster unemployment benefits for these States are as low as $87, $90 and $97 per week, respectively.

Fifty percent of the national average for unemployment benefit amounts to $135 a week. In an area of the country that even before Hurricane Katrina suffered long-term unemployment at record levels, this increase could have made a major difference to families who need much more assistance than the typical unemployed worker, because many have lost everything, including their homes.

For the gulf victims, the job search that S. 1777 will afford is much more than finding a job. This bill will help some victims return to the gulf region to begin building their lives from scratch. Many who qualify for these benefits were in the lowest wage categories and are among the neediest for assistance. This extension will help them move forward after experiencing the worst natural disaster in the Nation's history. The American people would want us to take at least the step of passing this urgently needed legislation today.

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

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

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

Mr. NEUGEBAUER. Mr. Speaker, I rise in opposition today to S. 1777. One of the things that I am concerned about is we are spending billions of dollars every day on this Katrina emergency disaster, with very small results. We have people filing lawsuits against the government to keep them from being kicked out of apartments, while thousands of trailers are idle just a few hundred miles away.

Certainly, our hearts and thoughts go with the people who experienced this tremendous tragedy, but I think one of the things that I hear from the people in the 19th District of Texas is that they see we are spending billions and billions and billions of dollars, yet we are getting reports of mismanagement almost at every level of government.

One of the things that I think we have to do, and it is the reason I am going to encourage my colleagues today not to support this, is I think we have to step back and look at where we are spending our money today, the American taxpayers' money, by the way, and by the way, money that we don't have. Every dollar we are spending right now for Katrina relief is money that we are borrowing, and we are going to saddle our future generations with that debt.

So I believe that what we have to do is begin to assess what are the job creation opportunities going to be in that region. We are at a time in our country today, quite honestly, where we have record low unemployment, yet we are here today to extend unemployment benefits for another 13 weeks.

The question I have is not whether these people need a job, but the question is are we providing opportunities for them to get a job and moving them away from an environment of entitlement to an environment of empowerment, where we are investing dollars in those communities in such a way that those communities will be able to create jobs for those people that maybe lost their jobs because of this disaster that happened.

So, Mr. Speaker, I would encourage my colleagues today, let's vote this down. Let's sit back and assess where we are spending our resources. I know that we have a $20 billion additional supplemental coming to the floor of this House for debate, and I think as we keep throwing money at this problem, what we hear on the national news every day is the people living in these areas are saying they are not getting any of the help. The way to make sure you have accountability is not to give someone more money, but to bring in more accountability.

Mr. Speaker, I encourage my colleagues not to support this.

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

I must say, Mr. Speaker, we thought of going forward with this bill under unanimous consent because we did not think there was a single Member of the House of Representatives who would want to deny to people searching for a job after the worst disaster in American history the funds that would enable them to live while they search for a job. So I am amazed. I will be amazed that there is a single vote against the bill.

But I think the chutzpah to stand on the floor and say we are throwing money at a problem, when I have just recounted what these benefits will mean in that part of the country, less than $100 a week for families looking for work, is an amazing statement to make. We are throwing money at a problem? We are giving unemployment benefits to people looking for work who have no other means because Mother Nature has taken their means from them. Moreover, may I remind this House that twice after 9/11 we extended unemployment benefits.

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlelady for her leadership, as well as Mr. SHUSTER. I also thank Mr. YOUNG, and certainly Mr. OBERSTAR.

Mr. Speaker, I represent the bulk of Texans, those of us who are now hosting more than 200,000 Katrina survivors and Rita survivors. Might I say to my good friend who lives a little further from the gulf that he should recognize that this legislation also includes Hurricane Rita survivors, who are all throughout the southern part of Texas.

But this is not an isolated whose-State-are-we-in type of legislation. It is a legislative initiative. As a member of the Homeland Security Committee, I see my ranking member has come who has worked very hard on these issues, this is an answer to the cry of Americans. For anyone to suggest this is frivolous or throwing good money after bad is wrongly focused and misdirected.

Let me suggest to you the parameters, or at least the scene, that we are now talking about. We already know that we have suggested that the government in all of its power absolutely abysmally failed in its ability to save the lives of those on the gulf coast, and they knew that there was going to be a catastrophic event.

So what we are trying to do here on the floor of the House is, on the backdrop of our failure, not to look back, we wish there was a 9/11-type commission, but to go forward with solutions.

I want to applaud my colleagues for going forward. We are going forward by providing assistance to those Katrina and Rita survivors, who are scattered now through 44 States. I would like to ask my colleague, when in the history of America did we scatter Americans throughout 44 States? This is to help those States, because many of the individuals who are there are layered on top of the citizens of Utah, the citizens of Kentucky, the citizens of Georgia, who may be themselves unemployed; and therefore it makes it difficult for them to find jobs, even to be able to develop an income to be able to return home to the gulf coast region.

Mr. Speaker, this provides a cushion for those who are scattered in the 44 States. Then it helps additionally those who are in large urban areas like Houston. Houston, of course, a percolating economy, still has its unemployment. So for you to indict people, to suggest that they are doing nothing to find work, you don't know the economy in America.

Let me also acknowledge that this particular provision will pay back communities for buying soap and food for those who have been in our community. It also provides for student scholars who are on visas, whose visas may be expiring and they have no paperwork, so they will not be deported, not because they are here illegally, but because they cannot find the paperwork coming from that region.

This is an emergency. This is a lifesaver. We will be in a devastated condition this Saturday if this bill is not passed.

Let me say that the bulk of Texans, the majority of Texans, 90 percent of Texans, understand the value of this legislation; and they want this bill to pass because we see firsthand those who are trying to struggle to survive.

Ms. JACKSON-LEE. Mr. Speaker, I rise in strong support of the proposed legislation, S. 1777, the "Katrina Emergency Assistance Act of 2005."

As the law stands, unemployment assistance to those affected by Hurricanes Katrina and Rita is going to be running out. We urgently need to act to extend unemployment assistance to the survivors of Hurricanes Katrina and Rita.

S. 1777 extends disaster unemployment assistance, DUA, to individuals affected by Hurricane Katrina or Hurricane Rita. It does so by expanding FEMA's authority to help individuals affected by Hurricane Katrina and Rita by allowing the President to waive the limitations on direct and financial assistance and by providing 13 additional weeks of unemployment benefits.

With merely days remaining before the unemployment benefits begin to expire, the people displaced by Hurricane Katrina and Rita are facing a dire crisis. The survivors of Hurricane Katrina, and from Hurricane Rita, have faced tremendous stress over these past months. Not only have these men and women lost their jobs, but their homes have been razed to the ground, their beloved city swept away, and their livelihoods destroyed. They have suffered through unspeakable devastation, both to their mental and physical states. But, these proud people have not lost hope. Thousands of people, many in my district of Houston, are working hard to find jobs and rebuild their lives. It is very difficult for them to integrate into their new community, and very difficult for them to find a job.

In these most trying times, however, their government is threatening to remove them from their temporary, emergency unemployment assistance. Many of these people, their last options exhausted, will be left on the streets. It is a moral, public safety and public health imperative that this not be allowed to occur. I am making an urgent appeal to my colleagues in the House to take the necessary steps to avert this disaster and vote to provide disaster unemployment assistance for the displaced persons.

Late last night I received an urgent call from a constituent of mine, Dr. Ikili Graham. Dr. Graham explained that his friends and family were affected by Hurricanes Katrina and Rita. Many had lost their homes and their jobs, and were struggling to integrate in their new city of Houston. Jobs were scarce, but progress was being made.

He called to urge me to support S. 1777, a bill that would provide much needed help to those who are still unemployed as a result of Hurricane Katrina and Rita. This bill would extend unemployment assistance for just 13 additional weeks—hopefully enough time for people to find new jobs and sources of income.

I would like to passionately thank the Minority Leader and the Speaker of the House for their wisdom in bringing this necessary piece of legislation to the floor. The survivors of Hurricanes Katrina and Rita need our continued support.

Mr. Speaker, I strongly support the proposed resolution for the foregoing reasons, and I urge my colleagues from both sides of the aisle to follow suit.

□ 1045

Mr. SHUSTER. Mr. Speaker, I want to respond to the comments of my good friend from Texas (Mr. NEUGEBAUER). I certainly understand his concern about some of what has gone on in the gulf coast region, things that have not been efficiently moved forward. There have been cases of money being spent unwisely.

But on this bill, S. 1777, with the disaster unemployment assistance, this is important, to go to people that do not get normal unemployment. This goes out to people that are self-employed, small business owners. It is critical to the recovery that they have income until they are able to get their businesses back up, or if they are a professional, to get their operations running again.

So again I understand the concern of my colleague, but this bill is about disaster unemployment assistance. It is critical to get it back on line. It expires on Saturday. So I would urge all of my colleagues to support this legislation.

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

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

Mr. Speaker, I appreciate the gentleman's comments. The kind of small business owners, for example, that the gentleman was talking about, if you are a hot dog vendor, those are some of

the most industrious people in society. An example would be people who are willing to work for themselves where they get no benefits of any kind, but work harder than most of us.

I used the hot dog vendor, because that is fairly typical of the kind of person we are talking about.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Thank God that the Speaker is taking a trip down to New Orleans, because we have waited for a long time for this bill. Six months ago I introduced legislation to extend unemployment benefits. But the majority party has ignored the problem until today, a few days before it is going to run out.

Now as a doctor and psychiatrist, I can tell you a couple of things: When people suffer a catastrophic loss, they need comfort and certainty, a helping hand. Instead, you have waited with unemployment benefits until they were beginning to run out before you acted. You have made matters worse for people who already have much damage to their lives.

For 6 months this body functioned like that empty FEMA trailer when it came to meeting the needs of the people devastated by the hurricanes. The White House was in the driver's seat. No more need be said.

But thankfully, at the urging of Ms. PELOSI from California, Republicans are going to do what I said 6 months ago. We are going to extend unemployment benefits to the people in the gulf coast. Later today, we will go and visit the region and tell the people all the good we are doing for them.

Now, the Republicans will take credit for acting. But there is no credit for acting 6 months late. Six months ago I said we should be protecting the children of the gulf coast. I ask today, are we doing all we can to ensure vulnerable children are protected? Have we done anything to ensure that parents receive counseling and children receive the necessary social services to cope with the trauma in their lives? The answer is ''no.''

We may have sent some money to the States, but we have done nothing to ensure that Federal child welfare programs receive additional resources to cope. Kids are not as important as workers. In fact, Republicans refused to even hold a hearing, despite my repeated pleas to the chairman.

We know child abuse spikes after natural disasters. We know that foster families are living in FEMA trailers. They are living with four, six and eight kids in a trailer, and the State is asking them to take more because they do not have enough places for neglected and abused kids. These trailers do not come close to passing the safety standards that we would demand of an ordinary foster home.

We cannot keep pretending that the Federal Government is responding to the gulf coast. FEMA and the White House knew the storms were coming; we found that out yesterday. We knew they were going to devastate the area, and they failed to prepare and respond. For the last 6 months there has been nothing going on here.

We have got a chance today to follow the Golden Rule: Treat others as we would be treated. I speak as someone representing Seattle. We know that one day we will have another shaker, another earthquake. And anybody who gets out on this floor and says, oh, well, we're throwing money at Louisiana, don't you dare come near this floor asking for money when it happens to you in California or anywhere else.

This is not a local problem, this is a national problem that the Republicans refuse to respond to until it is at the last second. A day late, a dollar short.

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

Mr. Speaker, responding to the gentleman, we are not a day late and a dollar short. We are responding in a timely fashion. We certainly would have liked to have done this a couple of weeks earlier, but we are here on the floor today. We are going to respond to this situation in time.

I think it is important. As we move legislation forward in a situation like this, I think the folks in the gulf coast know that those of us in Congress are concerned about their situation; and that is why we are acting in time for this to be extended. I don't believe that responding 6 months prior to the need is something that is wise policy.

Let's move forward, let's study the situation and when it gets to a point where we have to extend, where we have to act, I think it is prudent that we do that.

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

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

Mr. Speaker, I just want to say that I mentioned 9/11 because I think there is a standard here, a kind of control group. I mentioned that we had had to extend unemployment benefits twice during 9/11. This was a terrorist attack, 3,000 people killed. Thank God, the entire City of New York was not wiped out.

Compare, however, that disaster, as tragic as it was, with wiping out an entire city, the whole city gone, all means of employment gone, now being slowly revived. And I think we will have some appreciation for the American heart.

We knew what to do on 9/11. We will be there for people as long as you need us. And the wonderful thing about unemployment benefits is, they go straight to the person. And, of course, what unemployment benefits do, because the people who get them spend them for necessities in their communities, so what unemployment does at the same time is, of course, to help the community, the economy of the community where the unemployment benefits are being spent.

This is very good money for very desperate people.

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

Mr. KUCINICH. Mr. Speaker, as I listen to the debate here, one of the things that I keep hearing in this House is a question of what the role of government is. One of the gentlemen who spoke earlier would insist that all this is about is throwing money, good money, after bad.

I think there are people in this Congress who actually believe that government does not have a benign role in the lives of the people, except as an engine to redistribute the wealth of the Nation upwards. This legislation proves otherwise. It proves that government does have a responsibility to step up when people have a problem. It also confirms the role of the Congress of the United States.

We see in today's news that the administration was warned on Katrina. It didn't respond quickly enough. Well, the Congress of the United States has an obligation to respond here. That is what we are doing with this legislation today. That is why I support it. We know that so much of the Federal response to the economic security of the Katrina victims has been lacking.

According to the Economic Policy Institute, unemployment is a serious problem for hurricane victims. But the evacuees who are still not back in their homes, and they number 500,000 people, to them unemployment is epidemic, one-quarter of Whites, one-half of African American evacuees are still out of work.

The cause, Mr. Speaker, is not a lack of jobs. At the current time there is a labor shortage in New Orleans. The cause is a lack of housing near the job sites. The Economic Policy Institute found that simply returning home from the Katrina Diaspora makes a dramatic difference in those staggering unemployment figures.

Unemployment rates fall among Whites to 10.7 percent, among Blacks to 11.6 percent if people have a home to go to. But the unfortunately indifferent Bush administration, through the now infamous FEMA, is compounding the unemployment problems of the hurricane victims. The Federal emergency housing effort located the largest temporary housing facility for New Orleans evacuees in Baker, Louisiana, 91 miles away from New Orleans. That is not a commute for anyone, especially low-income workers.

On September 8, the President urged a proclamation to lower the wages of all workers on a Federal contract to rebuild the hurricane-affected region. He suspended Davis-Bacon, a 74-year-old law which requires that companies receiving Federal contracts pay the average wage to employees who are hired to perform those Federal contracts.

He also suspended the requirement of having affirmative action plans. Fortunately, some Members of Congress became involved in that and offered a counterbalance.

That is what we are trying to do here today. We are trying to offer a counterbalance to an administration that was not there when the American people needed some guidance.

But today this bill will show that Congress has a role, and we have to keep remembering it. Congress has a role in meeting the needs of the American people and government has a role in the life of the American people, has a positive, a powerful, a constructive role; and we have to confirm that role over and over again with our work on the floor of the House of Representatives.

Mr. Speaker, I am proud to support this bipartisan initiative to give the people of the Katrina disaster area some additional relief. I think we need to keep focusing on what is the appropriate role of government.

Let's help people in this country with the resources we have.

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

Mr. Speaker, I appreciate the gentleman from Ohio's support on this piece of legislation today. But I want to remind my friends on the other side that Congress does have a role. And we took it very seriously when we set up the Katrina committee. It was the Democratic leader who refused to appoint Members from the minority to the Katrina committee.

But there were courageous Members on your side, I see Mr. JEFFERSON here today, who defied the leadership and who came to the committee hearings for the last 4 or 5 months. We did the hard work. We put forth a document that pointed out some serious problems that we had. It was critical of this administration. But the minority was MIA, missing in action from the Katrina committee.

So Congress does have a role. We took it very seriously.

And once again I just want to applaud Mr. JEFFERSON, Mr. TAYLOR, Mr. MELANCON, Ms. MCKINNEY. I hope I am not forgetting anybody. But as I said, they defied their leadership and came to these important Katrina committee hearings, and they were a big part of, I believe, the hearings and had great input into what we produced.

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

Ms. NORTON. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New Orleans (Mr. JEFFERSON), the city which suffered the worst natural disaster of any big city in American history.

Mr. JEFFERSON. Mr. Speaker, I thank the gentlewoman for yielding me the time to speak on this legislation.

I want to thank the bipartisan group that has developed this legislation. We, of course, had hoped for more from it. We were hoping that we would get to $135 a week, as the Senate had proposed. And we, of course, hoped for other provisions in the bill.

But, nonetheless, this is an important step forward, and an important response to the needs of the people in our area. I regret that there is objection to this legislation today, because I think it can only be objected to because folks just do not understand. I will not say that anyone is so callous as to not care, but I would have to say that you cannot really understand the dimensions of this issue if one objects to what we are doing here today.

In many ways, the district that I represent and the area that I represent and the whole gulf region is frozen in time. Not a whole lot has changed since August 29 in this aftermath, except that in our city the water has been pumped out. But other than that, the city is largely depopulated. Business has still not stood up. Hospitals are not working. The school system is not working. Our city has no tax base. People do not have jobs. Many have no place to come back to, even for temporary housing.

And those few who are there, of those who are there now, some 16,000 of them who are there in temporary housing, other housing conditions that are not ones that any of us would really like to have to put our families into, 16,000 of them do not have jobs now and are seeking this unemployment extension benefit.

□ 1100

Across the Gulf there are 165,000 families who are either there or displaced some other place around our country who do not have jobs, not because they are not seeking them, not because they do not want to work, but because the storm has displaced them and destroyed not only where they live but where they worked as well.

So the things we have talked about on the committee that reviewed the Katrina lawsuit, I do want to give some compliments to those who worked on that issue, who helped to, I think, make some critical decisions about it that I think will in the future portend better outcomes for these disasters as they occur. We hope they do not occur to anybody like they occurred to us; but if they do, I think we are in a far better position to deal with them now.

I do want to say there is a great deal more to be done in our area. And we are hoping that this Congress as a result of the trip that will be taken in just a few hours down there to take some 35 or 40 Members of Congress down to take a look at this, that people can continue to develop an appreciation for the extent of this disaster. Many of us have said it was not just a natural disaster that drowned our city. There are also some man-made issues here about how our levees failed and about how we could have done more to make sure that that did not happen. Frankly, had the levees had not failed, our city would not have drowned and we would not have had the 80 percent of our city under water, and all of the untoward consequences I just talked to you about would not have happened. We would have had a serious storm, a series of brief clean-up, and people would be back in town, and we would not have to be here talking about extending unemployment.

We are extending it today because this is a long-term set of issues here. This is not the ordinary disaster. We will be living with this for a very, very long time. It will take a lot of hard work on the part of all of us to make this close to right down the road.

So I hope this Congress is prepared to stick with the people of the region. I hope we will get a full understanding of exactly how folks are suffering and how this approach is a Band-Aid approach to helping people who are in the most dire circumstances, as I said, not because of anything they have done or have failed to do, not because they are not looking for work every day, but because they are displaced. They are disconnected. Their jobs are destroyed. They have no place to go. And they have no means of support for their families except this Congress and this country come to their aid. And this is a small measure to do that.

I am grateful to the committee for the work that it has done. I look forward to our committee realizing that there may be more work to do in this area. I hope we can make a rebound in this work as quickly as we can. But the biggest thing now is how we can keep families together, how we can give them a little support while they struggle to get back to normalcy, and how at the end of the day we can give them the choice to return to the place where they lived, where they have their cultural connections, and where they have dedicated a part of their lives and their influence and where they, frankly, want to return to.

All of us have someplace we call home around here; and for them, no matter how dangerous we think it is, how difficult it is for them, these people, all of our people, all of us want to have a way to come back and reconnect to our home, at least to make a decision about whether we want to make a reconnection or not.

Thank you for the opportunity to speak to this issue. I hope that whatever objections there are they will be withdrawn because this ought to be an issue on which we are all together, on which there is bipartisan agreement.

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

I just want to say, Mr. Chairman, thank you once again for the kind of bipartisan cooperation that I think truly reflects the spirit in which this bill comes to the floor today.

Our country is so well known for disaster relief, generously and spontaneously given to the rest of the world, that the rest of the world actually came forward and offered relief to the United States after Katrina occurred.

In a real sense the standard we have set for ourselves in the rest of the world sets the standard for what we do in our country. Will we be known when this disaster has cleared for the generosity of the response to Katrina?

Despite the sour note of one Member only at the beginning, I want to say that I have seen anything but that in the workings of our committee. It did make it necessary for us to make the case in a way we thought would have been unnecessary. For example, when you talk about throwing money at a problem, it makes me realize that some people do not even understand what unemployment benefits are about. They do not understand that you can only get unemployment benefits if you have had a job so that we are by definition talking about working people. And because many have not been unemployed, they may not understand what you have to go through to keep getting your benefits, to report to the office, to show evidence of having looked for a job.

In other words, we are talking here about people who worked, who have every desire to work, and who need a meager benefit in order to keep looking for work. That is why this bill is minimally reflective of where most Members would be. I think the bill at its base reflects the bipartisan spirit of this House when it comes to extending benefits that would allow people who want to work to, in fact, do that work.

And, indeed, if we should be so fortunate that these benefits may inspire some to go back home to places few of us would want to go because of all the future comforts that are gone, to go back home with meager benefits, with no housing, with insufficient health care, to go back home to help rebuild their community, that is the America that we all know.

Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentlewoman has 4½ minutes remaining.

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

Ms. WATERS. Mr. Speaker, I appreciate the opportunity to come to the floor today to speak on behalf of people of the gulf region of New Orleans, of Mississippi, of Alabama who have in many ways been dismissed, marginalized, even violated. I rise in strong support of the passage of S. 1777.

Six months after Hurricane Katrina, life for Louisiana and Mississippi residents remains an uphill battle. Houses have not been rebuilt. Many are still without gas, electricity, and other needed utility service; and those who once resided in the New Orleans ninth ward are still unable to return home, and other areas also. Yes, some help has been given; however, much more needs to be done.

There has been a lot of talk in the news about how America is not a country that will cut and run. Yet that is what we are doing to Hurricane Katrina survivors if we do not extend the services they so desperately need. If passed, S. 1777 will extend the much-needed unemployment assistance to the victims of Hurricane Katrina.

The unemployment rate of the hurricane survivors has reached epidemic proportions. This effect is compounded by the fact that the affected areas had some of the country's highest unemployment rates prior to the storm. Six months have already passed, although it seems the desperate images of survivors was just yesterday. As a result, providing unemployment assistance for survivors for up to 39 weeks is not only desperately needed but it is the right thing to do.

S. 1777 will waive the $25,000.00 limitation faced by individuals and household under existing law. As we have seen many individuals and families have to rebuild their entire lives from nothing. A recent media report chronicled the life of one woman whose sole possession after Hurricane Katrina was one dining room chair. The amount of funds these individuals receive needs to be evaluated on a case-by-case basis.

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

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

Mr. Speaker, I am very pleased at the way the press has not closed up shop and gone home after Katrina. Story after story continues to tell us what is happening in the gulf region. We have just seen Mardi Gras stories over and over again. I was pleased to see Mardi Gras celebrated in the region.

The region is doing for itself what it can do. As I think about this bill, I think that there are people who are on unemployment benefits who got a job during Mardi Gras and who came back home who no longer need unemployment benefits.

I want us to also remember that New Orleans, in particular, which is known for its Mardi Gras gaiety, this is the oil producing, the energy producing region of our country. We need it to get back on its feet.

This bill will help the region, the whole region, Louisiana, Mississippi and Alabama, to do just that. We are helping the people, and that is the way to help the region.

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

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

Mr. Speaker, I thank the gentlewoman for her comments about the press talking about some positive stories coming out of Louisiana, but we should not forget there are also positive stories in Mississippi. The gentlewoman has traveled to the Gulf Coast on a couple of occasions, and the people of Mississippi were devastated as well.

The gentleman from Louisiana talked about the hard work. There is a lot of hard work left to do in rebuilding the Gulf Coast, but it is important that we at the Federal level do it in a fiscally responsible way in conjunction with the State and local governments in the Gulf Coast. But we also have hard work ahead of us in fixing the emergency management system, and that is something we are already starting to engage in. And we are going to have, I think, a significant debate on how we move forward.

This legislation today is important. The extension of the disaster unemployment assistance, it is money that, as I said earlier, is going to people that traditionally are not eligible for normal unemployment. These are small business owners, many of them. I think the gentlewoman from the District used the example of the hot dog stand owner, people working hard, small businesses. They do not have any income, and this is going to give them that income they need to get them back on their feet.

I want to also remind my colleagues that there is not an additional appropriation required for this. This has already been appropriated. The funds are in the disaster relief funds and CBO has scored this as no net increase in spending.

So as we move forward, I think it is responsible for us to do this. I urge my colleagues to support this legislation. I also want to thank my colleague from the District for the work she has put into it.

This has been a bipartisan effort. I also want to thank Chairman YOUNG and Ranking Member OBERSTAR. I also do not want to forget members of the committee from the Gulf Coast, Mr. BOUSTANY and Mr. BAKER, for their leadership, and Mr. PICKERING for his leadership.

I want finally to thank the majority leader for working with us to get this legislation on the floor today.

Mr. JEFFERSON. Mr. Speaker, before Katrina slammed into my city, we had 2,100 hospital beds. Now we have 400 beds between Touro and Children's. When Katrina struck, about 22 percent of Louisiana residents and 23 percent of New Orleans residents were living in poverty, $16,090 for a family of three. Over 900,000 people or 21 percent of all residents in Louisiana had no health insurance before Katrina and after the storm 1.2 million were uninsured. Tied to these poverty and uninsurance rates, Louisiana also had some of the poorest health statistics in the country with high rates of infant mortality, chronic diseases such as heart disease and diabetes, and AIDS cases, and lower than average childhood immunization rates.

To this end Mr. Speaker, I am proud to join Congresswoman CHRISTENSEN and a number of my congressional colleagues in introducing the first in a series of healthcare bills that I will be introducing in the coming weeks. The Katrina Health Access, Recovery, and Empowerment Act of 2006 or KHARE Act of 2006 has 4 main provision areas, each which addresses a key component in rebuilding the health care infrastructure in the Gulf Region, and meeting the unique health and health care needs of those displaced by the hurricanes. They include the following:

Title I: Rebuilding the Health Care Infrastructure. This title will meet the immediate

and longer-term needs of the health care providers in the hurricane-affected regions by directing the Department of Health and Human Services in consultation to provide forgivable low-interest loans to eligible small business concerns for the restoration of health care and other services connected to health care.

This title will extend tax-credits for medical malpractice insurance to health professionals whose primary place of employment is located in the Hurricane Katrina-affected area and offer grants to eligible non-profit hospitals and clinics to assist hospitals and clinics in defraying qualified medical malpractice insurance expenditures.

In addition, this title will allow healthcare professionals whose healthcare practice is located in the Hurricane Katrina-affected area and is in a high risk specialty, will be allowed to deduct from gross income an amount equal to 125 percent of the aggregate premiums paid for medical liability insurance.

Title II: Rebuilding Pipelines of Providers in Medically-Needy and Underserved Areas and Communities. This title offers support to health care facilities in the hurricane-affected areas in order to expand access to needed health and health care services for hurricane affected individuals in medically needy and underserved areas and communities. The title establishes a Healthcare Safety Net Infrastructure Trust Fund. The Trust Fund will provide Federal guarantee of loan repayment, including guarantees of repayment of refinancing loans, to non-Federal lenders making loans to eligible healthcare facilities for healthcare facility replacement (either by construction or acquisition), modernization and renovation projects, and capital equipment acquisition.

Title III: Providing Relief to Academic Institutions. This provision provides support to academic institutions, with health and health care related programs, in hurricane-affected areas in order to ensure that they have the capacity to retain health and health care-related staff and personnel, and continue to offer programs that are important to bolstering the health and health care workforce in hurricane-affected areas.

Title IV: Restoring Key Components of the Health Care Infrastructure in Medically-Needy and Medically-Underserved Areas. This title provides grants and technical assistance support to low-income communities with noted health disparities in order to implement programs to improve health and healthcare. It also provides disparity grants to organizations and others in hurricane-affected areas to implement programs to healthcare programs. Finally, this provision expands access to care for low-income hurricane-affected residents by offering disaster relief Medicaid.

Mr. Speaker, this bill codifies legislatively the framework needed to implement sound public health and healthcare practices and this bill is a start to a new direction for healthcare in the Gulf Coast region and I urge my colleagues to support this bill, so that we do what is so clearly needed to improve the health and health care for millions of Americans.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 1777, as amended. The bill provides much needed aid for individuals left unemployed after Hurricanes Katrina and Rita by extending the period of disaster unemployment assistance from 26 weeks to 39 weeks from the date of the disaster declarations. Without this extension, disaster unemployment assistance for those left unemployed by Hurricane Katrina would expire this Saturday, March 4, and unemployment assistance for those left unemployed by Hurricane Rita would expire by the end of this month. There is no doubt that the people of the Gulf Coast need this assistance, and I strongly support this bill, and thank the Democratic Leader, Ms. PELOSI, for joining me in urging its consideration in the House today.

Let's be clear about what this bill does. It extends unemployment benefits for those 165,000 workers left unemployed as a result of Hurricane Katrina and Hurricane Rita for an additional 13 weeks. People in the Gulf Region are still struggling to reclaim their lives. It is the right thing to do to extend these benefits—just as we did after September 11—so that people can put food on their table. It is simply shocking to me that some Members on the other side of the aisle have stood up to oppose this bill. Where is the compassion for those who have suffered most dearly over the past several months?

Mr. Speaker, I support this bill. Nevertheless, I believe that Congress can do more, and should. Last December, the Committee on Transportation and Infrastructure reported H.R. 4438, the Gulf Coast Recovery Act, a bill that would have extended the period of eligibility of disaster unemployment assistance for those left unemployed by Hurricanes Katrina and Rita to 52 weeks from the date of the disasters. Further, the bill provided a much-needed increase to the minimum amount of assistance available to an individual. Right now, assistance provided to individuals in the Gulf Coast is among the lowest in the Nation. H.R. 4438 would have provided an increase in the amount of assistance to 50 percent of the national average ($135 per week). Currently, the minimum is set at one-half the state average (approximately $100 per week in Louisiana).

Mr. Speaker, H.R. 4438 also addresses other pressing needs of the Gulf Region. It allows the President to provide assistance to financially distressed state and local governments to cover base pay and overtime expenses for essential response and recovery personnel for six months—from January 2006 through June 2006. At Committee hearings, and on a tour of the region, I have heard from Gulf Coast representatives, including Mayor Ray Nagin of New Orleans, that without help from the Federal government they would have to continue to layoff workers that are essential to the recovery, thereby adding to the scores of unemployed in the region and substantially hindering the recovery.

In addition, to help communities with limited resources, the bill amends the Community Disaster Loan Act of 2005 to allow local governments to receive loans up to 50 percent (an increase from the current 25 percent limit) of the local government's budget.

Further, there is considerable confusion among local governments regarding the cost of debris removal. H.R. 4438 provides clarity on this issue by establishing a 100 percent Federal cost share of debris removal for disaster declarations resulting from Hurricane Katrina or Rita.

The bill also provides an increase in the Federal cost share of the Hazard Mitigation Grant program (HMGP) to at least 75 percent for one year. Many of the Gulf Coast communities simply do not have the ability to meet the Federal cost share and that will severely limit their ability to utilize cost-effective mitigation measures during the recovery. Mitigation saves lives, reduces property damage, and saves limited government funds. Congress should ensure that we have strong mitigation programs that will help encourage communities to rebuild safer and smarter.

H.R. 4438 also makes a permanent change to the Stafford Act and restores the percentage used to calculate the availability of HMGP funds following a disaster from 7.5 percent to 15 percent. This House has previously approved this change in H.R. 3181, the Predisaster Mitigation Program Reauthorization Act of 2003, in the 108th Congress. This change will help improve the use of HMGP for any future disasters in every part of the country.

Finally, the bill establishes a national program by which FEMA can provide grants to state and local governments to purchase or improve emergency interoperable communications equipment (including satellite phone and satellite communications equipment); mobile equipment to generate emergency power; and to train first responders and emergency personnel on how to best use such equipment. The bill authorizes $200 million for each of fiscal years 2006, 2007, and 2008 for this program.

It is a sad fact that this Nation still does not have sufficient interoperable and emergency communications equipment that can be relied on in the event of a disaster. Since the Transportation Committee reported H.R. 4438 in December, many of the recent government investigations into what went wrong with the Federal Government's response to Hurricane Katrina have concluded that having operational, emergency communications equipment is essential to respond to any disaster. The program authorized in H.R. 4438 will go a long way to ensuring that emergency responders have this vital equipment by providing states and localities much needed resources to purchase and improve their equipment and also train emergency personnel on how to use the equipment.

H.R. 4438 is an important component to rebuilding the Gulf region. It should be scheduled for an up or down vote on the House Floor. The people of the Gulf Coast deserve at least that much.

Given that the Republican Leadership has been unwilling to schedule H.R. 4438 since the Committee reported the bill in December of last year, we are faced with passing a simple extension of the unemployment benefits for Hurricane Katrina and Rita survivors or facing the prospect of 165,000 survivors losing their benefits.

Although Congress can and should do more, I urge my colleagues to support this legislation to extend the hurricane survivors' unemployment benefits, and I commit that I will continue to work to ensure that the people of the Gulf Coast are not forgotten.

Mr. CARDIN. Mr. Speaker, I rise in support of S. 1777, the Katrina Emergency Assistance Act. This bill would extend jobless unemployment benefits for 165,000 survivors of Hurricanes Katrina and Rita for 13 weeks.

In August, 2005, Hurricane Katrina laid waste to our Gulf Coast region, including the City of New Orleans, and devastated other villages and towns in Louisiana, Mississippi and Alabama. The extent of the devastation was unprecedented in our Nation's history. I have

repeatedly expressed my outrage at the failure of our Federal Government to adequately respond to this disaster.

Without this legislation, victims of the Hurricane Katrina disaster will lose their unemployment assistance this Saturday. Under current law, Federal emergency unemployment assistance expires 26 weeks after the emergency occurs. Congress must act now to ensure that these victims continue to receive our support as they attempt to rebuild their lives and their communities.

While I support the legislation before us, this is only a first step for Congress. Many of the Katrina survivors have also lost their homes and belongings. They are continuing to look for employment in the region.

Congress needs to take a bold step and enact a comprehensive approach to help the people and the region recover from this natural disaster. I have co-sponsored H.R. 4197, the Hurricane Katrina Recovery, Reclamation, Restoration, Reconstruction and Reunion Act of 2005, introduced by the Congressional Black Caucus. I urge the House leadership to bring up this legislation immediately. This legislation would take important steps toward fully restoring the Gulf Coast and reuniting evacuees with their families. The bill addresses the needs of evacuees in the areas of health, education, housing, community rebuilding, voting rights, business, and financial services.

I urge my colleagues to support this legislation, and again urge the House leadership to immediately allow the House to vote on H.R. 4197, the comprehensive Hurricane Katrina recovery legislation.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Wednesday, March 1, 2006, the previous question is ordered on the Senate bill, as amended.

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

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 109–382) on the resolution (H. Res. 643) directing the Attorney General to submit to the House of Representatives all documents in the possession of the Attorney General relating to warrantless electronic surveillance of telephone conversations and electronic communications of persons in the United States conducted by the National Security Agency, which was referred to the House Calendar and ordered to be printed.

□ 1115

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 109–383) on the resolution (H. Res. 644) requesting the President and directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the authorization of electronic surveillance of citizens of the United States without court approved warrants, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 4167, NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 702 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 702

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

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

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

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

Mr. GINGREY. Mr. Speaker, House Resolution 702 is a general debate rule that provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. It waives all points of order against consideration of the bill, and it provides that after general debate, the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except by a subsequent order of the House.

Mr. Speaker, I rise in support of House Resolution 702 and the underlying bill, H.R. 4167, the National Food for Uniformity Act of 2005.

H.R. 4166 was introduced by the gentleman from Michigan (Mr. ROGERS) and reported out of the House Energy and Commerce Committee on 15 December 2005 by a vote of 30–18. This is a good bill, and I would like to thank Chairman BARTON and Representative ROGERS for their work in bringing this bill to the floor.

Mr. Speaker, currently food regulation is composed of a variety of different and sometimes inconsistent State requirements. These different State standards hamper the free flow of interstate commerce. They also result in increased costs to manufacturers and distributors that are then, of course, passed on to consumers. The greatest burden falls on our citizens and resident immigrants who are at the lowest end of the economic scale, who are struggling to pay for even basic staples.

So, Mr. Speaker, these differing standards and their effects are very similar to problems plaguing the health insurance industry, which also drive up the cost to consumers and lock the door to many low-income individuals and families who simply cannot afford basic health care coverage because of all the required, expensive and often unnecessary extra screenings, tests and procedures mandated by 50 different State legislatures.

From State to State, we have a patchwork quilt of health and insurance regulations and mandates that would create bureaucracy upon bureaucracy, driving up the costs and driving away coverage for those who need it most. These regulatory inconsistencies in both the insurance health care industry and in the food industry impose unnecessary costs and jeopardize the well-being of American consumers nationwide.

However, Mr. Speaker, the National Uniformity for Food Act would establish national standards to ensure consistency in food labeling regulation. The bill will amend the Federal Food, Drug and Cosmetic Act to establish a nationwide system of food safety standards and warning requirements for food labels instead of just a hodgepodge of different and, yes, even contradictory warnings among the various and sundry States.

Mr. Speaker, establishing nationwide, uniform standards is by no means unprecedented. We already have national standards in the areas of meat and poultry products regulated by the United States Department of Agriculture. We have national standards for nutrition labeling, health claims, standards of identity, pesticide residue tolerance, medical devices and drugs regulated by the United States Food and Drug Administration.

Mr. Speaker, for those who fear an important warning might fall through the cracks, I want to emphasize that this bill does allow States whose requirements differ from the Federal requirements the opportunity to petition the FDA to adopt the requirement as a national requirement or to exempt it from the requirement of uniformity for

their particular locality. If it is worthwhile to the State of California, as an example, I trust that the FDA would hold that it is worthwhile for the 49 other States, including my State of Georgia. This petition process will allow States to have notification requirements that address food safety issues unique to their States, bottom line.

H.R. 4167 also, Mr. Speaker, includes a provision that allows the State to exercise imminent hazard authority to prevent the sale of dangerous food by applying a State requirement that would otherwise be preempted. They can do it in that emergency situation.

With the passage of this rule, the House of Representatives will move forward today with general debate to discuss the overall merits of the bill, and we will resume consideration next week on a multitude of proposed amendments. This additional time will help to ensure an open and fair process so that we ultimately arrive at consensus legislation based on sound policy.

So I urge my colleagues to support both the rule and, ultimately, the underlying legislation.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman very much for yielding time to me. It is extraordinary that she let me go ahead of her, and I appreciate it very much because of her accommodation of my schedule.

This bill is the most sweeping change in decades to our Nation's efforts to protect the food supply. H.R. 4167 is a disaster waiting to happen. This legislation could overturn 200 State laws, laws that the American people rely on every day to ensure the safety of the food they eat and to ensure that they know what they are buying: laws that ensure that the shellfish they buy is not tainted; laws that let a pregnant woman know what foods can increase the risk of birth defects; laws that could inform consumers whether fish have high levels of cancer-causing PCBs; and laws that ensure the safety of our milk.

The opposition to this bill is strong, and it is growing stronger. Last night, 37 State attorneys general, Republicans and Democrats alike, announced their opposition to the bill.

They join the opposition of dozens of public health, environmental and consumer groups. Florida, Georgia, New York, Wisconsin, and Illinois have all written to Congress opposing the legislation. The National Association of State Departments of Agriculture and the National Association of Food Drug Officials strongly oppose this bill as well.

I hope that next week we will be able to offer some amendments to the bill. Since there has never been a day of hearings on the legislation in committee, I think there ought to be an open rule.

One amendment that I would like to support is the Capps-Eshoo-Stupak-Waxman amendment, and I think it must be adopted by this House. It would allow States to take the necessary steps so that consumers will be told of food that contains cancer-causing substances, developmental toxins, sulfites and reproductive toxins. It will also let States take action to protect the health of their children.

Secondly, this bill will undermine our Nation's defenses against bioterrorism, according to State and local officials, and we are proposing that this bill not handcuff the first responders who deal with food safety issues every day.

The amendment we will be offering will help preserve the authorities of the governors and State legislatures to establish and maintain a food safety system that can be responsive to the threats that we face.

I am stunned by so many of my Republican colleagues, even the gentleman that spoke on the Republican side of the aisle from the State of Georgia, suggesting that States should not have the right to go ahead and adopt food safety and labeling laws unless the FDA, a bureaucracy in the Federal Government, allows them to do so. The States have always had this constitutional authority. The States should have this right.

I have been told so many times over the decades that Washington does not and should not have one-size-fits-all for everybody. Let us let States exercise their rights to protect their own people and not preempt them.

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

In response to the gentleman from California, first of all, Mr. Speaker, I have got a document here of 119 groups supporting H.R. 4167, the National Uniformity for Food Act of 2005, which I will submit for the RECORD at this point.

GROUPS SUPPORTING H.R. 4167—THE NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

Ahold; Albertson's; Altria Group, Inc.; American Bakers Association; American Beverage Association; American Feed Industry Association; American Frozen Food Institute; American Plastics Council; American Meat Institute; American Spice Trade Association; Animal Health Institute; Apple Products Research and Education Council Association for Dressings and Sauces; Biscuit and Cracker Manufacturers Association; Bush Brothers & Company; Business Roundtable.

Cadbury Schweppes plc; California Farm Bureau Federation; California Grocers Association; California League of Food Processors; California Manufacturers & Technology Association; Calorie Control Council; Campbell Soup Company; Cargill, Incorporated; Chocolate Manufacturers Association; The Coca-Cola Company; Coca-Cola Enterprises Inc.; ConAgra Foods, Inc.; Council for Citizens Against Government Waste; Dean Foods Company; Del Monte Foods.

Diamond Foods, Inc. Flavor & Extract Manufacturers Association; Flowers Foods, Inc.; Food Marketing Institute; Food Products Association; Frito-Lay; Frozen Potato Products Institute; General Mills, Inc.; Gerber Products Company; Glass Packaging Institute; Godiva Chocolatier Inc.; Grain Foods Foundation; Grocery Manufacturers Association; H.J. Heinz Company; The Hershey Company.

Hoffmann-La Roche Inc.; Hormel Foods Corporation; Independent Bakers Association; Institute of Shortening and Edible Oils; International Association of Color Manufacturers; International Bottled Water Association; International Dairy Foods Association; International Food Additives Council; International Foodservice Distributors Association; International Formula Council; International Ice Cream Association; International Jelly and Preserves Association; The J.M. Smucker Company; Jewel-Osco; Kellogg Company.

Kraft Foods Inc.; Land O' Lakes, Inc.; Maine Potato Board; Masterfoods USA; McCormick & Company, Inc.; McKee Foods Corporation; Milk Industry Foundation; The Minute Maid Company; National Association of Convenience Stores; National Association of Manufacturers; National Association of Margarine Manufacturers; National Association of Wheat Growers; National Association of Wholesaler-Distributors; National Cattlemen's Beef Association; National Cheese Institute.

National Chicken Council; National Coffee Association of USA; National Confectioners Association; National Fisheries Institute; National Frozen Pizza Institute; National Grape Cooperative Association; National Grocers Association; National Institute of Oilseed Products; National Milk Producers Federation; National Pasta Association; National Pecan Shellers Association; National Pork Producers Council; National Potato Council; National Restaurant Association; National Turkey Federation.

Nestle USA; North American Millers' Association; Osco Drug; O–I; Peanut and Tree Nut Processors Association; Pepperidge Farm Incorporated; PepsiCo, Inc.; Pickle Packers' International; The Procter & Gamble Company; Quaker Oats; Rich Products Corporation; Rich SeaPak Corporation; Safeway; Sara Lee Corporation; Say-on Drugs.

The Schwan Food Company; Snack Food Association; Society of Glass and Ceramics Decorators Supervalu Inc.; Target Corporation; Tortilla Industry Association; Tropicana; Unilever; United Fresh Fruit and Vegetable Association; U.S. Chamber of Commerce; Vinegar Institute; Welch Foods, Inc.; Winn-Dixie; Wm. Wrigley Jr. Company; Yoplait.

To my friend from California, I want to point out that among these 119 just happens to be the California Farm Bureau Federation, that is in support; the California Grocers Association, which is in support; the California League of Food Processors, which is in support; the California Manufacturers and Technology Association, which is in support. I do not guess this is a California company, but interesting to note that also the H.J. Heinz Company is in support.

I think that reminds me of the past Presidential election and maybe one of the candidates from the other side of the aisle.

In regard to the preempting States, I want to remind my friends and all of our colleagues that we are dealing here with interstate commerce, and we are

not talking really about preemption, even with that, of State law, because these 200 State laws that the gentleman from California (Mr. WAXMAN) was talking about in the various and sundry States, this is part of the problem. But all of those laws, each and every one of those laws, could be incorporated, Mr. Speaker, and possibly will be, into the FDA guidelines.

I wanted to make sure that they understand that.

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

Ms. MATSUI. Mr. Speaker, I yield myself as much time as I may consume.

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

□ 1130

Ms. MATSUI. Mr. Speaker, warnings of mercury levels in fish, the safety of our children's milk, birth defect warnings, reducing lead in calcium supplements, cans, and wine bottle caps, if we pass H. Res. 702, the rule governing the National Food Uniformity Act, and ultimately the underlying legislation, these are but a few of the food safety laws that would be preempted.

We would be placing at even greater risk the health of millions of Americans, our children, and pregnant women. Parents would have less information about the harm their children would come to because of a simple meal. This is the exact opposite of what we should be doing. Information about the health implications of what we are assuming is abundant, and we should be an ally in helping parents to protect their children.

With this legislation, Federal food safety regulations would supplant State food safety laws. Even though our food safety system has been created to rely upon the States, the FDA will make recommendations on its Web site. But the States need to take this information and determine the best way to inform and protect their residents. There is a reason for this: 80 percent of the enforcement is at the State and local levels.

Let me take one example: mercury levels. Because of the implications of mercury in my home State of California, we have a program to place instore notices about mercury levels. This concern about mercury has been raised by the Centers for Disease Control, the American Medical Association, and the American Academy of Pediatrics. I remember when my daughter-in-law Amy was pregnant with my granddaughter Anna. Her doctor repeatedly warned her about the harm mercury could cause her fetus. Fortunately, she was able to afford prenatal care and had the warnings, so Anna was born a perfectly normal child, free from any adverse effects of any mercury.

But what about those who do not have adequate prenatal care or have warnings? How do they learn about these? Most of us will never think to go to the FDA Web site before putting our shopping list together. We find out about FDA warnings because our State laws require them to be posted next to the supermarket fish counter. We see the sign as we shop.

As many of you are probably aware, certain fish contain high levels that can harm pregnant women and young children. High levels of mercury can damage the brain or kidneys. And this is in adults. Imagine what this can do to a developing fetus: blindness, seizures, speech problems, as well as nervous and digestive problems. But under this legislation, this program would be gone, as would the protections for our children. All that would remain is a posting on the FDA's Web site. Under President Bush's budget, the FDA's food safety funding would be cut by $445 million over 5 years. Where does this leave parents and the health of our children?

When it comes to our children's health, we should be setting the highest bar possible rather than the lowest common denominator. Why would we not warn parents of this potential for harm? I urge my colleagues to oppose this rule and the underlying legislation.

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

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

I appreciate what the gentlewoman from California (Ms. MATSUI) just mentioned. And certainly as a physician, and we have health care providers on both sides of the aisle, we may be hearing from a physician Member, a friend and colleague on their side of the aisle in just a few minutes in regard to similar issues, so I do, I do understand, Mr. Speaker, that there are concerns about consumption of fish; the concern for Ms. MATSUI's daughter and her granddaughter. And I am in the same category. She certainly looks a lot younger than I do and a lot prettier, Mr. Speaker, but I have grandchildren as well.

Those are legitimate concerns. However, I will point out that fish is an excellent source of nutrition for mothers, expectant mothers, pregnant mothers, and young children. It is a wonderful source of protein and polyunsaturated fats. Those of us who have had little heart problems in the past understand that it is much more healthy to consume fish than red meat, not that an occasional steak should be denied anybody, Mr. Speaker.

But it is true, as the gentlewoman says, that the mercury content is a concern, and I have done some reading on this issue. I talked just last night, Mr. Speaker, I had an opportunity to discuss this issue with the pediatrician who took care of my children, my adult children, and who now, this same pediatrician, Dr. Larry Clements in Marietta, Georgia, of Kenmar Pediatrics, is taking care of my grandchildren, and I asked about this issue. And certainly there is a concern about mercury levels in certain fish, but also in my reading and in talking with Dr. Clements found out what the American Academy of Pediatrics says about it, found out what the EPA says about it, and found out what the FDA says about it.

The FDA has guidance and guidelines right now that says to these women that four-tenths of a microgram per kilogram per day is a safe consumption level. And so this idea of the FDA being oblivious to the concerns about mercury, organic mercury, that the fish consume and then it gets into the blood stream of the mother; that it actually crosses the blood brain barrier, the placental fetal barrier and gets into the blood stream of a child and can adversely affect their neurological system, the FDA is certainly not oblivious to that.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) has an amendment that we will discuss thoroughly, thoroughly, and give careful consideration to her amendment and other similar amendments that Mrs. Matsui is talking about when we do this next week. And that is one of the reasons we wanted to divide up the general debate and the debate on those important amendments because of what the gentlewoman just said.

So it is very possible that the California guidelines in regard to this concern or the Florida guidelines about mercury levels will very likely be incorporated into the national standards. Because, for goodness sake, what is good and safe for her grandchildren, I know my good friend would want the same safety standards for my grandchildren in Georgia, for example. So I think she makes a good point, and I don't object to that at all; but I feel like this national standard will take care of that.

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

Ms. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, what this bill does, I say to the gentlewoman from California, is to create circumstances where it undermines all these food safety laws all over the States. Under the guise of promoting uniformity in food safety and labeling laws, this bill requires all State food safety laws to be identical to the requirements of the Federal Food and Drug Administration. And since the States regulate many food safety issues not covered by the FDA, many food safety laws will be voided and replaced actually with no law at all.

The uniformity to be achieved by this bill is, in many instances, the uniform absence of food safety regulation, which is desired by the food industry. So this bill is uniformly bad.

For example, the bill would preempt Alaska's newly passed law to label genetically engineered fish. The Alaskan

State legislature passed this law to ensure the State's principal industries are protected. The State of Alaska has an interest to ensure that its products and reputation are not harmed. Today, we are telling the people of Alaska that the natural Alaska king salmon cannot be distinguished from the genetically engineered version bound to enter the market one day.

Another great example of the State laws this bill is designed to undermine is California's Prop. 65. Prop. 65 provides for the labeling of products that contain compounds that cause cancer or reproductive problems. California voters approved it by a 2–1 margin in the 1980s. Since enacted, it has sped the elimination of toxic compounds from the products we use or eat every day. It led one company to remove a carcinogenic chemical from a waterproofing spray. It led to the removal of lead foil from wine bottles. It led to the removal of lead solder in cans used for food. It took lead out of calcium supplements, brass kitchen faucets, and hair dyes.

In fact, when many companies reformulated their product to avoid having it labeled as a carcinogen, they did it without telling anyone because they didn't want to draw attention to the fact that their product included dangerous chemicals in the first place.

So there are countless other examples of Prop. 65 protecting public health and the environment that we don't even know about. It is exactly this triumph of public heath over large food corporations that has driven the food industry to push for the so-called National Food Uniformity Act. But it is bad policy. In fact, even President Reagan rejected attempts to undermine it.

This so-called uniformity bill will cost the taxpayers dearly. The Congressional Budget Office estimates that the Federal Government will have to pay $100 million to consider States' appeals; and at the local and State level, food and safety officials would be obstructed. They perform some 80 percent of the work to ensure the safety of our food.

In 2001, States acted in 45,000 separate instances to keep unsafe food from entering our food supply. This bill simply says that the United States Congress believes uniformity is more important than food safety or the consumers' right to know.

This bill ought to be defeated. We need to listen to what the people in the States are saying about their desire to have food that is safe to eat, and this bill absolutely vitiates any effort that States make to protect their own people.

This is a bad bill. Large corporations are pushing for it, just like years ago they pushed to try to stop this Congress from investigating cigarettes that caused cancer. We need to defeat this bill. It is a rotten idea.

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

I want to point out to the gentleman who just spoke that of course one of the major provisions of H.R. 4167 is that it does allow a State to petition for an exemption or to establish a national standard. I think even better, as I said earlier in my response to Ms. MATSUI, is to establish a national standard regarding any requirement under FFDCA or the Fair Packaging and Labeling Act related to food regulation.

It allows the Secretary of Health and Human Services to provide such an exemption if the requirement protects an important public interest that would otherwise be unprotected. I think that is a hugely important provision of H.R. 4167.

Again, we are dealing with interstate commerce, and I have a very strong feeling and affinity for States' rights. We all do in Georgia. But, Mr. Speaker, in my opening comments about this bill, I made an analogy of health insurance mandates, that the 50 States are not the same. It would be far easier if they were the same, but 50 States have different mandates that State legislatures pass to put in a so-called basic health insurance policy that you cannot sell in the State without including provisions.

I remember very clearly when I was a State senator, before becoming a Member of this august body, that, unfortunately, one of our colleagues' mother-in-law was dying of ovarian cancer. She and he made the strong case for a screening test, a blood test to purportedly determine who is going to get or likely to get or in the earliest stages of ovarian cancer should be made part of every health insurance policy. In other words, every woman in the State of Georgia on a yearly basis could be provided with this blood test called CA–125. But, Mr. Speaker, gynecologic oncologists, medical cancer specialists, would tell you almost to a person that this is a very poor test for screening for that particular disease.

□ 1145

Yet in the State of Georgia, that is mandated. And that drives up the cost of health insurance, and it also drives up the number of people in Georgia who cannot afford a basic policy of health care. That is really what we are talking about here. We are not talking about taking away the States' rights. And after all, the FDA scientific body, they study these issues very carefully. All of these State mandates will be looked at extremely carefully, and those that need to be in the national guidelines will be there. Those that are not, the States can petition to have them included.

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

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

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

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to the previous question and also will oppose the bill.

Mr. Speaker, I submit for the RECORD a letter from the Colorado Department of Agriculture. And if I could respond to my good friend from Georgia, in the letter from the Department of Agriculture, they make the point that although the States can seek waivers, in our State we believe, the Department of Agriculture believes that a State required to seek a waiver from the Federal Food and Drug Administration would incur significant legal and expert witness expenses which could be better used in conducting food and animal feed safety inspections.

Mr. Speaker, this is a bad bill. It should be rejected. It would make it much harder for Colorado and other States to protect public health and respond to acts of bioterrorism.

The bill would preempt virtually every State and local law that does not mirror Federal law, and it would require Colorado and other States to navigate a bureaucratic and costly morass if they want to act to protect the public.

In Colorado specifically, the bill would erase laws dealing with the safety of restaurants, packaged food, wholesale foods and milk. Further, it would prohibit Colorado and other States from passing laws or regulations dealing with animal feeds, feed additives, and drugs used on animals.

Additionally, States could not respond quickly to extreme public health risks like avian flu, mad cow disease or chronic wasting disease without first seeking the guidance of the Federal Government. It is shocking, I think truly shocking, that in the wake of Hurricane Katrina we would further hamstring our State and local officials when they need to respond quickly.

Mr. Speaker, I would urge opposition to the rule and the underlying bill that would undermine Colorado's ability to protect consumers and the public health.

COLORADO DEPARTMENT OF AGRICULTURE,
Lakewood, CO, January 30, 2006.

Hon. MARK UDALL,
House of Representatives, Cannon House Office Bldg., Washington, DC.

DEAR CONGRESSMAN MARK UDALL: On behalf of the Colorado Department of Agriculture, I am writing to express our concerns regarding H.R. 4167, ''The National Uniformity for Foods Act of 2005,'' which will appear before the House for action in the next few weeks.

This bill would preempt state feed safety agriculture defense programs from performing certain functions that protect citizens. Under this bill, a state would no longer be able to formulate laws and rules concerning the labeling of foods, animal feeds, feed additives and new animal drugs. Preempting state regulatory agencies from having autonomy to address food and animal feed safety concerns compromises public and animal health. Each state must have the latitude to act quickly to enact laws and rules that address local or statewide health concerns.

In addition, the waiver process required by H.R. 4167 would impose substantial financial burden on the state and federal governments. A state required to seek a waiver from the

Federal Food and Drug Administration would incur significant legal and expert witness expenses, which could be better used in conducting food and animal feed safety inspections.

Consumers benefit from strong food safety laws at the federal and state levels. Elimination of the authority of each state to set policy and take appropriate action would reduce consumer protection. Therefore, I urge you to oppose H.R. 4167.

Your consideration of our concerns is appreciated.

Sincerely,

DON AMENT,
Commissioner, Colorado Department of Agriculture.

Mr. GINGREY. Mr. Speaker, I yield myself 45 seconds.

I just want to say to the gentleman from Colorado (Mr. UDALL), that in addition to the provision that I just quoted, there is this other provision that would address his concerns, and obviously it is a legitimate concern. It is very clear in the language of the bill, Mr. Speaker. It says this: it allows a State to establish a requirement that would otherwise violate an FFDCA act, or FDA provisions relating to national uniform nutritional labeling of this act if the requirement is needed to address an eminent hazard to health, like Mr. UDALL mentioned, that is likely to result in serious adverse health consequences and if other requirements are met.

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

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I did not have a chance to look at the calendar to find out what organization from K Street is having a big convention. But that is the only explanation for why this bill is here. This bill has not had a single hearing, not a single hearing on food safety in this country. All the relevant State agencies oppose the bill, the State Departments of Agriculture across the country, the Association of State Food and Drug Officials, the National Conference of State Legislatures.

Why are we moving a bill through here without a single hearing to give the people of California and Washington a chance to say we want to have higher standards than you guys who run FEMA, who run FEMA? Remember, this is FEMA.

One of the things that we did in Washington State when we had an earthquake was that the Washington State Department of Agriculture embargoed the movement of fish products contaminated by ammonia. That would be outside their ability, unless they went and got a waiver.

Now, why should the people of the State of Washington have to go and get a waiver from the Federal Government to provide protection for the people in an emergency? You make it more bureaucratic.

I really find it very hard that anybody in the health care industry could come out here and want to take away from the Washington State Department of Agriculture the ability to stop the movement of contaminated eggs, which were implicated in salmonella. That happened in Washington. Why would you want to stop the movement of contaminated foods and improperly labeled products? Why would you want to take that away from the States?

Oh, because we are going to make it easier for the manufacturers to slide through whatever they want to slide through. Done. However they want it done. No one trusts the States suddenly. All these States righters come out here, and those legislators who sit and listen and have hearings are ignored.

This is a travesty of the political process that you would bring out a health safety bill. Listen, we had an epidemic of problems with food from a company that was making hamburgers. We had a bunch of kids die in Seattle because they were getting undercooked hamburgers. Now, this Congress never did anything about it. But they did in the State of Washington. And if you cannot get this Congress to act on the safety of hamburgers in the country of McDonalds, you have got a serious problem. Somebody has got their foot on something someplace. And the people in the State of Washington ought to have the right to defend themselves against bad food products.

Now, I listen to Mr. GINGREY, and I understand the debating technique. If you are going to lose the argument, change the subject.

Why don't we talk about health care out here today? Let us talk about access to health care and the insurance industry and all the wonderful things they have done for us instead of talking about food safety. Talk about food safety. Why shouldn't the State of Washington, that deals with seafood products, what the heck does anybody in here know from Kansas or Nebraska or anything else, about what is going on in the coasts of Washington, Oregon and California? And even if you did know something about it, you do not allow a hearing process.

That is an insult to the American people, and it has got to be about some kind of fundraiser or something related to that. I do not know what it is. Maybe the press will follow it up and see why we have a bill rifled through here. One hour or 30 minutes before we are going to get out and go down to Katrina and look at the Katrina catastrophe, we rifle this bill through here. There is something bad about this bill. It stinks. It is a bad bill. We ought to vote against the rule and vote against the bill.

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

I just want to respond to the gentleman from Washington. I think he asked about how many of the supporters, 119 that we have submitted for the record, were K Street folks. Well, I do not know. I will ask him. The State of Washington is an apple-producing State. I will just mention one. Apple Products Research and Education Council, Association for Dressings and Sauces, Frozen Potato Products Institute. I guess that is mainly Idaho. We mentioned earlier the H.J. Heinz company. Maybe we will ask the gentleman on the other side of the Capitol how they came to the conclusion to support this bill. The National Cattlemen's Beef Association, the National Fisheries Institute, Nestle USA, Quaker Oats, Sarah Lee Corporation, United Fresh Fruit and Vegetable Association. That has got to be very important in the State of Washington.

So I say to the gentleman, I do not know about K Street. I do not know that I have ever been there. But I know that these are hardworking people, businesses, small business in many instances, that produce these consumer food products that are engaged in interstate commerce, and if we do not have national standards, the price of their products goes up tremendously. And who does it put the greatest burden on? Those at the least economic level of our society, our poorest citizens and our immigrant population. So this is a good bill.

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

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of defeating the previous question so that we may offer a proposal to ensure that America's ports remain safe.

As we all know, a company owned by the government of the United Arab Emirates is attempting to purchase another company that runs several port terminals throughout the United States.

Even though the law requires an extra 45 days to investigate a contract like this if there is even a chance that it could threaten national security, the Bush administration chose to approve the deal without the extra investigation.

The administration approved the deal, even though we now know that a classified Coast Guard report said the deal might be a security risk.

The President and the UAE company have now voluntarily agreed to an extra 45-day investigation. But that is no longer good enough. We simply cannot trust this administration to get it right.

If we defeat the previous question, we will offer a bipartisan bill that I have introduced along with chairman of the Homeland Security Committee, Peter King, giving Congress the authority to prohibit the deal if the President decides to let us go forward when the investigation is over.

Mr. Speaker, an extra provision has been added to Chairman KING's bill to ensure that congressional leadership

cannot prevent Congress from taking action. The UAE deal is just further proof that we cannot get our port security right with this administration.

The 9/11 Commission said that the threat to our ports is as great, if not greater, than the 9/11 attacks.

And how has this administration responded? It has not dedicated enough personnel and resources to the two programs, CSI and CT–PAT, that are designed to secure our ports. As a result, high-risk container shipments enter the U.S. unchecked.

It has not created standards for container security to keep terrorists from tampering with our cargo. It has only deployed radiation detectors to equip 25 percent of the Nation's seaports. It only screens about 6 percent of the cargo that comes into this country.

Mr. Speaker, we have a problem. Our ports are not secure. By defeating this measure, we will give an opportunity for this Congress to vote on securing our ports.

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

Ms. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from California, our minority leader, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, as House Democratic leader, I am pleased to rise in opposition to this bill in that capacity, and sorry because of the nature of the rule that we have before us.

But before I get to that point, I want to rise as a mother and grandmother to say something about the underlying bill that this rule is addressing. If there is one thing that America's families look to government for, it is clean air for their children to breathe, clean water for them to drink, and food safety. When I say one thing, I mean what their children intake is very important to their health and well-being.

Today on the floor, we have legislation which seriously jeopardizes the food safety for America's children. It is a bill that I urge all to vote against. And the rule that brings that bill to the floor is, in my view, one that allows us to speak to safety in another way as well.

□ 1200

Yesterday marked the third anniversary of the Homeland Security Department. Yet today, 3 years later, our country is not as safe as it should be. We have a port security system that is full of holes.

The ports are our first line of defense in protecting our country. Yet the backroom port deal that the Bush administration negotiated shines a bright light on the failure of the President and this Republican Congress to secure our ports.

The intelligence community tells us, and we know, that the biggest threat to our security are the fissile materials that are still out there, the nuclear materials in the post-Soviet Union world. They were formerly weapons of the Soviet Union, and now they are out there available, available to terrorists. And the single biggest threat are those weapons in a container coming into our country.

I really cannot explain to anyone why this administration has refused to do what is necessary to protect our ports from that threat.

And it is not only our ports. When these containers come from overseas to our country, they are unloaded onto a truck, onto a train, and drive right through your city, your town, perhaps past your home. So the danger goes well beyond our ports.

Here at home 6 percent of the containers entering our ports are screened. Yet, at two of the busiest terminals in the world, in Hong Kong, 100 percent of the terminals are screened. If Hong Kong terminals can do it, why can't we?

That is why Democrats are proposing that 100 percent of the cargo that comes into our ports is screened in their port of origin long before they reach our shores and into our waterways.

Today, as we debate and vote on another issue of security, food safety, Democrats demand that attention be given to our ports. We will call for a vote on a bipartisan bill that is identical to the King bill, the King-Thompson bill, introduced by a Republican and a Democrat on the Homeland Security Committee, Mr. KING, the chairman of the committee, and Mr. THOMPSON, the ranking member. It will require a 45-day investigation of the Dubai deal. In addition, we require that both Houses of Congress have an up-or-down vote on whether or not to approve this agreement.

Congress must assert itself. Congress must take responsibility. We take an oath of office to protect the American people, and we take that oath seriously.

Today is the day that the backroom port deal will be finalized. This is our best chance to require a congressional vote on whether or not that backroom deal should go through.

I urge my colleagues to assert Congress' responsibility to protect the American people, to assert Congress' role in checks and balances in our Constitution.

I urge our colleagues to vote against the previous question.

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

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

I will be asking Members to vote ''no'' on the previous question, so I can amend the rule and allow the House to approve a plan that lets Congress vote up or down on the President's plan to turn over six of our Nation's ports to a government-run company in Dubai.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, my amendment to the rule would provide that immediately after the House adopts this rule, it will bring up legislation to guarantee that the House will have the opportunity to vote to block the President from moving forward with his deal to transfer operations at six of our Nation's busiest ports to a company owned by the United Arab Emirates.

This legislation is nearly identical to a measure introduced by the chairman and ranking member of the Homeland Security Committee that requires a thorough, in-depth, 45-day investigation of this contract followed by a report back to Congress on the results of that investigation. The only difference is that this bill requires a vote in the House and Senate to block the agreement if the President decides to proceed.

The same administration that talks tough on terrorism and protecting Americans on every front has now negotiated a secret, backroom deal to turn the management of these vital ports over to a foreign entity. And it has done so without going through the proper channels as required by law and without including Congress in the process.

The House must have the opportunity to play a role in this matter of national security. It is time for the Republican-controlled Congress to stop giving rubber-stamp approval to this administration at the expense of our Nation's citizens. This bill is the only way to guarantee that the House and Senate have the opportunity to vote on the Dubai deal, a vote that cannot be blocked by the Republican leadership.

Whatever Members believe about this deal and whatever results from this investigation, the House should be allowed to vote up or down on whether or not we want to turn control of six of our Nation's ports over to this foreign-government-owned entity.

I urge all Members of this body to vote ''no'' on the previous question so we can bring up legislation that gives Congress the right to participate and to vote on this matter of significant national security. Vote ''no'' on the previous question.

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

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

Getting back to the subject at hand, H.R. 4167, I will draw this debate to a close so that we can move forward with consideration of H.R. 4167. Without question, this is a common-sense bill that will ensure not only economic savings for consumers, but it will also provide additional safeguards for their health. We have heard a lot of discussion about that this morning in this hour.

Mr. Speaker, all consumers should have the same access to safety precautions and lifesaving information regardless of the State in which they live. And, again, whether it is California or Georgia or your own State of Arkansas, there is no excuse to allow regulatory inconsistency to drive up costs and keep some consumers in the dark on matters that will affect their health.

As a physician, I am convinced that the FDA has the scientific knowledge and professional expertise to provide for these safeguards, Mr. Speaker. But as an ardent supporter of States' rights, I am personally reassured by the bill's provisions allowing States the ability to petition the Food and Drug Administration for either an exemption to the uniformity or application of their State's requirements on a national level.

I want to encourage my colleagues to support this rule, to move forward with the general debate today so that we can come back next week to further discuss the underlying bill and potential amendments.

Finally, Mr. Speaker, let me remind all of my colleagues that the minority wants to offer an amendment that would otherwise be ruled out of order as nongermane. So the vote is without substance. The previous question vote itself is simply a procedural motion to close this debate on the rule and proceed to a vote on its adoption. The vote has no substantive policy implications whatsoever.

Mr. Speaker, at this point in the RECORD I insert an explanation of the previous question.

THE PREVIOUS QUESTION VOTE: WHAT DOES IT MEAN?

House Rule XIX (''Previous Question'') provides in part that:

There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the immediate question or questions on which it has been ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the 1 hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the previous question has no substantive legislative or policy implications whatsoever.

The material previously referred to by Ms. MATSUI is as follows:

At the end of the resolution add the following new sections:

SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a bill consisting of the text specified in Section 3. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security; and (2) one motion to recommit with or without instructions.

SEC. 3. The text referred to in section 2 is as follows:

H.R. —

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 ''Foreign Investment Security Improvement Act of 2006''.

SEC. 2. INVESTIGATION UNDER DEFENSE PRODUCTION ACT OF 1950.

(a) INVESTIGATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President or the President's designee shall conduct an investigation, under section 721(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)), of the acquisition by Dubai Ports World, an entity owned or controlled by the Emirate of Dubai, of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom, with respect to which written notification was submitted to the Committee on Foreign Investment in the United States on December 15, 2005. Such investigation shall be completed not later than 45 days after the date of the enactment of this Act.

(2) SUSPENSION OF EXISTING DECISION.—The President shall suspend any decision by the President or the President's designee pursuant to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) with respect to the acquisition described in paragraph (1) that was made before the completion of the investigation described in paragraph (1), including any such decision made before the date of the enactment of this Act.

(b) REQUIREMENTS FOR INVESTIGATION.—The investigation under subsection (a) shall include—

(1) a review of foreign port assessments conducted under section 70108 of title 46, United States Code, of ports at which Dubai Ports World carries out operations;

(2) background checks of appropriate officers and security personnel of Dubai Ports World;

(3) an evaluation of the impact on port security in the United States by reason of control by Dubai Ports World of operations at the United States ports affected by the acquisition described in subsection (a); and

(4) an evaluation of the impact on the national security of the United States by reason of control by Dubai Ports World of operations at the United States ports affected by the acquisition described in subsection (a), to be carried out in consultation with the Secretary of Homeland Security, the Commandant of the Coast Guard, the Commissioner of the Bureau of Customs and Border Protection, the heads of other relevant Federal departments and agencies, and relevant State and local officials responsible for port security at such United States ports.

(c) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide the following information for the investigation conducted pursuant to this section:

(A) Any relevant information on Dubai Ports World from the Automated Targeting System maintained by U.S. Customs and Border Protection.

(B) Port assessments at foreign seaports where Dubai Ports World operates, to be conducted as part of the review for the Container Security Initiative, a U.S. Customs and Border Protection program designed to target and screen cargo at overseas ports.

(C) Copies of the completed validations conducted through the Customs-Trade Partnership Against Terrorism program by U.S. Customs and Border Protection.

(D) Any additional intelligence information held by the Department of Homeland Security, including the Office of Intelligence and Analysis.

(2) ADDITIONAL RESPONSIBILITIES.—The information required by paragraph (1) shall not be construed as limiting the responsibilities of the Secretary of Homeland Security in the investigation conducted pursuant to this section.

(d) REPORT.—Not later than 15 days after the date on which the investigation conducted pursuant to this section is completed, the President shall submit to Congress a report that—

(1) contains the findings of the investigation, including—

(A) an analysis of the national security concerns reviewed under the investigation; and

(B) a description of any assurances provided to the Federal Government by the applicant and the effect of such assurances on the national security of the United States; and

(2) contains the determination of the President of whether or not the President will take action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) pursuant to the investigation.

(e) CONGRESSIONAL BRIEFING.—

(1) IN GENERAL.—Not later than the date on which the report described in subsection (d) is submitted to Congress pursuant to such subsection, the President or the President's designee shall provide to the Members of Congress specified in paragraph (2) a detailed briefing on the contents of the report.

(2) MEMBERS OF CONGRESS.—The Members of Congress specified in this paragraph are the following:

(A) The Majority Leader and Minority Leader of the Senate.

(B) The Speaker and Minority Leader of the House of Representatives.

(C) The Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Chairman and Ranking Member of the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(E) Each Member of Congress who represents a State or district in which a United States port affected by the acquisition described in subsection (a) is located.

SEC. 3. CONGRESSIONAL ACTION.

(a) IN GENERAL.—If the determination of the President contained in the report submitted to Congress pursuant to section 2(c) of this Act is that the President will not take action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) and not later than 30 days after the date on which Congress receives the report, a joint resolution described in subsection (b) is enacted into law, then the President shall take such action under section 721(d) of the Defense Production Act of 1950 as is necessary to prohibit the acquisition described in section 2(a), including, if such acquisition has been completed, directing the Attorney General to seek divestment or other appropriate relief in the district courts of the United States.

(b) JOINT RESOLUTION DESCRIBED.—For purposes of subsection (a), the term ''joint resolution'' means a joint resolution of the Congress, which may not include a preamble, the sole matter after the resolving clause of

which is as follows: ''That the Congress disapproves the determination of the President contained in the report submitted to Congress pursuant to section 2(c) of the Foreign Investment Security Improvement Act of 2006 on _____.'', with the blank space being filled with the appropriate date.

(c) COMPUTATION OF REVIEW PERIOD.—In computing the 30-day period referred to in subsection (a), there shall be excluded any day described in section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)).

(d) CONGRESSIONAL PROCEDURE.—

(1) INTRODUCTION, REFERRAL, AND COMMITTEE CONSIDERATION.—Any joint resolution introduced pursuant to this section shall be immediately referred to one committee of the House of Representatives or the Senate, as the case may be, and such committee shall report one such resolution, without amendment, not later than three calendar days after the day on which the first such resolution is referred to such committee. If such committee does not report such resolution within the time period specified in the preceding sentence, such committee shall be discharged from further consideration of such resolution.

(2) FLOOR CONSIDERATION.—After any such joint resolution is reported or such committee is discharged, on the next legislative day, the House in question shall immediately, without the intervention of any point of order or intervening motion, consider the joint resolution as follows:

(A) HOUSE OF REPRESENTATIVES.—In the House of Representatives, the joint resolution shall be considered as read, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one hour of debate equally divided and controlled by the Majority and Minority Leaders or their designees.

(B) SENATE.—In the Senate, it shall at any time be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such joint resolution. Such motion shall be highly privileged and shall not be debatable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which such motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until disposed of. Debate on such joint resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 10 hours, which shall be divided equally between Members favoring and Members opposing such resolution. Immediately following the conclusion of the debate on a such joint resolution, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on final approval of such joint resolution shall occur. Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to such joint resolution shall be decided without debate.

(3) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House described in subsection (b), that House receives from the other House a joint resolution described in subsection (b), then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to a joint resolution described in subsection (b) of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(e) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such these provisions—

(1) are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions described in subsection (b) of this section;

(2) supersede other rules of each House only to the extent the provisions are inconsistent therewith; and

(3) are enacted with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 216, nays 197, not voting 19, as follows:

[Roll No. 18]

YEAS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
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)
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
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)

NAYS—197

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
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
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)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
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
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders

Schakowsky	Stark	Velázquez
Schiff	Strickland	Visclosky
Schwartz (PA)	Stupak	Wasserman Schultz
Scott (GA)	Tanner	Waters
Scott (VA)	Tauscher	Watson
Serrano	Taylor (MS)	Watt
Sherman	Thompson (CA)	Waxman
Skelton	Thompson (MS)	Weiner
Slaughter	Tierney	Wexler
Smith (WA)	Towns	Woolsey
Snyder	Udall (CO)	Wu
Solis	Udall (NM)	Wynn
Spratt	Van Hollen	

NOT VOTING—19

Bono	Gohmert	Myrick
Burton (IN)	Hinchey	Norwood
Costa	Hinojosa	Roybal-Allard
DeLay	Issa	Sweeney
Diaz-Balart, M.	Istook	Terry
Doggett	Jones (OH)	
Evans	Miller, Gary	

□ 1234

Messrs. RUSH, PETERSON of Minnesota, CRAMER, VISCLOSKY, LARSEN of Washington, MARSHALL, and Ms. KAPTUR changed their vote from ''yea'' to ''nay.''

Mr. SAM JOHNSON of Texas changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. NORWOOD. Mr. Speaker, I was absent on Thursday, March 2, 2006, because of a recent death in the family.

Had I been present on rollcall vote No. 18 on the Previous Question on the General Debate Rule for H.R. 4167, I would have voted "yea."

Mr. BURTON of Indiana. Mr. Speaker, due to illness I was regrettably unable to be on the House Floor for rollcall vote No. 18, providing for the consideration of H.R. 4167, the "National Uniformity for Food Act."

Had I been here I would have voted "yea" on rollcall vote No. 18.

Mr. DELAY. Mr. Speaker, I was unavoidably detained and could not be present for rollcall vote No. 18. Had I been present I would have cast the following vote: "yea" on rollcall vote No. 18.

(By unanimous consent, Mr. BUYER was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF SERGEANT RICKEY E. JONES

Mr. BUYER. Mr. Speaker, I come to the House to address a national virtue, to address the proper tone and tenor of a Nation. It is outrageous, appalling and indecent for an American citizen to commit crimes and perversions against a family grieving at the loss of their son.

Army Sergeant Rickey Jones, along with three of his comrades, was killed in Baghdad. With his body in transport to Kokomo, Indiana, someone has egged his family's home and left harassing phone calls that said, ''I'm glad your son is dead.''

My colleagues, a great virtue of the American character is our compassion. It is how we care for each other in good times and in difficult times.

It is our compassion and human decency that represent the very best of our Nation. So to condemn these despicable acts, I ask all of you to rise and join me in a moment of silence to extend to all families who have sacrificed in the name of freedom.

Thank you and Godspeed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I will yield to my friend, Mr. BOEHNER, for the purposes of informing us of the schedule.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Tuesday at 12:30 for morning hour, and at 2 o'clock for legislative business. We will take up several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes that are called on those measures will be rolled until 6:30.

On Wednesday and Thursday, the House will finish consideration of H.R. 4167, the National Uniformity for Food Act of 2005.

Finally, we will consider H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005. The committees are continuing their excellent and hard work to develop this bill to reauthorize laws to combat drug trafficking. The Government Reform Committee has completed its action, and we expect the Judiciary Committee will complete its work today.

Mr. HOYER. Reclaiming my time, I thank the gentleman for that information.

Mr. Leader, as you know, we have been considering the rule for the food labeling bill. It is my understanding we are going to be limited to general debate.

It is also my understanding that the reason we are not completing the bill is the Rules Committee has had some issues with reference to exactly the way in which we are going to consider the bill and the amendments.

Mr. Leader, as you know, this bill has had no hearings. None. As you further know, there are States who are very concerned. As a matter of fact, I think I have gotten a letter indicating there are 36 attorneys general around the country, Republican and Democrat, who have concerns with this bill.

Mr. Leader, I would hope that the leadership on your side would convey to the Rules Committee the necessity to have, A, open debate, and hopefully, as well, significant possibility of amendment.

I do not know whether it would be an open rule or certainly, I hesitate to use this word, but a liberal rule which will allow significant amendments to be considered by this House, again, in light of the fact that it has had no hearings whatsoever as it comes to this floor.

I yield to my friend.

Mr. BOEHNER. Mr. Speaker, as the gentleman is probably aware, this bill has been around for many, many years. There has been lots of discussion and debate about this bill. It did come out of the Energy and Commerce Committee.

The reason for the split rule is because there are a significant number of Members going to the gulf coast this afternoon to review the recovery, and we knew we would only get through the general debate today.

The Rules Committee is expected to meet and to finalize the rule. Those discussions about what the rule will look like and the number of amendments and the type of amendments is continuing.

But I clearly understand the interest of my colleague from Maryland for a more open rather than a more closed process.

Mr. HOYER. That word will do if it becomes realty. We appreciate your comments, Mr. Leader.

The PATRIOT Act, that was supposed to be on the calendar, we thought, this week. It is not on the calendar. I see you have not mentioned it in the work for next week.

Can you tell me whether we expect it to come before us next week as a suspension bill or under a rule?

Mr. BOEHNER. We thought that we would have the bill up yesterday because the Senate was contemplating action yesterday morning. The expiration date of the temporary extension of the PATRIOT Act is soon to expire.

We expect that the Senate will take this bill up tomorrow. If, in fact, that is the case, it will be brought up on Tuesday under the suspension calendar.

Mr. HOYER. I thank the gentleman for that comment. Let me move on, if I can, to the budget resolution.

Can you give us a sense at this point in time of the timing of the budget resolution? We know that there have been some concerns raised in the other body; obviously, some concerns raised here. We understand that it was the intention to bring that up prior to the St. Patrick's Day recess.

Can you tell me whether that is still the intent and when we might expect to see that bill on the floor?

□ 1245

Mr. BOEHNER. That was a rumor that was floating around. We expect that the budget resolution will move sometime soon. Whether it happens next week or the week after is still up for discussion. When we get closer to having a firm plan for moving it, you will be the first to know.

Mr. HOYER. Well, that will be a first, if I am the first to know.

Mr. BOEHNER. Once I know.

Mr. HOYER. This is a new era in which we are moving, and I cannot tell you how excited I am about that.

Mr. BOEHNER. I can tell.

Mr. HOYER. And how I stand here in anticipation of that fact. If the leader does not mind, I will hold him to that.

Mr. BOEHNER. I will do my best.

Mr. HOYER. Thank you, sir.

On the supplemental appropriation, we know that the President has made a request. Can you tell us when the supplemental appropriation might be considered?

Mr. BOEHNER. In discussions with Chairman LEWIS of the Appropriations Committee, there is a lot of work being done, hearings scheduled. Again, I do not think we have a firm timetable for moving the supplemental, but over the next week or so I think we will have a much better idea. And I will be glad to inform you as soon as I know.

Mr. HOYER. I see there is not a representation, however, that I will be the first to know on this one.

Mr. BOEHNER. I am protecting myself.

Mr. HOYER. I appreciate that.

Last, these are all important and while we are being humorous to some degree about when we know about these, clearly we have a lot of important business to do, and we are now going into the third month of the year. Can you tell us what your expectations are on the tax reconciliation conference report? Obviously, that was a very contentious bill as it passed out of the House as you know, Mr. Leader; and we would like to be prepared for that bill when it comes back, when the conference committee comes back to the House.

Mr. BOEHNER. The tax reconciliation bill is in conference. I know there have been some discussions. From my standpoint, I would rather have that conference report sooner rather than later. But I have not had any indication from Chairman THOMAS that it is imminent; and secondly, it is important for the House to go to conference with the Senate on the pension bill. We are approaching a very critical deadline on the interest rate used to calculate the obligations of a defined benefit pension plan that expired at the end of the year. That interest rate needs to be reset in the large pension overhaul bill. I have got to tell you that we are waiting on Senate action. Because there are tax provisions in it, they have to take up the House bill. I suspect they will reject the House bill and go to conference. But it is important for us to get into conference on the pension bill and action is going to be required rather quickly. I do expect the tax reconciliation bill, over the next couple of weeks, I would hope that they will be finished.

Mr. HOYER. I appreciate the leader's information.

Again, in closing, I would ask the leader if he would use his good offices on the food bill because there is substantial controversy around the country, as well as on the House floor, on that bill to provide for as full a consideration and amendatory process as possible. I appreciate the leader's attention to that.

GENERAL LEAVE

Mr. DEAL of Georgia. 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. 4167.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Is there objection to the request of the gentleman from Georgia?

There was no objection.

NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 702 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4167.

□ 1250

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, with Mr. BOOZMAN in the chair.

The Clerk read the title of the bill.

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

The gentleman from Georgia (Mr. DEAL) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 4167, the National Uniformity for Food Act. The manufacturing and distribution of the things we eat and drink is now a national industry. Coca-Cola, which is based in my home State in Atlanta, Georgia, for instance, is shipped to every corner of the country and throughout the world. Many believe that it is just common sense for these types of food manufacturers and distributors to have one labeling standard for the country, not 50 standards for 50 States.

More importantly, in order to make informed choices, consumers need consistent information. When a food warning is supported by science and consumers need to know it, the same warning should be applied to food everywhere. H.R. 4167 achieves that result.

With a mobile society, inconsistent warning requirements are guaranteed to confuse. When it is a matter of health and safety, a little confusion can have catastrophic effects.

A person in North Augusta, South Carolina, for example, can walk into a store and buy a product with no warning label. The same person could walk across the street to a store in Augusta, Georgia, and buy the same product but have a warning label attached. Does this make any sense? Of course not. It does not make any more sense to the shopper than it makes here in the House today.

When people need to be warned that a food product may hurt them, everyone needs to be warned. Uniformity in food regulation and labeling is not without precedent. Meat and poultry are regulated under uniform standards. The Nutrition Labeling and Education Act of 1990 requires uniform nutrition labeling. If consistency in nutrition labeling is warranted, consumers should certainly have the benefit of consistency in warning labels of the food they eat.

Some have rightfully argued that State-specific circumstances might necessitate a warning unique only to their State. This bill acknowledges that fact by inviting States to assert their unique problems and ensure that they will get a fair and fast response from the Food and Drug Administration.

I would also like to dispel some of the misinformation that opponents of the bill have been perpetuating. In no way will this bill hinder the ability of States to respond to public emergencies. If a State feels there is an imminent public health threat that must be protected by requiring manufacturers and distributors to put a warning label on their product, they can do it immediately. All this bill requires is they tell the FDA of the threat. That is something they should be doing anyway and in most cases are already doing.

Additionally, this bill does not affect a State's ability to issue its own notification to the public, to embargo a product, or to issue recalls when they deem that necessary.

Finally, this is mostly a question about food safety, but there is a broad economic aspect to it too. Making consumers deal with 50 different labeling requirements is not without cost. In effect, it divides America into 50 different markets where each of the products cost the consumer just a little more to buy.

The men who wrote our Constitution decided that letting each State wage trade wars with its neighbors was a terrible idea, so they outlawed it by putting the Federal Government in charge of interstate commerce. It is hard to see the Framers changing their minds today so that one big market for American food can revert to 50 little markets where consumers pay more and get less.

Consistent requirements will lead to consistent results for those who make our food, and consistent information will lead to consistently better and safer choice for our consumers.

I urge my colleagues to support H.R. 4167.

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

Mr. WAXMAN. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to this legislation.

This is the second Congress in which this bill has been approved by the House Energy and Commerce Committee without the benefit of a hearing.

Committee approval of a bill with universal support is one thing. But this bill does not enjoy universal support and raises serious questions about States' rights and national security. Had we been given the benefit of a hearing, we could have learned more about the National Association of Attorneys General's opposition. We could have learned about the elements of the bill that led the Association of Food and Drug officials to conclude that this bill would "handcuff the first responders who deal with food safety issues every day."

Legislation that causes this degree of concern should not be pushed through committee and brought to the floor without the benefit of a hearing.

Mr. Chairman, this bill is an affront to States' rights. In each of the 50 States, State legislatures have passed food safety laws that offer residents additional food safety protections than federal law provides.

This sweeping legislation would eliminate those State laws. It does so in two ways.

First, the bill preempts all existing State-mandated food safety warnings.

Second, it eliminates all State food safety laws that are not identical to federal law.

In the name of food uniformity, this bill will actually disrupt State food safety enforcement activities and hinder States' ability to protect residents from unsafe foods.

The bill also would prevent State and local governments from warning residents about the presence of contaminants in local food.

In my State of Texas, this bill would nullify laws protecting Texans from unsafe food and color additives. It would have the same effect on nearly 200 laws in each of the 50 States. Jurisdiction for food safety activities has long resided with the States, which conduct 80 percent of all food safety inspections.

This bill also has serious implications to national security.

The National Association of State Departments of Agriculture—which opposes this bill—has highlighted the role that the current food safety system plays in national security, saying that it "forms the first line of defense against the growing threat of a terrorist attack against our nation's food supply."

According to the State Agriculture Departments, the preemption provisions of this bill "would leave a critical gap in the safety net that protects consumers."

I encourage my colleagues to protect consumers, stand up for States' rights, and ensure the security of our Nation.

Oppose this misguided bill.

Mr. WAXMAN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, today the House takes up legislation that would overturn 200 State laws that protect our food supply. Some of them are in labeling and some actually deal with the substance of what can be in food in the State.

A year ago, the House passed legislation to try to dictate private end-of-life decisions of Terry Schiavo and her family. This intrusion of the Federal Government into personal decisions was, I think, universally condemned, and yet today the House is once again trying to usurp powers that do not belong in Washington.

Why are they doing it? Because some special interests want to overturn State laws that they never liked. The only difference is that it is the authority of State and local governments to protect against food-borne hazards that is now under assault.

In California, for example, we have candies that come in from Mexico that have lead in them. So our legislature passed a law regulating lead in candy. It is a sensible idea. Lead can cause brain damage to children. Yet the authors of this bill that is before us today, without holding any hearings, want to preempt that law.

Now, their argument is, well, we ought to have a Federal law that does the same thing. If we ought to have a Federal law to do the same thing, why has the Federal Government not done that? The Federal Government has not been involved in these areas. They have been in the area of State control.

In Maine there is a law that requires consumers to be warned about the dangers of eating smoked alewives. This is not a problem in California, but apparently it is one in Maine. Yet again it would be preempted.

I could go on and on. Wisconsin knows a lot about cheese. It has special labeling requirements for cheese. Florida has special labeling requirements for citrus. Mississippi and Louisiana have special rules for differentiating farm-bred from wild catfish, and Alaska has similar rules for salmon. Ten coastal States have special laws protecting their residents from contaminated shell fish, and all 50 States have laws ensuring the safety of milk. And all of them would be preempted.

The arrogance of the House of Representatives appears to know no bounds. The attitude seems to be that all knowledge resides in Washington and all power should as well.

This is dangerous legislation. I know the proponents are going to say to you, well, they can appeal to the Food and Drug Administration to allow them at the State level to continue with their laws. Can you imagine that? The States, the sovereign States of this country, have to go hat in hand to a Federal bureaucracy to allow them to continue laws that their people accepted, passed under their rules, the State legislature and the Governors, to protect their population?

The FDA cannot protect the food supply all by itself. The agency is underfunded and overworked, and it is failing even at the core mission of protecting consumers from dangerous drugs.

You do not have to take my word for it. Just yesterday, 37 State Attorneys General, Republicans and Democrats, sent a letter to Congress opposing this radical legislation. They stated: "We write to urge you to oppose the National Uniformity For Food Act which undercuts States' rights and consumer protection." And they go on to say: "State and local governments are often the first line of defense when problems emerge. Prohibiting State and local leadership and action in this area is a serious mistake."

□ 1300

We have also had opposition from the National Association of the State Departments of Agriculture and the Association of the Food and Drug Officials. These food safety experts know that passage of this legislation would create havoc and endanger families.

For years, I have heard my Republicans say, let us allow the States to do what they need to do to protect their people. I agree with them. Do not bring everything to Washington.

Madam Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS) who is the sponsor of this legislation.

Mr. ROGERS of Michigan. Madam Chairman, I thank the chairman and I want to thank our 59 Democrat cosponsors. I want to thank the gentleman from New York (Mr. TOWNS) and the chairmen, Chairman BARTON and Chairman Deal, for the work that they have done on this very important piece of legislation.

I will say today that you will see great political theater, and I have the greatest respect for the gentleman from California (Mr. WAXMAN) and normally the great substantive debate that is put forth, but what we are going to see today are a lot of half-truths, or no truths at all or not even getting close to what this bill really does.

If you truly care about the health of the pregnant woman who is driving from Michigan to Florida to Illinois to meet family members all through that journey, then when she goes to that store to pick out some food, the label for her safety and the safety of her child ought to be the same. It should not be any different, the science that says that Illinois ought to label a safety provision in food; I cannot think of anything more important than the safety of our food ought to be the same.

Because you know what? Science in California or science in Alaska or science in Florida is no different. The periodic tables are the same in Michigan as they are in Florida, as they are in Maine, as they are in New York. If it rises to that level where somebody with good science and scientists who

care passionately about the safety of food and what we put in our bodies, to say we better tell people about this safety hazard, if it is good enough for one State's children, it is good enough for 50 States' children.

Matter of fact, one of the examples that my good friend mentioned about the Florida citrus example is not preemptive because it has nothing to do with food safety. You are going to hear this again and again and again today, that we are somehow doing something awful and not letting them protect their citizens. That simply is not true.

Matter of fact, if they have a standard based on good science that says, hey, we think that this food ought to have this warning label, then come to the FDA, show us the science, so we can share it with the rest of the country. Is that not the right thing to do? Do you not want to protect the children of all our 50 States? Absolutely you do.

So I will say to you, let us subside with the political theater, the half-truths, the scare tactics and say we are going to embrace what we know is the right thing to do, a single standard. It is very much a common-sense issue. You are not going to find any family in America who thinks we ought to have 50 States and 50 different organizations trying to determine what is safe in our food and what is not.

The same way we do with nutritional labeling, we went through and said the Federal Government better set some standards if we are going to have a consistency in all 50 States. It was widely supported, as this bill is bipartisanly supported.

We said, hey, we better set an organic standard so we can tell all of America that we have got one standard that rises to the ability to label it as organic. Today, we are saying food safety rises to that same level. Every American, every mother, understands it. I am sure my colleagues on the other side will as well.

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

If the Federal Government wanted one uniform standard and wanted to preempt the States from different standards, they could do it. They could do it, but what this bill would do is to preempt the States from even going forward on their own initiative to look at problems and have a standard or label in their State.

The problem has never been demonstrated that there is an issue where there are too many State differences. The problem is that the Federal Government has not been involved in this area. So if we can get the States out of it and the Federal Government out of it, then processors can just sell their food and not worry about having to meet any standard anywhere.

In California, we have a law that says you must designate if some harmful substance is in food. The consequence of that warning label means that the food producers make sure they do not have to put a warning label on because they get rid of any toxic substance that might be in their product. That is a good result of that requirement. It would be preempted by this law.

Madam Chairman, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO), my colleague and a very important member of the Energy and Commerce Committee.

Ms. ESHOO. Madam Chairman, I thank the gentleman from California (Mr. WAXMAN), my distinguished colleague, for not only his eloquence on this bill but all the work that he has done on public health issues and health in general for the people of our country.

I rise to oppose this bill, and I do because I believe it is an assault on public health and consumer protection. It is no wonder there has never been a hearing on this bill in the last 8 years.

So this is not about theater. This is not, as the gentleman who introduced the bill said a few moments ago, about theater and deception. This is a very, very serious debate, and it is a debate that should have been taking place in a public hearing, in a hearing of our committee; and it has not. I think that that in and of itself is an assault on the American people. It is disrespectful.

The bill will preempt any State or local food safety law that is not identical to a Federal law, and we do not have those Federal laws. So it will absolutely leave a void. Is the majority saying here that they are set to put into place, if this bill passes, God forbid, that they are going to place on the Federal books, 200 Federal laws in a nanosecond? I do not think so.

Under this bill, the FDA will have to approve any food safety law that is at variance with Federal policy, and according to the CBO, the bill will preempt an estimated 200 State and local laws dealing with food safety. Absolutely, preempt them, right away, 200 State and local laws.

It is going to cost the FDA $100 million over the next 5 years to process petitions from States seeking to retain these laws. There is simply no credible public health justification for the extraordinary steps that this bill takes.

The attorney general of California has weighed in against the bill. I insert this memorandum to the California delegation as part of the RECORD at this point.

MEMORANDUM

FEBRUARY 10, 2006.

To: Honorable Members of the California Congressional Delegation

From: California Attorney General, Bill Lockyer

Re Opposition to H.R. 4167, the National Uniformity for Foods Act of 2005.

H.R. 4167, the National Uniformity for Foods Act of 2005, endangers important public health protections California law provides its citizens. As the measure moves toward a possible vote on the floor of the House of Representatives, I wanted to make sure members of the California delegation fully understand this threat, and urge you to oppose the bill. Perhaps the proponents did not make clear the extent to which H.R. 4167 would deprive Californians of the particular benefits of Proposition 65. This landmark law was passed by 63 percent of the voters, and it has reduced Californian's exposure to toxic chemicals in food.

1. Scope of the Bill

The dramatic sweep of this bill may not have been made apparent:

It would forbid any state from requiring any form of health disclosure for a food, even where the FDA has no requirement in place for a given food, and is not even considering a requirement. This prohibition would even bar warnings posted in stores within a single state, and which therefore have no effect on interstate commerce, other states or a manufacturer's nationwide product label. (Proposed 2(b)(2).)

It apparently would bar states from limiting toxic chemicals in a food simply because the FDA has a general rule barring foods that are ''injurious to health,'' even where the FDA has not set any exposure standard for specific toxic chemical states may want to regulate. (Proposed 2(a)(3).)

It would remove the incentive that currently exists for food companies to reduce toxic chemicals in food products to below the level that requires a warning under Proposition 65.

2. Examples of Benefits of State Regulation

There are many examples of how Proposition 65 has benefitted Californians. An excellent case in point is the recent effort by my office, the Legislature and Governor Schwarzenegger to address the issue of lead in imported Mexican candies. These candies are extremely popular with millions of Californians, especially our large Latino population. But they have garnered little attention from federal regulators in Washington, D.C. For years, FDA has set an allowable lead level in these candies of 0.5 parts per million. That standard, uniformly recognized by public health officials as too lax, allows approximately 20 times more lead in a piece of candy than Proposition 65 permits. Lead damages the developing fetus, and impairs nervous system development ill young children. A 2003 article in the New England Journal of Medicine concluded that levels of lead previously considered safe, actually caused a significant reduction of children's IQ. Thus, what may in the past have been considered a ''trace amount'' posing no real risk now is known to damage health.

Despite numerous press stories showing these candies' adverse health effects on children in the local Latino population, FDA took only limited action to enforce its own alarmingly lax standard. As a result, in June 2004, my office filed an action under Proposition 65 which will force Mexican style candy manufacturers to reduce to safe levels the lead in their candies. In addition, last year the Legislature passed and the Governor signed Assembly Bill 121, which prohibits the sale of adulterated candy containing lead, imposes fines for the sale of such candy and directs the state Office of Environmental Health Hazard Assessment to set a regulatory level allowing only ''naturally occurring'' lead to be present in candy.

H.R. 4167 would preempt Assembly Bill 121, simply because FDA has a more lax, and largely unenforced, lead standard. Additionally, H.R. 4167 would preempt Proposition 65's warning requirement because it is a non-uniform disclosure.

The bill would preempt another important use of Proposition 65—my vigorous efforts to assure that parents and women of childbearing age are aware of the risks to unborn babies and their small children from consuming too much fish with high levels of

mercury. This effort is largely consistent with the FDA's own policies. The FDA website warns that women who are pregnant or may become pregnant should not consume certain types of fish (such as swordfish and shark), and should limit consumption of all types of fish, because of their mercury content. California has given life to this requirement by requiring that similar information be posted in grocery stores that sell fresh fish and restaurants that serve fish. At least six other states have instituted similar public disclosure requirements concerning mercury in fish. We recently completed the evidence phase of a trial concerning warnings for canned tuna. We believe such warnings can be provided in a manner that will not conflict with FDA's advice, but will ensure the advice is seen by more consumers of fish than FDA's website. H.R. 4167 would preempt this disclosure requirement.

In addition, even well established and successful uses of Proposition 65 could no longer be enforced, unless approved by the FDA. For example:

Lead in ceramic tableware: Based on a 1991 action by then Attorney General Dan Lungren, industry agreed to substantially reduce lead that leaches from ceramic tableware into food and beverages. Manufacturers took that step because of the marketplace incentive created by the duty to post conspicuous point-of-sale warnings. While warnings initially were common, most companies have reduced lead levels to substantially below FDA requirements.

Lead in calcium supplements: In June of 1997, California reached agreement with makers of calcium supplements to reduce levels of lead contamination in their products below the level at which a warning would be required under Proposition 65. Because of the importance of encouraging women to increase their intake of calcium, this agreement was negotiated without ever providing a consumer warning. Meanwhile, FDA issued advisories concerning some sources of calcium as early as 1982, and requested additional data in 1994. But it never has taken regulatory action.

Arsenic in Bottled Water: Arsenic in bottled water has been reduced to less than 5 parts per billion under the settlement of a Proposition 65 action reached in 2000. FDA, in contrast, still applies a standard of 50 parts per billion.

Leaded crystal: Based on science showing that substantial quantities of lead leach from fully-leaded crystal (defined as 24 percent lead) into beverages, California took action to require visible warnings at the point of sale in California, as early as September of 1991. Leaded crystal—as distinguished from other types of glassware—now carries prominent warnings in California stores. Since 1991, FDA never has publicized its advisory addressing this hazard in a manner likely to be seen or read by consumers.

In other instances, quiet compliance with Proposition 65 has produced public health benefits without litigation. Lead soldered cans leach substantial amounts of lead into foods stored in the cans. As soon as Proposition 65 took effect in early 1988, our investigations found that food processors were switching to cans that do not use lead, before enforcement action was even necessary. In 1993, years after Proposition 65 took effect, FDA issued ''emergency'' action level. Similarly, potassium bromate is a listed carcinogen under Proposition 65. Informal surveys in 2002 of stores in California found no bread containing potassium bromate for sale. And the 2002 surveys found stores in other states sold bread containing potassium bromate. Meanwhile, FDA remains engaged in a multi-year process to encourage bakers to stop using this additive.

I recognize many have expressed concern about certain enforcement activities of Proposition 65 by private parties. That is why my office and the California Legislature have taken vigorous action to ensure that private lawsuits brought under Proposition 65 are pursued only in the public interest. In 1999, the Legislature amended the statute to require that private plaintiffs report to the Attorney General concerning their enforcement activities. In 2001, I sponsored additional legislation that requires all persons who want to bring private Proposition 65 cases seeking consumer warnings to first provide my office with appropriate scientific documentation. That statute also requires that all settlements of those cases be reviewed by my office and approved by courts in a public proceeding under specific legal standards. These actions by the state have curbed questionable lawsuits filed by private litigants, and reduced the number of settlements that are not in the public interest.

I am aware that many in the food industry have expressed great concern over the chemical acrylamide, its presence in many foods, and the potential application of Proposition 65 to those foods. The FDA has been considering this issue since 2002, and currently has no schedule for when, or whether, it will take any action concerning the matter. In the meantime, a single serving of french fries contains 80 times the amount of acrylamide EPA allows in drinking water. Accordingly, I have filed suit under Proposition 65 to require warnings for acrylamide in french fries and potato chips, so that people in California can make their own choices about their exposure to this chemical. This suit would not ban any products or require that warnings be provided in any other state. It would, however, provide Californians the health information they demanded in passing Proposition 65.

3. Petition Process

While H.R. 4167 would allow states to petition FDA for authority to impose additional requirements, it is inappropriate to require a state to seek the federal government's permission to protect the health of its citizens. Moreover, our past experience suggests the FDA would deny any such petition.

Further, the specific provisions of the petition process raise concerns. Initlally, states would have six months to petition FDA for approval of existing requirements applicable to specific foods, during which time those requirements would remain in effect until disapproved by the FDA. (Proposed § 403B(b).) While the bill provides for judicial review of FDA's decision, it does not establish the standard by which any denial of a petition would be judged. The lack of a review standard would leave FDA potentially limited discretion to arbitrarily strike down state requirements. (Proposed § 403B(b)(3)(C)(ii)(I).)

Any general requirement such as Proposition 65 itself—and any new requirement, could be adopted only after approval by FDA. The FDA could delay that process indefinitely through extension of the ''public comment period.'' (Proposed New § 403B(c)(1), (3)(B).) Thus, it appears that any time a state official sought to apply an existing law to a food product where no specific requirement for that food had been set, enforcement of the law would be barred until and unless the FDA granted its permission.

Indeed, H.R 4167's petitioning scheme brings to mind one of the grievances against distant British authority recorded in the Declaration of Independence. ''He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.'' (Declaration of Independence, 4th paragraph.)

4. Need for National Uniformity

In a few instances, legitimate reasons exist for national uniformity in food labeling and standards. These circumstances, however, already are addressed under current federal law, which. also prohibits states from adopting requirements that conflict with properly adopted and necessary federal labeling requirements.

Existing section 403A of the Federal Food, Drug, and Cosmetic Act expressly precludes state laws mandating label requirements for a wide variety of matters on which the FDA has acted and uniformity is necessary. This preemption covers standards of identity, use of the term ''imitation,'' identification of the weight of the product and its manufacturer, the presence of food allergens, and whether the product is pasteurized.

Other federal regulatory statutes that govern nationwide industries, such as the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), adopt a much more limited approach. FIFRA, for example, preempts only state warning requirements that would appear on the nationwide label of the product. It also allows each state to adopt more restrictive requirements for use of pesticides within that state.

Even where Congress has not expressly preempted state law, courts uniformly have held that state law must give way to federal requirements where the two are in ''actual and irreconcilable conflict.'' The California Supreme Court applied that requirement in Dowhall v. SmithKlineBeecham (2004) 32 Cal.4th 910.) This doctrine sufficiently ensures state regulations do not interfere with properly adopted federal requirements.

In fact, FDA officials have demonstrated a disturbing tendency to manufacture ''conflicts'' in their desire to preclude states from enforcing their own laws to protect public health. FDA officials arbitrarily declare ''misbranded'' products for which additional warnings would be given, without even consulting state authorities. For example, last August, the FDA, at the behest of a Washington, D.C. law firm, sent me a letter asserting that state warning requirements concerning mercury in canned tuna conflicted with federal law. The FDA sent this letter without any advance notice to my office. Further, the letter was based on inaccurate information provided the FDA by the industry law firm, and was sent without awareness that we proposed only that California states provide warnings completely consistent with FDA's own published ''mercury in fish advisory.'' In light of such incidents, it's arguable that if there is any need for legislation, it is to amend federal law to protect the states against arbitrary and informal action by federal officials who take it upon themselves to declare California law in ''conflict'' with federal law, without providing state authorities advance notice or any opportunity to be heard.

H.R. 4167 would greatly impede our ability to protect the health of Californians, both under Proposition 65 and under other laws that could be adopted by the voters or our Legislature. I thank those of you who are opposing this measure. For those of you still considering the bill, I strongly urge you to oppose it and for those of you who have agreed to co-sponsor the measure, I hope you will reconsider your position in light of the important consumer protections H.R. 4167 will impede.

Madam Chairman, the State Departments of Agriculture, as well as State and food safety officials from all 50 States oppose the bill because they believe it hampers their ability to protect the public from hazards in the food supply, even potential bioterrorist attacks, an issue that really should be

debated and discussed and would have been if we had ever had a hearing.

These State and local officials are responsible for conducting 80 percent of the food safety inspections in the country, and yet today we are diminishing their ability to carry out their important role.

The National Association of State Departments of Agriculture representing every State in the Union has come out against the bill.

The Association of Food and Drug Officials wrote that ''The bill will preempt States and local food safety and defense programs from performing their functions to protect citizens.''

Equally disturbing, the bill will scale back State laws designed to protect pregnant women and children from potential hazards in foods. Why would we ever take such a step?

For all of these reasons and many more, I rise in opposition to the bill. It is bad public policy and it should be rejected by the House.

Mr. DEAL of Georgia. Madam Chairman, I yield 3½ minutes to the gentleman from Florida (Mr. BOYD) for purposes of a colloquy.

Mr. BOYD. Madam Chairman, I want to thank the gentleman from Georgia for yielding time to me to enter in a colloquy so that we may clarify certain parts of this.

I, and other Members, would like to be certain that we understand how this bill affects State food safety laws. It is my understanding that the bill contains a list of 10 provisions of Federal food safety laws and that State law dealing with the same subject as the Federal law is required to be identical to the Federal law. Is my understanding correct?

Mr. DEAL of Georgia. Madam Chairman, will the gentleman yield?

Mr. BOYD. I yield to the gentleman from Georgia.

Mr. DEAL of Georgia. Madam Chairman, yes, it is.

I would add that, under the bill, ''identical'' means that the language in the State law is substantially the same as that in the listed sections of Federal law and that any differences in language are not material. This is important to understand.

Mr. BOYD. Madam Chairman, I thank the gentleman for his clarification.

Am I correct in also understanding that virtually all of the State laws that relate to the sections of Federal law listed in the bill are identical to Federal law already?

Mr. DEAL of Georgia. If the gentleman would further yield, yes.

For example, Federal law contains what is referred to as the ''basic adulteration standard,'' which provides that a food is adulterated if it bears any added poisonous or deleterious substance which may render the food injurious to health. All States have a provision that is identical to this provision of Federal law.

Mr. BOYD. Madam Chairman, I thank the gentleman.

Is the basic adulteration standard to which the gentleman has referred the standard that the Federal Government or States would rely on to deal with the presence of unsafe levels of contaminants in food? Would that provision permit a State to take action against a terrorist threat to food supply?

Mr. DEAL of Georgia. The gentleman is correct on both of those points.

Mr. BOYD. Madam Chairman, a lot of us are confused. There have been a lot of allegations coming from all directions. There are folks who oppose the bill, that have produced a list of 77 State laws that would purportedly be nullified under this bill.

If the gentleman would, is that an accurate portrayal of the effects of this bill?

Mr. DEAL of Georgia. Madam Chairman, if the gentleman would continue to yield, no, it is not.

Careful analysis of that list shows that of the 77 State laws listed, 55 would not be preempted. Let me give you two examples. First, included on the list is an Alabama law that sets nutritional standards for grits. This uniformity bill does not deal with nutritional standards or with grits, so the Alabama law is unaffected by the bill.

Secondly, the list includes several State laws that require that fish be labeled as previously frozen, if that is the case. These laws are not affected by the uniformity provision because those State fish labeling requirements are not warnings.

Of the 22 State laws that would be affected by the bill, 14 authorize States to adopt requirements for food and color additives that are different from Federal requirements. Although these laws would be preempted under the bill, the fact is that none of the 14 States that have these laws have any current requirement for food or color additives that are different from Federal requirements.

So, in spite of all the wild assertions that the uniformity bill would nullify ''the bulk of the State food safety laws,'' as one opponent has put it, the fact is it would do nothing of the sort.

Mr. BOYD. Madam Chairman, I thank the gentleman for that comprehensive and reassuring response. I agree there is a lot of confusion about the bill, and we do not clearly understand the effects on State law and authority. I am satisfied, however, that the bill properly preserves the ability of States to take action to protect consumers, while ensuring that food safety policies will be uniform and scientifically based, and I thank the gentleman for his time.

Mr. DEAL of Georgia. Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairman, I yield 6 minutes to the gentleman from Michigan (Mr. STUPAK), an important Member of the Energy and Commerce Committee, who has been very active on FDA issues for a number of years.

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

Madam Chairman, I rise today in strong opposition to H.R. 4167.

I find it interesting that the majority party, which calls itself an advocate for States' rights, would actually put forth a bill that eviscerates State food safety laws. If passed, this bill would be a huge setback for consumer safety, public health and America's war on terror.

Yesterday, I urged the Rules Committee to accept the Capps-Eshoo-Waxman-Stupak consumer protection amendment which would permit States to maintain or enact food safety and food warning laws that require notifications regarding the risks of cancer, birth defects, reproductive health issues, and allergic reactions associated with sulfiting agents in bulk foods.

□ 1315

Our amendment would also permit States to maintain or enact food warning laws and notify parents about risks to children.

I offered a second amendment which would allow States to maintain or enact food warning laws that require notification labeling regarding the treatment of foods with carbon monoxide. This bill, as written, would wipe out over 80 food safety laws and put our Nation's food safety standards squarely in the hands of the FDA.

Michigan maintains and has laws that would be overturned with this bill regarding sulfiting agent warnings in bulk foods, smoked fish, the safety of food in restaurants, and laws governing the safety of milk. That is why 37 bipartisan State attorneys general oppose this bill.

The bipartisan Association of Food and Drug Officials also have strong concerns. They stated and wrote to us, and I quote, ''This legislation undermines our Nation's whole biosurveillance system by preempting and invalidating many of the State and local food safety laws and regulations that provide the authority necessary for State and local agents to operate food safety and security programs. The pre-9/11 concept embodied in this bill is very much out of line with the current threats that confront our food safety and security.''

They also said that preemption and invalidation of State and local food safety and security activities will ''severely hamper the FDA's ability to detect and respond to acts of terrorism.'' They added, and I quote, ''Our current food safety and security system will be significantly disrupted and our inability to track suspected acts of intentional alteration of food will be exploited by those who seek to do harm to our Nation.''

The danger of placing our Nation's food safety laws squarely in the hands of the FDA is demonstrated by my amendment on carbon monoxide.

Madam Chair, I would like to direct your attention to these pictures. Which meat do you think is older, the red

meat on the top or the brown meat on the bottom? It is a trick question. They are both the same age. Both have been sitting in a refrigerator side-by-side for 5 months.

You can see the date of the labels, October 2005. The meat on the top, which is bright red and looks very, very healthy, has actually been treated with carbon monoxide, which causes the meat to look red and fresh long into the future. The meat on the bottom here, the brown, is actually brown and slimy. Like I said, the meat on the top is 5 months old and looks as good as new, but what happens if you eat this? You will probably become very ill and possibly die from a foodborne pathogen like E. coli.

The FDA, in all of its wisdom, or lack thereof, has no objection to allowing carbon monoxide meat to be packaged. Color is the most important factor people look at when they determine which type of meat to buy, according to numerous studies. This new practice is clearly consumer deception, yet the FDA decided it was okay. The FDA either did not look at the evidence or it just didn't find this whole matter troubling. I do not know which is worse.

Right now, States may pass their own laws which label carbon monoxide meat so the consumers are well aware of what they are getting before they purchase it. All my amendment says is to allow the States to require carbon monoxide labeling if you are going to try to freshen up your meat. That is all we want to do, to allow a consumer to know what is going on. So when they go to the store and look at the meat, if they buy it based on a color which supposedly brings out the freshness, they will know it was done by tricking it with carbon monoxide, but that it is the same meat, kept for the same amount of time. All we are asking with our amendment is to allow us to prevent this.

Do we really want this? We want to let the consumer know that the meat has been chemically treated before they purchase it. This bill would prevent me from doing that.

Public health and food safety have primarily been the responsibility of the States. We should not now tie the hands of the States who want to protect the health of their citizens in the absence of FDA judgment, resources, expertise, or the will to do the right thing. I urge the majority party to stand up for the American people and allow our Democratic amendments and the Stupak carbon monoxide amendment on the floor next week for consideration.

America can make the choice. With this bill, we will get tainted meat with carbon monoxide and jeopardize the health and safety of the American people.

I urge my colleagues to vote ''no'' on this bill.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

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

Mr. WAXMAN. Madam Chairman, I think what the gentleman is illustrating is so important, because the sponsors of this bill said we need the Federal Government to protect the health of people all over the country. So let us have one uniform standard.

Well, right now, the FDA could adopt that standard and stop the use of carbon monoxide as a food additive and as a preserver of meat, but they have not acted. So if a State wants to act, why should we tell them they cannot act when the FDA hasn't done anything at the Federal level? I think that is the point you are making.

Let the States, if the Federal Government fails, sometimes because they have lobbyists up here who are more powerful, let the States at least be able to protect their own citizens to pass the laws they think are appropriate.

Mr. STUPAK. Reclaiming my time, the gentleman is absolutely correct. What we are saying, basically, is let the consumer be aware of what they are buying. Let the buyer beware.

I should know if the meat I am buying here, the hamburger, has been treated with carbon monoxide to make it look fresh and healthy, but it has been sitting for 5 months and really contains a deadly pathogen, with E. coli, that can kill me.

Mr. DEAL of Georgia. Madam Chairman, I now yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Agriculture Committee.

Mr. GOODLATTE. Madam Chairman, I thank the gentleman from Georgia for yielding me this time and for his leadership on this issue, and I rise in support of H.R. 4167, the National Uniformity for Food Act of 2005. This bill takes a measured approach to national uniformity for food by providing a mechanism for a thorough, orderly review of States' existing regulations that may differ from those of the Federal Government.

In the United States, the food production and distribution system is truly national. Products made in one State are distributed not only in all 50 States, but also the District of Columbia, the U.S. territories, and many countries around the globe. Consumers, as well as food manufacturers, have a right to expect that rational, scientifically based and consistent standards will apply. Citizens of all States and territories deserve and expect the same level of food safety protection. Likewise, all citizens in this country will benefit from uniform standards.

The House Committee on Agriculture oversees a significant portion of America's food safety system. The Federal food safety functions over which this committee has jurisdiction have long employed uniform standards to protect public health, facilitate the marketing of agricultural commodities, and improve efficiency of the interstate trading of producers' goods. The adoption of uniform standards is common practice and, indeed, the general rule when it comes to the Federal food safety efforts.

The USDA Food Safety and Inspection Service is responsible for the safety of domestic and imported meat in the United States. It enforces uniform standards through the authority granted by USDA, by the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Ag Products Inspection Act, and other authorities.

Likewise, previous amendments to the Food, Drug, and Cosmetic Act, which were included in the Food Quality Protection Act of 1996, provided that a State may not set tolerance levels for pesticide residues that differ from national levels unless the State petitions the Environmental Protection Agency for an exception based on a State-specific situation.

Moreover, uniformity is not limited to those areas of food safety. Congress has repeatedly recognized the importance of uniformity in food regulation in other sectors. For example, the FDA, as authorized by the Nutrition Labeling and Education Act, implements uniform standards for nutrition labeling, health claims, and standards of identity.

With the world's safest food supply, every American benefits from this system of national food safety standards. H.R. 4167 builds on this record of success by extending this same approach to food safety standards used by USDA and other agencies to the FDA's food safety programs. This is an important step forward in ensuring consumer confidence in the food they buy for their families, and I urge all Members to support H.R. 4167.

Mr. WAXMAN. Madam Chairman, I am now proud to yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), who is the chairman of the Appropriations subcommittee that deals with the Food, Drug, and Cosmetic Agency.

Ms. DELAURO. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, every time this body considers a bill on how we regulate the food of this country it is designed not to strengthen existing law, but to weaken it, and this despite the fact that we face many threats to our food supply: avian flu, BSE, and bioterrorism. Today, we debate the National Uniformity for Food Act. This bill would make our food safety laws uniform: uniformly weak, uniformly toothless.

Right now, it is States, not the Federal Government, that conduct the body of our food safety work. State and local agencies do 80 percent of the food inspections in the United States. They are on the front lines. They test food products and they manage food emergencies. Yet under this bill, State laws requiring warnings and labels on foods would be superceded or eliminated.

The nonpartisan Congressional Budget Office estimates that 200 State laws would be immediately affected by this

bill's passage, requiring States to submit requests for waivers to the FDA. The cost to the FDA for reviewing these waivers would be $100 million. Does this bill authorize another $100 million to FDA? Of course not. This, at a time when the administration's budget proposals cut Federal food safety funding by over $450 million.

One of my colleagues talked about this being theater. This is not theater. Many of us have been asking for more funding for food inspections and food safety over the last several years, and the administration and the leadership in this House have refused to do it.

This bill has other problems. States regulate shellfish, milk production, and other food products. In the absence of any Federal standards, those State protections will disappear. The bill undermines our ability to respond to bioterrorism and other food emergencies. It would require the notification of the Secretary of HHS before responding to a food emergency. They could only respond once they have received assurance that the Federal Government is not taking enforcement actions of their own. The State would then be required to apply for waiver, after the fact, to justify their actions. This is absurd.

If this Republican Congress wanted to make our food safety laws uniform, it would create a single food agency that would regulate the safety of our food, as some of us have suggested over and over again. We have 12 different agencies and 35 statutes currently in place to regulate food safety at the Federal level. If you want to be serious about this issue of food safety, let us have one single agency whose responsibility it is to make sure our food supply is safe and ensure the public health of this Nation.

We need to do a better job of coordinating our efforts to protect the public health, but we do not get there by weakening our laws; we get there by strengthening them. And that is something that this bill does not even begin to attempt to do.

Mr. DEAL of Georgia. Madam Chairman, I now yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Madam Chairman, I thank the gentleman for yielding me this time, and I rise today in support of H.R. 4167, the National Uniformity for Food Act. If enacted, this important legislation would set much-needed national standards for food safety and put an end to the confusing and often contradictory standards that exist across many States.

This is important, given that consumers have a right to expect the same scientifically based safety standards everywhere in the United States. By establishing a single national system based on comprehensive, science-based standards, consumers and businesses will be clear about what is safe, what is permissible, and what needs to be labeled. This is an opportunity to bolster consumer confidence.

The legislation would ensure that the FDA incorporates the best safety and warning practices of States, and allows States to continue to carry out sanitation inspections and enforcement. It would also create a process by which States can petition the FDA to adopt their own regulations as the national standard or to seek an exemption from national uniformity. A State's requirements would remain in effect while the FDA considers the State's petition. And where no Federal requirement exists, States could proceed pursuant to their own standards.

H.R. 4167 is good, commonsense legislation. It is greatly needed, and I urge my colleagues to support it.

□ 1330

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

I don't think consumer confidence is going to be bolstered when we pass a law that the State Attorneys General say would strip State governments of the ability to protect their residents through State laws and regulations relating to the safety of food and food packaging. Some of the more obvious State level warnings that almost certainly would be challenged include consumer warnings about mercury contamination of fish, arsenic in bottled water, lead in ceramic tableware, the alcohol content in candies, the content of fats and oils in foods, and postharvest pesticides applicable to fruits and vegetables. The States would not be allowed to do that.

Now, the previous speaker said that we ought to have a Federal requirement. But he was mistaken when he said that if there were no Federal requirement States can pursue their own standards. He is wrong because the bill before us would stop the States from pursuing their own standards unless the Federal Government allowed them to do so. And I think that is an intrusion on States' rights, a usurpation of power by Washington and an ability for the industries involved to be able to make their claim to the Federal Government to stop States from doing exactly what they think is appropriate to protect their public and to bolster consumer confidence.

I don't think that the confidence of the consumer should be bolstered when we have a bill on the floor that has been around for a number of years and no committee has ever held a hearing on it. We did not allow the scientists to come in and tell us whether it is a good idea or not. We didn't hear the problems from the industry that should justify this bill. We didn't hear the opponents and the arguments that they might make. Instead, in committee we had a mark-up where Members could debate what we were told by different groups, but not based on a hearing record. I think that the confidence of the American people in Congress should be very, very low; and if this bill passes the confidence of the American public about their food supply should be also in doubt.

Madam Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Madam Chairman, I rise today in strong support of H.R. 4167, the National Uniformity for Food Act. As ranking Democrat on the Agriculture Committee, I support this bill because it provides uniform food safety standards and warning requirements, and it creates a single national system for food and food products regulated by the FDA.

Establishing uniform standards increases efficiency and safety as we have seen in practice today with the USDA and the Federal Meat Inspection Act, the Poultry Inspection Act, and other authorities that were referred to by the chairman in his remarks a short time ago.

Consumers gain with this consistency and uniform regulations for packaged food all across the 50 States under this jurisdiction of the FDA. If a food product is safe in one State, it is safe in all States.

With the world's safest food supply at the lowest cost to its consumers, every American benefits from this system of national food safety standards. H.R. 4167 builds on this record of success by extending the same approach to food safety standards used by USDA and other agencies; and, therefore, I believe this bill should be supported.

I strongly encourage my colleagues to vote in favor of this bill and to oppose any amendments that weaken or attempt to gut the commonsense approach of this legislation.

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

I just want to read a portion of a letter from Tommy Irvin who is from the Georgia Department of Agriculture. And he said, "The bill is craftily written to disguise its true effects on our authority to protect consumers. Both vague and broad in scope, this legislation will, in reality, go far beyond the stated purpose of uniformity. The real effect of this legislation will be the deregulation of the United States Food Industry."

Madam Chairman and my colleagues, we have at the Federal level, the Department of Agriculture. The Department of Agriculture has a dual mission: to protect consumers from unsafe agriculture products, particularly meat and chicken. But they also have the obligation to bolster the agriculture industries in this country. And they always have this tension about who to respond to first.

We also have the Food and Drug Agency, and they regulate food additives and the food supply that the USDA does not cover. Well, as Representative ROSA DELAURO mentioned,

we ought to have one food agency, but we have never been able to do that because people fight over their turf.

Well, while the Federal Government is fighting over its turf, this bill would take away the jurisdiction from the States to protect their own people, and that is why we never hear a bill labeled as the ''usurpation of power in Washington to take away from the States the ability to protect consumers of food.'' They do not call it that. They call it the ''National Uniformity Bill for the Food Product,'' or something along those lines. They always have a very nice sounding label for legislation.

Well, do not be fooled by the label that this bill has, because it misleads the consumer and the American public into thinking we are doing something to protect them, when I fear it is going to make them weaker.

Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Madam Chairman, I thank the gentleman from California for yielding, especially under these circumstances where I am not completely decided about this legislation. I have a sincere inquiry for my friends on the other side of this debate, and I realize that there are Democrats and Republicans on both sides of this debate.

Given my background in securities law, if one wants to sell securities across this country, there is one layer of regulation at the Securities and Exchange Commission, but you have to run the securities through the blue sky laws of every single State in the United States.

Similarly, there is banking law at the Federal level; but if you want to do, say, furniture lending and consumer lending, you have to do compliance work under consumer protection laws for every State in the Union. I used to do this kind of legal work when I was in the private sector.

I had not intended to participate in the debate today; but, quite frankly, I was eating. And as important as securities and insurance and other issues are, it seems to me that Americans truly care about the safety of what they are eating and the ability to know what it is that they are putting down the hatch. And I am truly curious about the folks on the other side of this debate.

What is it that distinguishes the food industry so that it does not have to, say, like the securities industry, comply with both Federal and State law, or with furniture lending, comply with both Federal and State law? Because it seems to me that the food industry is pretty healthy in this country and making good money, and we do not need to give it, if you will, an artificial boost.

I would be happy to yield to someone from the other side.

Mr. DEAL of Georgia. I thank the gentleman for yielding. They would have to comply with both. But what this deals with is labeling. If there is a label that is necessary for your people in Oregon to protect their safety, then it ought to be necessary for the people of my State of Georgia, and it ought to be uniform in that regard, and that is what we are saying.

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

And in response to the gentleman's point, which I think is an excellent one, industries in this country often have to meet State standards as well as Federal standards. I have always heard that if it ain't broke, why fix it. And I have never heard a reason why we need this bill. What are we fixing? What is the problem? I do not see what the problem is, except some people would like to overturn State laws. And if they have the case to do that, they ought to make it at the State level, or they ought to come to the Federal Government and say this particular law is too burdensome; we ought to have a Federal law in its place.

But that is not what we are having proposed to us today. We are having proposed to us a bill that just would, in a blanket way, allow the preemption of all duly adopted laws at the State level.

Madam Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Chairman, the National Uniformity for Food Act would actually foster greater cooperation among the States and the Federal Government on an issue that I honestly believe is very important to every American family, and that is food safety. Consumers across the country deserve a single set of science-based food warning requirements, not the confusing patchwork that we have today.

I am a supporter of States' rights, and our friends across the aisle have not stood up for States' rights many times in the past, and I really don't think they are doing so today. They are standing up for what they love most, which is lots of government regulations.

The bill before us, the National Uniformity for Food Act, strikes an important balance between States' rights and Federal responsibility. The bill really enhances the model for a Federal-State regulatory cooperation that already occurs in many areas of food safety. The bill gives the FDA authority where it would have authority and should have authority, which is general and scientific oversight over packaged food safety.

It leaves to the States the fundamental tasks that are best handled at that level, ensuring proper sanitation and making sure that the manufacturing plants, refrigeration facilities, and food transportation all meet or exceed minimum standards.

I encourage my colleagues to vote in favor of the bill.

Mr. WAXMAN. May I inquire of my colleague how many speakers he has remaining?

Mr. DEAL of Georgia. I am prepared to close.

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

I will close the debate on our side.

Madam Chairman and my colleagues, let me just go through the kinds of laws we are talking about. There are 50 State laws regulating the safety of milk. They are not identical. And I don't know if there will be one uniform law for the safety of milk at the Federal level, and I am not sure that it would make sense to have it. There may be differences that are justified. But that debate could go on, and it could be resolved by itself. But meanwhile, we shouldn't jeopardize 50 laws on the subject when there is no Federal law to take its place.

There are 50 State laws regulating safety of food in restaurants. Why should the restaurants in a State be regulated by Washington if their State chooses to have a food safety disclosure or other food law?

There are 10 State laws regulating the safety of shellfish. Why should those laws be eliminated?

There is an Alabama law regulating infested, moldy, or decayed pecans and other nuts. That may be a problem that Alabama has. Why shouldn't they be able to act on it, and why should we have to have that same law elsewhere or have no law anywhere on the subject?

California law requiring consumers to be notified when food contains contaminants that cause cancer or birth defects, a California law limiting the amount of lead in candy, a Florida law regulating labeling of citrus fruit and citrus products, a Maine law requiring disclosure of the risk of eating smoked alewives, whatever that may be. A Maryland law, prohibiting the sale of frozen food that has been previously thawed. A Minnesota law requiring labeling of the types of wild rice. A Mississippi law requiring the labeling of farm-raised catfish. A Virginia law prohibiting the removal of sell-by date labels, a Wisconsin law requiring a label showing the age and type of cheese made in Wisconsin.

I don't know whether those are all good laws or not, but the legislatures probably had hearings, and they got the input from people who are supporting it, and opposing it. And they adopted it and their Governors signed the laws.

We are now about to overturn those State laws with a bill that had no hearing here in the Congress of the United States, and will turn it over to the FDA, a Federal bureaucracy, to decide whether those States may have those laws in their States still in effect. I think it is wrong. I do not see the problem it is solving. I think that this is

legislation that has been poorly thought out. I hope we get a chance to offer amendments to the bill next week when we start considering it. Especially since it has never had a day of hearings, we ought to have an open rule. There are a limited number of issues to debate. We ought to at least be able to debate them and have votes on those issues so that Members can make a determined judgment as to whether this bill ought to pass the House of Representatives.

I urge a ''no'' vote on the bill.

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

□ 1345

Mr. DEAL of Georgia. Madam Chairman, I yield myself such time as I may consume.

First of all, this has been a good debate, and I appreciate the interest and concern.

And to my good friend, Mr. WAXMAN, who has handled it on the other side, I am glad he has now become converted to being a States' righter. Back in 1990 when he was the author of the Nutrition Labeling and Education Act of 1990, we heard exactly the opposite arguments. I was not here, but I am told those were the opposite arguments because as far as nutrition labeling, it does require uniformity across the country.

Now, if labeling on nutrition requires consistency, why should not there be consistency in warning labels of the foods that people eat?

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from California.

Mr. WAXMAN. I do recall and I can explain the situation.

Mr. DEAL of Georgia. Does it require uniformity?

Mr. WAXMAN. It does because there was no nutritional labeling at the State level. It had been done by the industry voluntarily, and they had different kinds of labels, and it was not in a way that we could compare the calorie content, the carbohydrate content, the fat content. So we decided that since this was all under Federal jurisdiction anyway, we ought to standardize the labeling.

It was not an issue of usurping the power from the States because the States look to the FDA to make that decision.

Mr. DEAL of Georgia. You would not advocate repealing that law and giving it back to the States, I would assume?

Mr. WAXMAN. No, of course.

Mr. DEAL of Georgia. All right. Thank you.

Mr. WAXMAN. You would not, however, want the Federal Government to legislate in every area that any State thinks ought to be done in their State?

Mr. DEAL of Georgia. No.

Reclaiming my time, let me give the Members of this body examples of some of the things that are excluded from it.

The gentleman mentioned shellfish. Shellfish are specifically excluded from the provisions of this act. Some of the ones that I think most of us think of as the kinds of labels that may have peculiar application to locales that may not have application nationwide and that are therefore not included or prohibited from being placed on products are some of the following: open date labeling, grade labeling, State inspection stamps, religious dietary labeling, organic or natural designations, returnable bottle labeling, unit price labeling, and statement of geographical origin. Those all still continue to be allowed; they are not preempted by this legislation.

I believe we have heard from a wide variety of people who represent points of view from their committee assignments on the Democrat side as well as the Republican side. The gentleman quoted my Democrat commissioner of agriculture from the State of Georgia. I called on my Democrat Member from the State of Georgia, who has served on the Agriculture Committee here in the House of Representatives, who said exactly the opposite of what our State agriculture commissioner says.

Now, I think that the overall conclusion that we should reach is that this is a good piece of legislation. It is time that we recognize that there is a necessity for uniformity in labeling of food products, and this legislation moves us in that direction. I would urge the adoption of the bill when it is considered next week.

Madam Chairman. I ask that this exchange of correspondence be included in the debate on H.R. 4167.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 28, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: In recognition of the desire to expedite consideration of H.R. 4167, the ''National Uniformity for Food Act of 2005,'' the Committee on the Judiciary hereby waives consideration of the bill. There are several provisions contained in H.R. 4167 that implicate the rule X jurisdiction of the Committee on the Judiciary. Specifically, the legislation contains a number of judicial review provisions.

The Committee takes this action with the understanding that by foregoing consideration of H.R. 4167, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in your Committee's report for H.R. 4167 and in the CONGRESSIONAL RECORD during consideration of H.R. 4167 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 28, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter concerning H.R. 4167, the National Uniformity for Food Act of 2005, which the Committee on Energy and Commerce reported on December 15, 2005.

I appreciate your willingness not to seek a referral on H.R. 4167. I agree that your decision to forego action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation. Further, I recognize your right to request conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include our exchange of letters in the Committee's report on H.R. 4167, and in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

JOE BARTON,
Chairman.

Mr. MOORE of Kansas. Madam Chairman, I rise today in support of H.R. 4167, the National Uniformity for Food Act.

Food safety labeling standards currently vary from state to state, which has created a patchwork of different and inconsistent requirements. H.R. 4167 would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to provide for national, uniform food safety standards and warning requirements. I am cosponsor of this bipartisan legislation because it will enhance consumer protection through coordinating and harmonizing federal, state, and local food safety requirements. Consumers deserve the same high level of protection against unsafe food regardless of where they may live.

While H.R. 4167 would provide for national, uniform food safety standards and warning requirements, the legislation, however, does not affect state authority in several areas that are traditional local food enforcement matters, including: freshness dating, open date labeling, grade labeling, state inspection stamp, religious dietary labeling, organic or natural designation, returnable bottle labeling, unit pricing, and statement of geographic origin. Further, states would be exempted from national food safety standards to respond during times when substantial concerns are raised about the safety of food. I support H.R. 4167 because it provides these important exceptions to national standards, which will ensure authority of states in traditional local food enforcement matters and allow states to act if presented with an imminent food safety crisis.

Food safety labeling standards are an important public health issue, and I support H.R. 4167 because it will provide uniform, national standards to ensure greater consumer protection.

Mr. WILSON of South Carolina. Madam Chairman, the National Uniformity for Food Act deserves our full support.

This act is consistent with our long tradition of cautious Congressional oversight of interstate commerce to protect American consumers. The act is simple. By requiring states and the FDA to provide consumers with a single standard for food safety, this important legislation delivers protection to American consumers.

I strongly believe the National Uniformity for Food Act is the best way to apply the safeguards we now have over meat, poultry, drugs, and many other products to packaged food. Under the bill, states would retain their important functions such as sanitation, inspections and enforcement. The act also contains

mechanisms to review state food safety laws and consider them for national application.

This act provides important federal protections, while retaining valuable input from states and coordination between state and federal food safety experts. I strongly appreciate my good friend Congressman MIKE ROGERS' efforts to ensure that Americans are confident that packaged food they find on our store shelves is safe for them and their families. I urge all my colleagues to join me in supporting this important act.

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

Mr. PALLONE. Madam Chairman, I rise in strong opposition to H.R. 4167, the National Uniformity for Food Act of 2005. I am opposed to this legislation for two reasons.

First, and foremost, this legislation would completely eliminate any State or local food safety law that is not identical to requirements established by the FDA. Even laws that go beyond the federal requirements to protect their citizens would be pre-empted. For example, in my home state of New Jersey, a number of labeling requirements for milk, restaurant food safety and many other State laws would be completely negated, thereby placing the health and well-being of our citizens at increased risk. How is that good public policy?

I also have to oppose this legislation for the way it has completely violated the legislative process. This bill has escaped any real scrutiny from the Energy and Commerce Committee, which has jurisdiction over such food safety matters. No hearings were held, no witnesses were called to testify, and no effort was made to determine the actual impact this bill will have on the safety of our nation's food supply. It is clear that this bill was insufficiently reviewed and I fear that Congress is acting far too quickly to enact legislation that will have such sweeping affects.

I believe improving the quality of our nation's food supply is one of the most important challenges facing Congress today. A vote for this legislation, however, would put consumers at increased risk. I urge my colleagues to vote "no."

Mr. UPTON. Madam Chairman, I rise in support of H.R. 4167, the National Uniformity for Food Act.

This is common sense legislation that will benefit both consumers and businesses—and particularly small businesses.

Consumers will benefit from being able to rely on scientifically-based national food safety and warning standards, just as they now rely on national standards for nutrition labeling.

When we think of the food manufacturing industry, we may not realize that small manufacturers account for the bulk of the industry. Specifically, nearly 73 percent of food manufacturers have fewer than 20 employees. These smaller firms are especially burdened by having to comply with up to 50 different food safety and warning regimens if they are in or wish to enter interstate commerce.

I know many of us have heard from our governors about important state food safety and warning requirements that could be preempted by a national standard. But it is important to underscore that this bill provides for a 180-day period after enactment for states to petition the FDA and make their cases for either permitting a state requirement to remain in place or to make a state requirement a national standard. Further. the state requirements will remain in place until the FDA makes a determination on the state's petition.

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

The ACTING CHAIRMAN (Mrs. DRAKE). All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DEAL of Georgia) having assumed the chair, Mrs. DRAKE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, had come to no resolution thereon.

ADJOURNMENT TO MONDAY, MARCH 6, 2006 AND HOUR OF MEETING ON TUESDAY, MARCH 7, 2006

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, March 7, 2006, for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PRICE of Georgia. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mrs. DRAKE). Is there objection to the request of the gentleman from Georgia?

There was no objection.

APPOINTMENT OF HON. MAC THORNBERRY AND HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MARCH 7, 2006

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

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 2006.

I hereby appoint the Honorable MAC THORNBERRY and the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 7, 2006.

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

The SPEAKER pro tempore. Without objection, the appointments are approved.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NO PLACE BUT TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, today is my favorite day in Texas history. March 2 marks Texas Independence Day. On this day, 170 years ago, Texas declared independence from Mexico and its evil dictator, Santa Anna, the 19th century Saddam Hussein, and Texas became a free nation.

In 1836, in a small farm village of Washington-on-the-Brazos, 54 "Texians," as they called themselves in those days, gathered on a cold rainy day like today to do something bold and brazen: They gathered to sign the Texas Declaration of Independence and once and for all "declare that the people of Texas do now constitute a free, sovereign, and independent republic."

As these determined delegates met to declare independence, Santa Anna and 6,000 enemy troops were marching on an old, beat-up Spanish mission that we now call the Alamo. This is where Texas defenders stood defiant and determined. They were led by a 27-year-old lawyer by the name of William Barrett Travis. The Alamo and its 186 Texans were all that stood between the invaders and the people of Texas. And behind the dark, dank walls of that Alamo, William Barrett Travis, the commander, sent a fiery, urgent appeal requesting aid.

His defiant letter read in part: "To all the people in Texas and America and the world, I am besieged by a thousand or more of the enemy under Santa Anna. I have sustained a continual bombardment and cannon fire for the last 24 hours, but I have not lost a man.

"The enemy has demanded surrender at its discretion; otherwise, the fort will be put to the sword. I have answered that demand with a cannon shot, and the flag still waves proudly over the wall. I shall never surrender or retreat.

"I call upon you in the name of liberty and patriotism and everything that is dear to our character to come to my aid with all dispatch. If this call is neglected, I am determined to sustain myself for as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country.

"Victory or death," signed William Barrett Travis, commander of the Alamo.

Madam Speaker, after 13 days of glory at the Alamo, Commander Travis and his men sacrificed their lives on the altar of freedom. The date was March 6, 1836.

Those lives would not be lost in vain. Their determination for the cause paid off, and because heroes like William Barrett Travis, Davy Crockett, Jim Bowie and others held out for so long, Santa Anna's forces took such great losses they became battered and demoralized and diminished. As Travis said in his last letter, ''Victory will cost the enemy more dearly than defeat.''

He was right.

General Sam Houston, in turn, had devised a strategy to rally other Texas volunteers to ultimately defeat Santa Anna at the battle of San Jacinto on April 21, 1836. The war was over. The Lone Star flag was visible all across the bold, brazen, and broad plains of Texas. Texas remained an independent nation for over 9 years.

The Alamo defenders were from every State in the United States, 13 foreign countries. They were black, brown, and white, ages 16 through 67. They were mavericks, revolutionaries, farmers, shopkeepers, and freedom fighters. They came together to fight for something they believed in. Liberty. And, Madam Speaker, they were all volunteers.

In 1845, Texas was admitted to the United States by only one vote. Some have said they wished the vote had gone the other way. Be that as it may, every day, each school day, kids across the vastness of Texas pledge allegiance to not only the American flag but they also pledge to the Texas flag; and by treaty with the United States, the Texas flag flies next to the American flag but never below it.

We all know that freedom has a cost. It always has. It always will.

And we also pause to remember those who lost their lives so that Texas could be a free nation. And as we do so, we remember the brave Americans in our military that are fearlessly fighting in lands far, far away to preserve and uphold freedom from a new world threat of terrorism.

Texas Independence Day is a day of pride and reflection in the Lone Star State. Today we remember to pay tribute to heroes like William Barrett Travis, Jim Bowie, Davy Crockett, Juan Seguin, Jim Bonham, and General Sam Houston and the rest of those volunteers who fought the evil tyrant and terrorist, Santa Anna.

Madam Speaker, I hope that Congress and the rest of the country will join me in celebrating Texas Independence Day. In Colonel Travis' final letter and appeal for aid, he signed off with three words that I leave you with now. ''God and Texas.'' ''God and Texas.'' ''God and Texas.''

And the rest, as they say, Madam Speaker is Texas history. And that's just the way it is.

PORT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, it is hard to believe, but the Bush administration, through its Director of National Intelligence, John Negroponte, has given a nod and green light to the Dubai Ports World deal.

Mr. Negroponte says the Bush administration ''assessed the threat to U.S. national security posed by Dubai Ports World to be low. In other words, he said, ''We didn't see any red flags come up during the course of our inquiry.''

Now the questions I have to ask: Why should we trust the Bush administration or their analysis on intelligence on anything certainly when it comes to the Middle East? It seems to me their record on assessing risk is not good.

Let us review some of their intelligence predictions:

Secretary of Defense Donald Rumsfeld, back in February, 2003, said about the war in Iraq, ''It is unknowable how long that conflict will last. It could last 6 days, 6 weeks. I doubt 6 months.'' That is what he said. His estimate was dead wrong.

Vice President DICK CHENEY, March, 2003, said, ''We will, in fact, be greeted in Iraq as liberators . . . I think it will go relatively quickly . . . in weeks rather than months.'' His estimate was dead wrong.

President Bush told us that Saddam Hussein had weapons of mass destruction. Well, the United States called off that search in January, 2005. There were no weapons of mass destruction. His estimate proved to be dead wrong.

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This administration seems to make wrong decisions about a lot of things, like knowing who the enemy really is, like knowing what causes enemies to rise in the first place, and working to prevent that by avoiding cozy deals with dictatorships of all stripes.

I think it is clear to even the least interested of observers that the architects of this war, starting with the President, the Vice President and the Secretary of Defense, allowed our troops to go to war in insufficient numbers, with inadequate resources, with fantastic escalating costs and with absolutely no plan whatsoever to win the peace. Globally, their approach is yielding more terrorism every day. Their approach is yielding more anti-Americanism every day globally.

Why then should we trust the Bush administration? Why should we believe their intelligence that the Dubai Ports World deal will not risk U.S. national security? Those who seek to do us harm know a lot about ports. Two weeks ago, in Yemen, 23 al Qaeda members escaped from prison. Thirteen of them were men convicted in involvement in the 2000 suicide attack on the USS *Cole* that occurred in Yemen's harbor which killed 17 American soldiers. The others were attackers of the French supertanker Lindbergh in 2002.

Some of those who are our enemy have spent decades working the oil fields and sea lanes of the Middle East. Supertankers like the Lindbergh now wend their way to our shores because we irresponsibly are dependent on oil imports to sustain this economy. Those who want to harm us know this system well.

The quagmire in Iraq is bringing contempt for the United States around the world and our enemies seek to harm us. That is why port security must be uppermost in our minds.

America is fast becoming a dependent Nation, dependent on other countries for oil, for food, for autos, for electronics, for toys, even for clothing. Our maritime system includes over 95,000 miles of open shoreline, and 316 U.S. ports and ships carry more than 95 percent of our non-North American trade. But only 2 percent of what comes into this country is even inspected. Just last week, we saw what happened in Saudi Arabia as an al Qaeda attack occurred at their largest oil facility.

In this era, when vastly more is shipped into our ports than goes out, we had best be on the alert to protect our portals. I am introducing legislation to prohibit any foreign government or foreign-owned company from owning, leasing, or in any way controlling a U.S. port. The bill will ask our Coast Guard to assume full oversight and control over these bloodlines and all inspection of all cargo flowing into them until America is no longer at war.

The Federal Government controls and operates the agencies that admit people into this Nation. Our Federal Government controls and operates the systems and agencies that admit airplanes into this Nation. We should have the very same system of control over our port systems, one that, by the way, is increasing and expanding at a very rapid rate. In 2005, more than 11 million containers came into our country from abroad, and the estimate is that will quadruple in the next 20 years if we don't get this trade balance in line.

We have invested billions in other systems and pennies in our port system. Isn't it time to put America's national security first before any private deals?

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE LIFE OF IDALIA LUNA SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to honor the life of Mrs. Idalia Luna Smith. Idalia was a caseworker in my district office. She was also a dear and loving friend to hundreds in our region of California. She was a community activist, and she was a loving wife and mother of three children.

Idalia passed away on Saturday, February 18, 2006, ending a long and difficult battle with cancer. She is survived by her husband, John, and her two sons and daughter: Jack, Patrick, and Veronica.

Idalia was born and raised in East Los Angeles. Her interest in politics and social justice developed early in life. At the age of 14, she was influenced by her father's involvement in the famous 1970 Chicano Moratorium, an event which raised political consciousness for thousands in the Mexican America community of greater Los Angeles. As a teenager and college student, Idalia became politically active in her community, fighting for the equal treatment of Latinos and other underrepresented people.

Idalia graduated from Sacred Heart of Mary High School, then studied premedicine at Immaculate Heart College and Chicano studies, journalism and theatre at East Los Angeles Community College. She then earned her bachelor of science degree in biology at the University of La Verne.

Upon graduation, Idalia went to work for the Southern California Edison Company. In her 20 years there, she worked in many departments, including power production, informational technology, health care, and occupational health and safety. As a testament to Idalia's good will and generosity, she organized several blood donation drives and health fairs at Southern California Edison.

In 2001, seeking to combine her love of science, children and education, Idalia went back to school to earn a teaching credential at California State Polytechnic University, Pomona. From 2001 to 2003, she taught science to young children at Beatitudes of our Lord School at La Mirada, California. However, her time at Beatitudes was unfortunately cut short by breast cancer. For the next 3 years, Idalia underwent the difficult rigors of chemotherapy and other treatments. Through her strength and courage, she was determined to return to help her community.

In 2003, Idalia did just that as she joined her husband, John, in founding the Robert F. Kennedy Democratic Club in La Mirada. In this way, Idalia continued the legacy of fighting for social justice that she began in East Los Angeles 30 years earlier.

In just one year, Idalia and John Smith increased the RFK Club's membership from 20 to 112 people. In acknowledgment of her work, Idalia was named the 2005 Democrat of the Year for the 60th Assembly District of California by the Los Angeles County Democratic Party, and that same year she was honored by her local peers with the 2005 Community Service Award from the Robert F. Kennedy Democratic Club.

Over the past year, I had the pleasure of getting to know Idalia well as she worked in my district office as an office manager first and then a caseworker. Idalia's humor, optimism, and general goodwill always brightened our office and the lives of the constituents that she served. Not a day went by that she did not make us smile and laugh.

As a caseworker, she tirelessly worked to help others with their problems, all while she struggled with cancer. Despite her own health concerns, Idalia always lent an empathetic ear and dedicated herself to the individuals she helped. She was incredibly modest, humble, and charming. My staff and I will miss her greatly.

Through it all, Idalia believed in being proactive. She was committed to learning about her disease and did what she could to help others facing the same pain. I urge everyone to follow Idalia's example and make a personal commitment to ease the suffering of others as well and to help eradicate the horrible disease of cancer.

Mr. Speaker and distinguished colleagues, please join me in honoring Idalia Luna Smith. May God bless her and ease her family's pain as they mourn for their loss.

U.S.-INDIA AGREEMENT MAKES WORLD A MORE DANGEROUS PLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, as if we haven't done enough damage to the cause of global peace and security in Iraq, today the President has continued to make the world a more dangerous place with his misguided agreement on nuclear energy with India. If this deal is ratified by the Congress, and, believe me, I will do everything in my power to see that it is not, we will be sharing sensitive nuclear technology with a nation that was testing nuclear weapons as recently as 1998. We will be rewarding India for its refusal to sign on to the Nuclear Nonproliferation Treaty, a treaty which has helped keep the world safe in this nuclear age for nearly four decades.

What message does the India pact send to Iran and North Korea? What leverage do we now have with these countries to give up their nuclear ambitions? Especially when, even though they are dangerous regimes, they have done nothing to violate the Non-Proliferation Treaty.

While Great Britain, France and Germany are going back to the negotiating table to persuade Iran to give up its nuclear program, the United States is giving away nuclear technology to a nation that has rejected the NPT. How can we call ourselves a responsible global superpower when we thumb our noses at established international law? Is it any wonder that America is losing credibility and respect around the globe?

How will we now deal with India's neighbor and rival, Pakistan, which will likely demand the same nuclear concessions from the United States, and which has a dishonorable history of sharing nuclear technologies with other rogue states? The India-Pakistan border, which has been called the world's most dangerous nuclear flash point, will now be more dangerous, thanks to this agreement.

The President claims that this deal is about easing the pressure on the global energy supply given India's enormous population and soaring energy demands. First of all, where does the confidence come from that there can be an airtight firewall between India 's civilian and military nuclear programs? Technology used for one can inevitably benefit the other.

Furthermore, it is laughable to hear concern about fossil fuel consumption from a President who never saw an ocean floor or wildlife refuge he didn't want to drill holes in. But I don't support nuclear power plants, because I believe it is not the answer to global energy and our energy challenge.

So if the President is serious about this issue, he will aggressively promote conservation and renewable energy right here in our very own United States of America, the world's hungriest energy consumer; and he will do it with real programs and investments, not a few lines of rhetoric in the State of the Union. But I am not holding my breath.

This acquiescence to India underscores more than ever that we need a new approach to our national security. To that end, I have offered a new strategy called SMART Security, SMART standing for Sensible, Multilateral American Response to Terrorism. I have been working on this idea with groups like Physicians For Social Responsibility, the Friends Committee For National Legislation, and Women's Action For New Directions.

SMART has five major components: first, prevent future acts of terrorism, not with military force, but better intelligence and multilateral cooperation; second, stop the spread of weapons of mass destruction with aggressive diplomacy, vigorous inspection and a commitment to nonproliferation; third, address terrorism's root causes with a humanitarian effort to invest in poor nations and conquer the depravation and despair that fosters terrorism in the very first place; fourth, rethink our budget priorities, in other words, less spending on Cold War weapons systems and more spending on efforts like

energy independence that are relevant to the security threats we face today; and, fifth, pursue alternatives to war, exhausting every conceivable diplomatic channel before resorting to armed conflict.

Finally, let me note the ironies of the President's deal with India. On the one hand, here we are feeding the nuclear appetite of a nation that has failed to show the responsibility expected of a nuclear state. On the other hand, we have sacrifice 2,300 Americans and $250 billion on a war that was launched because of nuclear weapons that never existed.

□ 1415

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING AMERICA'S FALLEN IN IRAQ AND AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, March 18 will mark the 3-year anniversary of America's involvement in Iraq. Two thousand two hundred ninety-six American military personnel have now given their lives fighting in Iraq. Two hundred seventy-seven Americans have also fallen in the line of duty in Afghanistan.

We owe these great men and women and their families a debt of gratitude that can never be fully repaid.

Last year I led a bipartisan group of 21 Members of Congress in reading the names of the fallen into the CONGRESSIONAL RECORD. We made a commitment to continue to read the names of our fellow citizens as long as the fighting continues.

In the words of Franklin Delano Roosevelt, each of those heroes stands on the unbroken line of patriots who have dared to die that freedom might live and grow and increase in its blessings.

God bless and keep each of the brave Americans whose memory we honor today:

1st Lieutenant Robert C. Oneto-Sikorski
Private 1st Class David J. Martin
Sergeant 1st Class Jonathan Tessar
Petty Officer 2nd Class Allan M. Espiritu
Sergeant Daniel A. Tsue
Private 1st Class Tyler R. MacKenzie
Specialist Benjamin A. Smith
Specialist Joshua J. Munger
2nd Lieutenant Mark J. Procopio
Specialist Dennis J. Ferderer Jr.
Captain Michael D. Martino
Major Gerald M. Bloomfield II
Major Jeffrey P. Toczylowski
Specialist Darren D. Howe
Sergeant 1st Class Daniel J. Pratt
Staff Sergeant Kyle B. Wehrly
Gunnery Sergeant Darrell W. Boatman
Private 1st Class Dustin A. Yancey
Captain James M. Gurbisz
Specialist Timothy D. Brown
Staff Sergeant Jason A. Fegler
Lieutenant Colonel Thomas A. Wren
Sergeant 1st Class James F. Hayes
Captain Joel E. Cahill
Lance Corporal Ryan J. Sorensen
Private 1st Class Mario A. Reyes
Specialist Robert C. Pope II
Staff Sergeant Brian L. Freeman
1st Lieutenant Justin S. Smith
Sergeant 1st Class Alwyn C. ''Al'' Cashe
Lance Corporal Jeremy P. Tamburello
Lance Corporal Daniel Freeman Swaim
Sergeant Joshua A. Terando
Staff Sergeant Michael C. Parrott
Sergeant Tyrone L. Chisholm
Private 1st Class Antonio Mendez Sanchez
Corporal Donald E. Fisher II
Staff Sergeant Stephen J. Sutherland
Lance Corporal David A. Mendez Ruiz
Lance Corporal Scott A. Zubowski
Corporal John M. Longoria
Lance Corporal Christopher M. McCrackin
Major Ramon J. Mendoza Jr.
Lance Corporal Nickolas David Schiavoni
Private 1st Class Travis J. Grigg
Specialist Matthew J. Holley
Staff Sergeant James E. Estep
Private Dylan R. Paytas
Sergeant Jeremy E. Murray
Specialist Alexis Roman-Cruz
Corporal Joshua J. Ware
Corporal Jeffry A. Rogers
Lance Corporal Roger W. Deeds
Lance Corporal John A. ''JT'' Lucente
2nd Lieutenant Donald R. McGlothin
Specialist Vernon R. Widner
Staff Sergeant Ivan Vargas Alarcon
Sergeant Luis R. Reyes
Private 1st Class Anthony Gaunky
Private Christopher M. Alcozer
Lance Corporal Tyler J. Troyer
Lance Corporal Miguel Terrazas
Specialist Michael J. Idanan
Specialist Dominic Joseph Hinton
Corporal Jonathan F. Blair
Staff Sergeant Edward Karolasz
1st Lieutenant Dennis W. Zilinski
Master Sergeant Anthony R. C. Yost
Sergeant Dominic J. Sacco
Private 1st Class John Wilson Dearing
Sergeant Denis J. Gallardo
Specialist Allen J. Knop
Sergeant William B. Meeuwsen
Staff Sergeant Aram J. Bass
Private 1st Class Ryan D. Christensen.

Mr. Speaker, President Abraham Lincoln once wrote to the mother of five fallen soldiers, ''I pray that our heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.''

I would also like to thank the brave men and women who continue to serve our Nation in Iraq, Afghanistan, and throughout the world and serve with distinction.

Our thoughts, prayers and gratitude are with you and your families at this time until they return home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

(Mr. DINGELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

(Ms. KILPATRICK of Michigan addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

(Mr. GENE GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity given to me by the leadership and by the Republican Conference to come and share a few words this afternoon. This is something that we call the Official Truth Squad, and we have been coming to the floor of the House almost every day that we have been in session this year.

We who have organized it are the freshman class. There are about 25, 26 members of the Republican freshman class. We are the new folks on the block. We have been in Congress now for about 14 months. And one of the things that disturbed us so, being here, was the tone of the debate, was the level of incredible partisanship, the remarkable and distasteful distortion of facts, the personal attacks, some of which we have heard within the past 30 minutes. The hyperbole and the disinformation and the misinformation that goes on here in Washington seems to be kind of the order of the day.

What we thought we might be able to do to contribute to kind of raising the level of the rhetoric and the tone is to develop what we call the Official Truth Squad. And our effort and our desire is to try to bring a positive view of America, a truthful view of America, point out some of the wonderful and great things that go on in our Nation and that our citizens are involved in. Because truth is incredibly important to public debate.

Mr. Speaker, as you know, if are you not dealing with truth in the area of public policy, you cannot reach the right solution, you just cannot get to the right end point. That is what is so disheartening about much of the debate that goes on here. And I say that in all sincerity, understanding, as I know my constituents do, that these are not Republican problems or Democrat problems, these are American challenges that all of us face. So truth is so incredibly important.

In my former life, I was a physician, and I knew that if I did not have truthful, accurate information going in to take care of a patient, that I could not make the right diagnosis. If somehow the information was distorted or not accurate, then it just was not possible to get to the right diagnosis.

The same is true in the public policy arena. If we are not talking about truthful items, then it just becomes that much more difficult to reach appropriate conclusions. I know that when I go home and talk to my constituents. They say, do you not get tired of all of that negativity up there? And I do. And I know that you do too, Mr. Speaker.

But that is why our goal is to try to put a little positive spin on exactly what is happening here in Washington and present to the American public an optimistic view of where we are.

And we have in the Official Truth Squad many quotes that we are fond of. One of the ones I am most fond of is one from former New York U.S. Senator Daniel Patrick Moynihan. He says, ''Everyone is entitled to their own opinion, but not their own facts.'' Everyone is entitled to their opinion, but not their own facts.

And it really is so true about much of the debate that goes on here in Washington. Because with many people, everybody obviously has their opinions. But oftentimes they are not supported by facts. And we have heard recently some incredible accusations given about, for example, the Dubai Ports deal.

Now, I am not certain that I support that at all, but I do know that unless you are dealing with truth and with fact, you cannot reach the right conclusion. And one of the things that has come to the floor is this huge accusation that there just has not been any money for port security, that Congress has been delinquent, that the White House has been delinquent, that they are not even paying attention to what is happening at the ports.

Well, here are the facts. Here are the facts. Port security funding in 2001, prior to 9/11, was at a level of about $250 million. $250 million. Fiscal year 2006, port security nearly $3 billion. Nearly $3 billion. The request for 2007, over $3.5 billion.

So when you look at the facts, they do not back up the rhetoric of so many individuals who are obviously playing politics. And you cannot take the politics out of politics, I understand that. But it is important that we talk about truth. It is important that we talk about real numbers when we are trying to get to solutions to these incredible challenges that we have before us.

So there are the facts on port security funding. Almost a 700 percent increase since 9/11. Mr. Speaker, that certainly is not inattentiveness to port security funding.

We have also heard recently about the ''cuts'' in certain budgetary items; and the other side is fond of saying that there are cuts in Medicare and cuts in education. And so what I would like to do today is just share very briefly with folks what the actual facts are, what the truth is.

This is Medicare funding. This is Medicare spending from 1995 to 2005. These are not my numbers, these are Treasury, budget office of the U.S. Government: 1995, $156.9 billion; 2000, $187 billion; 2005, $294 billion.

Now, Mr. Speaker, I do not know where you went to school, but I do not think that they would call moving from $187 billion to $294 billion a ''cut.'' It is simply not. And so when people describe it as such, then all they are doing is playing on the fear of the American public. And that does a disservice to the debate. It is dishonest. It does not help get us to the right conclusion. Medicare spending every single year has increased.

Education spending: Many are fond of saying that the amount of money spent on education over the past 5 years has been cut. You have heard them say that. I heard them say that. I always shake my head when I hear it, because if you look at the facts, if you look at the truth, what we have here is total education spending since the year 2000 to 2005 has grown, on average, 9.1 percent each year over the past 5 years.

Those are the facts. That is the truth.

So when you hear people talk about the kind of allegations that they have regarding decreases to, cuts in spending, it simply is not so. What they are talking about it a decrease in the increase; only in Washington is that described as a ''cut.''

So it is important that we talk about truthful things. It is important we talk about facts, important that we agree on those items before we get to the solution to the remarkable challenges that we have.

Today we are going to talk a little bit about the economy. And if you were just getting your information from the major media markets, the major television stations and the networks, or the major newspapers across this Nation, you might not appreciate that the economy is ticking along pretty doggone well. And so we are going to bring some information today, some facts, some truth about the economy, that we hope will be helpful to the debate and also helpful information for the American public.

Mr. Speaker, I am pleased to be joined today by many of my colleagues, and initially, Congresswoman SHELLY MOORE CAPITO from West Virginia. Congresswoman CAPITO is a veteran here compared to us freshmen. She is from West Virginia and has been a real leader in the area of our economy, and a real leader in the area of health care, has been working actively to make certain that health care costs do not continue to skyrocket because they play into our economy to a great degree.

So I am so pleased that you are able to join us. I yield to you and look forward to your comments.

□ 1430

Mrs. CAPITO. I would like to thank my colleague from Georgia for his leadership on so many issues, but also on his leadership of the Official Truth Squad.

I think one of the things that I find when I go back to my home district is people do not get what the real truth is. The way we debate here in Congress, it is almost who can besmirch somebody's character. Who can besmirch

somebody's program. Who can say in the most sensational way why something is not good, instead of actually looking at the facts and debating the truth on the facts.

That is why I am pleased to be here today, because I want to talk about something that I think is very good news for the American public, and certainly the State I represent, West Virginia, is one of these and that is the state of our economy.

The American economy in 2005 was the envy of the world. Just yesterday, the Prime Minister of Italy, Silvio Berlusconi, was here extolling the virtues of a democratic government, extolling the virtues of the enormous economic engine that the United States has and brings to the global economy. And I think he made us realize that, number one, we should not take this for granted and, number two, we should recognize it.

I will talk about facts. We will stick with the facts today. Just the facts, ma'am. That is what they say. The economy grew at a robust 3.5 percent rate in 2005, making this the fourth year of expansion. For 10 of the last 11 quarters, the economy has grown at better than 3.3 percent and that is sizable. Furthermore, our economy's fundamental health was underscored by the fact that gulf coast hurricanes and rising energy prices could not derail significant growth, much to our relief.

We have now seen 29 consecutive months of job gains. During this period, 4.8 million jobs were created, and 193,000 just this past January. The latest national employment figure, 4.7, is the best since July 2001, two months shy of September 11. In my home State of West Virginia, we have perennially fought high unemployment. We have perennially fought low economic gains, but I am really pleased West Virginia is part of this economic boost we are feeling across the country.

Our seasonally adjusted unemployment rate was 3.8 percent in January; 3.8 percent is the lowest seasonally adjusted rate we have ever had in the history of keeping statistics in West Virginia. In December alone, the statistics of unemployment was the lowest rate that had ever been in the history of any December when that rate was recorded in the State of West Virginia. That is wonderful news for our State.

The numbers do not lie. They are real results, and the results like these do not happen by accident. Not so long ago in late 2001 during the recession, the economy was being afflicted by serious problems in the wake of 9/11, corporate scandals, and other problems. Economic growth was lagging, and Americans had stopped investing like they used to. There was no job growth, or very little. Fortunately, we here in the House acted on a piece of commonsense legislation. The less you tax something, the more you get. That goes for income, but it also goes for investment. So Congress responded with real tax relief in 2003, encouraging more Americans to invest their earnings.

The Jobs and Growth Act of 2003 lowered all individual tax rates, but lowered the individual tax rate on dividend and capital gains to 15 percent. This loosened the shackles on every individual and freed the genius of the American economy. Since May 2003 when the Jobs and Growth Act was enacted, 4.7 million jobs have been created. Now, that is a truth that is undeniable.

After nine straight declining quarters of business, we have seen 10 straight quarters of rising business investment. Unemployment had reached 6.3 percent in 2003; and as I said today, the 4.7 figure is lower than the averages of the 70s, 80s, and 90s.

An added benefit of the tax cut was that the Federal Government actually collected more tax revenue from capital gains even though the rate was lowered. From 2003 to 2004, revenues from capital gains taxes increased from $50 to $60 billion. Last year, the Federal Government received $75 billion in capital gains tax revenue. In fact, overall government tax revenue is currently at its highest level in American history, and our State revenues are reflecting this as well. So we need to keep that tax rate at 15 percent.

We recently passed H.R. 4297, and this bill would make the 15 percent tax rate permanent, and I am hopeful that will pass. But, you know, it is not Washington, D.C. that drives the economy. It is the daily choices of millions of free Americans that drive it. Small businessmen and -women, miners, farmers, taxi drivers, doctors, teachers, all these people who contribute to what we call the national economy. And we should always remember that we owe the strength of our economy to all these hardworking Americans who quietly make this country work every single day.

I would like to take just a few more minutes about my home State of West Virginia. I am very proud that we have had low unemployment. It has been spiraling downward over the last several months. Our homeownership has gone up. We are at one of the highest levels of homeownership across the Nation.

Our crime rate, which we are very, very pleased is perennially low, is lower than ever. I think that is indicative of the rise of the economy and the feeling of robustness and optimism that they have that they can provide for their families.

In West Virginia, more people are going to college than ever before. To me that is an indicator of several things: people are preparing to engage in the knowledge-based economy that we see in our future. Also, if they are able to go on to college right after high school, what does that tell you? It means they can improve their education and they do not need to go into the workforce right away to help their families. And this is a positive step, I think, in broadening and making our West Virginia economy much greater.

As everyone knows, coal is very important to our West Virginia economy. We are a resource-based economy. We always have been. We have had some very sad times recently in our coal industry, and I want to take this opportunity to thank the Nation for their heartfelt prayers and sincere thoughts concerning the loss of our miners in West Virginia.

It has been very difficult for us because we are a small State. We care about each other very much and one person's loss is every person's loss. That is why we are working in a bipartisan way to do mine safety legislation here in Congress to help with oxygen supplies, to help with tracking miners, to help with communications, to help with response times. And I think that we will get to a good bipartisan resolution on how we can prevent these accidents from happening in the future.

We have over 12 new mines opened in West Virginia. Twelve more than last year. Over 1,200 new miners. This shows you the strength of our economy. Over 50 percent of the electricity generated in this country is generated through coal, and we are very, very pleased about that.

So I think that the problems now that I am hearing or whenever I go out to my town meetings or around grocery shopping or wherever I happen to be, I ask people all the time, how is it going? How is your business? How is work? How are you feeling about the economy? And honestly, to a person, the optimistic flavor of West Virginians both in the State and national economy is immeasurable.

It is so much greater than it has been in the past, to the point where, what am I hearing now: I cannot find enough people to employ; I need 50 more people; we need more miners; we need more electricians; we need more clerks. So I think that we are going to see a time of national prosperity, as we have now, continue to grow and to continue to make that American Dream possible for every American family: the ability to buy a home, to raise your family in a community that you know is safe, to be able to enjoy those small-town values that States like Georgia and West Virginia provide in abundance to Americans.

So I am very pleased that the growth and jobs packages that we have put forward in this Congress are translating into the real meat-and-potato issues on the dinner tables of America. So I thank you very much for giving me the opportunity to speak. I am going to be speaking about this a lot because I think not only do people realize it, but they need to be reminded that these things do not happen by accident; that policies go into place that bring about the economic changes that bring about more jobs, lower unemployment, more homeownership, more people going to college, and a more optimistic attitude about our future.

Again, I would remind you if you did not see the Prime Minister from Italy yesterday, he had a very powerful message for Americans on several fronts, national security certainly, but also the fact of the admiration that people around the world and countries around the world have for our American economy.

Mr. PRICE of Georgia. I thank the gentlewoman from West Virginia so much for sharing those words and what a wonderful, wonderful picture you paint about West Virginia, about the economy and about the policies that we adopt here and their effect on the Nation and each and every State.

I too was struck by the Prime Minister from Italy, Prime Minister Berlusconi yesterday. It was really a moving time to have him speak to us in his native tongue and to describe what he said he saw in America. And that is the leader of the world in the area of democracy, in the area of freedom and liberty but also in the area of the economy, and how those things are so interwoven and intertwined together. So I appreciate you bringing that up. Thank you ever so much for being with us today.

Mrs. CAPITO. Thank you.

Mr. PRICE of Georgia. I want to very briefly comment about how all of our hearts go out to West Virginians and the miners and their families. We had a committee meeting yesterday on mine safety, and I know that we will reach the right conclusion on trying to get to the tracking and the oxygen and resources for them. Thank you ever so much.

Mr. Speaker, did you hear the numbers that were described by the gentlewoman from West Virginia? Did you hear the unemployment numbers: 3.8 percent in West Virginia. Most economists will tell you that 5 percent, or even some will say 6 percent, is full employment. If you have unemployment of 5 or 6 percent, then you are at full employment because of people desiring to be between jobs; but West Virginia is at 3.8 percent, which tracks relatively well to the entire Nation.

Again, the Official Truth Squad's desire is to put real information, honest information, truthful numbers out for the American public and just let them draw the conclusions that they draw, understanding that the conclusions that we draw when we look at these numbers are pretty doggone optimistic, pretty positive, not what you normally hear coming out of Washington.

This chart here talks about the unemployment rate and the jobs rebound. And the graph here goes from January of 2003 to just the end of last year, the end of 2005. Now, it ought to go further. I have to get this updated because the trend of these lines continues in the same direction. And this upper line here, the red line here, is the unemployment rate; and the green line down here is the number of jobs. And as you see, there was a peak of unemployment around the beginning to the middle of 2003, and that rate at that time was somewhere in the range of 6.1, 6.2 percent.

What we have seen since that time is a steady decrease in unemployment and a consistent increase in jobs. As the gentlewoman from West Virginia mentioned, in January 193,000 new jobs. And although this has the unemployment rate at 5 percent, which it was toward the ends of 2005, the unemployment rate now for the Nation is 4.7 percent.

□ 1445

4.7 percent, as she mentioned, is the lowest monthly rate since July of 2001.

I think it is important when we talk about these numbers, again truthfully, honestly and openly, to give folks an opportunity to compare them to something. What are you going to compare it to?

The best thing to compare it to is the history. What is our history? Where has the rate been? Well, the rate that we currently have now, 4.7 percent, is lower than the average for the decade of the 1970s, decade of the 1980s, and the decade of the 1990s. You remember the boom time in the 1990s?

Lower than the average for the 1970s, the 1980s and the 1990s. Over 2 million jobs created in the last 12 months and over 4.7 million jobs created since 2003.

I am fond of charts and pictures because I think they just paint the story so much better than I can describe it. There is also a line here, this vertical line here of the dotted green color, and what happened at that point, curiously enough, is what again the gentlewoman from West Virginia mentioned, and that is, that the Jobs and Growth Act went into effect, the fair tax decreases went into effect so that there was more money to put into the economy so people had more disposable income. And when you give people back more of their own money, what happens? The economy booms, the economy increases and gets better. So it is a cause-and-effect relationship without any doubt.

I mentioned the number of new jobs, 4.7 million new jobs, and again, with a picture being able to paint it so much better than I can describe, on this axis down here, we have January 2002, all the way over to January 2006. These are the percentages of unemployment, the monthly change each month in the number of jobs, the amount of unemployment, and before the fair tax decreases went into effect, what you see is a decrease in the number of jobs available, lower jobs available.

Then, as soon as that happens, as soon as those tax decreases went into effect, what happens? We see significant increases in the number of jobs available; so much so that it is a steady run, and it continues as such, again, 193,000 new jobs in January of this year.

So these are facts. This is the truth. The picture tells the story, and it is a story, again, that you often do not get if you are paying attention to your nightly news or your friendly newspaper.

So we are proud and pleased to come before the American people and tell this kind of optimistic and positive story.

I am always pleased to be joined by the gentlewoman from Virginia, another fellow freshman who, like I, was somewhat distressed at the tone of the rhetoric that we heard in Washington and was really a prime mover in getting this started, this Official Truth Squad, to bring a positive message to the American people.

And today, talking about the economy, a successful small business woman; and I am so pleased to have you join us again. I yield to the gentlewoman from the great State of Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I thank you, Congressman PRICE, and I really do appreciate the effort you have made to make sure that the American people truly understand what is happening within our economy today. I know you and I share a lot of very similar beliefs.

I just wanted to start today by reminding you and bringing to mind again a really wonderful quote by former President Ronald Reagan, when he said, ''There are no great limits to growth because there are no limits of human intelligence, imagination and wonder,'' and that is part of what you are seeing in this increase in job growth.

We believe that the strength of our Nation lies with the individual and that each person's dignity, freedom and ability and responsibility must be honored. We believe that free enterprise and encouraging individual initiative have brought this Nation opportunity, economic growth and prosperity.

But there is an alternative to what we believe, and that alternative belief is one that seeks a solution that consists more of invasive government. And not surprisingly, Ronald Reagan had something to say about that as well. I think we as Americans remember the quote very, very well, and it is that ''The government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it.''

In economic terms, we will all remember the 21st century began slowly. The telecom bubble burst. We were attacked in the heart of our financial sector. Certain industries lagged, and we had entered a recession. It is during these difficult periods that we require leadership more than ever. We needed to pursue positive economic policies that would put the American people back in the driver's seat.

I know you and I share the belief that our tax policies should be one that supports our economy, that it increases our revenue, and so that is why I wanted to talk today about what changes have come about in the past 5 years, these changes that support our

American families and support American businesses.

You will remember in the 2001 tax cuts that the first objective was to put money back in the hands of individuals and families. In June of 2001, tax cuts were enacted through the Economic Growth and Tax Relief Reconciliation Act. Some of the most important aspects of that act are that they lowered marginal income tax rates, reduced the marriage penalty and the death tax, and increased the child tax credit, all things that are very important to American families. This was comprehensive legislation that reduced the tax burden on all Americans.

In the 2003 tax cuts, the objective was to create a more favorable climate for industry and small business to invest and to create job growth. In the years preceding the 2003 Jobs and Growth Act, business investment spending had steadily declined. We needed to pull businesses and entrepreneurs back into the market through investment-friendly tax policies, restoring economic competitiveness and employment opportunities. So Congress took decisive action.

Despite the naysayers, the results speak for themselves, and the results are very clear. Growth in our economy is one of the least told stories. I believe, and I know that you believe that if we allow Americans to keep more of their hard-earned dollars, that they will save that money, they will invest that money, they will create new jobs with that money.

And business investment has grown in every quarter. Today, small businesses, small businesses like mine, represent 99.7 percent of all employer firms. They employ nearly half of all private sector employees, and over the past decade, on average, have generated 60 to 80 percent of the net new jobs.

Job creation, as you were showing the chart there right now, nearly 4.7 million jobs have been created since President Bush signed the 2003 Jobs and Growth Act, with 2.1 million of those created in the past year.

Today's unemployment rate is at 4.7 percent and is lower than the decade averages of the 1970s, 1980s and 1990s. What an incredible statement. And they are good jobs. Real, after-tax income has risen at a rate higher than inflation since 2001, and personal income has grown above inflation in 49 of our 50 States.

Most importantly, Federal revenues have been rising during this time. If we let people save their money or create new jobs, create new revenues, that creates additional tax revenue for the Federal Government. In May of 2003, receipts were under $1.8 trillion. In fiscal year 2005, they rose to an all-time high of $2.15 trillion.

We realize that we cannot feed the Federal Treasury by starving American businesses, but thanks to these policies, more low- and middle-income Americans looking for a job will be able to find one simply because there are 2.1 million more jobs this year.

But you and I realize there is more work to be done, that America agrees, and I think it is in everyone's minds that we do need complete tax reform, and I know that is something we will be working on.

I really think that there are models across the world for us, and I think the most compelling story today is the story of Ireland. In the mid-1980s, Ireland's economy was faltering; we all know that. College graduates could not find a job and were leaving the country in droves. Confidence in the Irish economy was at an all-time low. Change was necessary, along with the leadership necessary to implement it.

The corporate tax rate today in Ireland is 12.15 percent, far below the rest of Europe. This attracted foreign investment necessary to boost economic growth. Today, nine of ten of the world's top pharmaceutical companies and seven of the top ten software designers currently have operations in Ireland, and it is currently the second richest country in the European Union with a per capita GDP higher than that of Germany, France and Britain.

Now we have to ask ourselves, do we continue to encourage American businesses by creating the climate necessary for success or do we allow them to go somewhere else?

So I thank you for the opportunity, thank you for your work in making sure that we do tell the American people the good news story that we are in as a result of the tax cuts of 2001 and 2003. It is our responsibility to make sure that we maintain a solid policy, tax policy that grows our economy, grows our revenues and benefits each and every American.

Thank you for what you are doing.

Mr. PRICE of Georgia. Mr. Speaker, you are very kind. I appreciate you coming and sharing those words and, once again, words of optimism, words of truthful perspective as it relates to the United States.

I was struck by your description of the tax policy because what we saw with that tax policy is the increase in the child tax credit, the decreased marriage penalty. These are family-friendly things. This is what some of the folks on the other side of the aisle will call tax cuts for the wealthy. It just is not so. Again, we have got to talk about truth if we are going to get to the right solution.

When you decrease taxes, as you well know, on small business, which is the engine of our economy, small businesses across our Nation, what happens is that you allow individuals more opportunity for employment. When people have jobs, then they are able to care for their families and, again, a family-friendly environment that we have in this Nation now as it relates to tax policy. Those are the kinds of things that need to continue.

People say, well, what difference does it make who is in charge there in Washington? I am here to tell you, elections are about choices and the choices we are going to have this year are fairly stark from individuals on one side who will tell you that, no, you do not need to have the kind of tax decreases, the tax cuts, that we have had; what the government needs is more of your money. That just is not the case, as we have demonstrated time and time again here with The Official Truth Squad.

But when you put more people's money back in their pockets, what happens? They are happier, their families are more secure, the communities are more secure, and businesses and the economy flourish.

So thank you very much for sharing those kind words.

I was also struck by the description of Ireland, which nobody a few years ago would have said was an economic engine or a powerhouse, but now it is. It is again because of their tax policy that is friendly to business, which, in turn, becomes friendly to communities and friendly to families, and that is how economics work.

If you appreciate and you understand how a capitalist economy works, and then you understand that it is important to put more money, more people's money back in their own pockets; that it is not the government's money, it is the people's money; and that we here in Washington do not have a revenue problem, we have got a spending problem.

So I am so pleased to be able to be joined by my colleagues to bring light to that, and one of my great freshman colleagues who has just been a wonderful contributor and supporter and innovator in the Official Truth Squad joins us now, the gentlewoman from North Carolina (Ms. FOXX). She is a great friend, has a great history in the arena of education, but understands clearly the importance of a positive economic outlook and a positive economic perspective and economic policy.

So I welcome and yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank Congressman PRICE for yielding. I appreciate it very much, and as our colleagues have expressed to you before, we thank you for organizing these meetings and helping to get the Truth Squad out here.

Many of us have been concerned for the past several months that there is a lot of disinformation out there and that the time has come for us to set the record straight, and I think that it is very important that we do so. Just saying things will not make them so, but if they are not responded to, then people will believe that they are so.

I thought that our colleague, the gentlewoman from the State of Virginia (Mrs. Drake), was doing a great job of talking about several of the issues that I think are important, and talking about Ireland as a great success story is important to do.

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Our economy is doing great, and talking it down does not help our situation and our country. I think we do need to be positive and talk about how things are going great.

I speak to a lot of school groups, and they will often ask me what is the difference between Democrats and Republicans, and I generally give them several things to think about. But as my colleague pointed out, the biggest difference between Democrats and Republicans is we believe that the public knows how to spend its money better than the government knows how to spend their money. That is sort of a short definition. If we left it up to the Democrats, they would basically be taking all the money from everybody and giving it to government bureaucrats to spend.

I think the whole issue of family friendly taxes is very important too. We are not a party of extremely wealthy people, as we are portrayed to be. In fact, there is a lot more wealth on the other side than there is on our side, but they do a pretty good job of trying to hide that.

I want to talk about some specific numbers also, in addition to talking about in general terms some things that may have already been said by some of my colleagues. I have been out meeting with constituents, so I am not sure of all the things that were said, and I hope I do not repeat too many of the same things.

I think it is important to talk about the fact that our unemployment rate right now is 4.7 percent, the lowest monthly rate since 2001, and lower than the averages of the 1970s, 1980s, and 1990s.

Just today I was talking to a man with a very large business down in North Carolina in the fifth district, and he was saying they could grow their business by 300 or 400 people if they could get the skilled workers that they need to grow that business. That is a very significant point for us. Our economy could be doing even better, but we do lack skilled folks. I talked with him and I will be working with the community college system down there to try to help him get the programs established that he needs so that they can get people with the backgrounds that they need.

I am not sure if Congresswoman DRAKE mentioned this, but real household net worth right now is $51.1 trillion, an all-time high in this country. Our GDP, of course, is growing at a much higher rate than anybody thought it was going to grow. The fourth quarter grew at 1.6 percent, and the estimate had been 1.1 percent. This encouraging economic news is proof that lower taxes plus restrained Federal spending equals economic growth.

That is a math equation that the Democrats just cannot seem to grasp. Maybe it is because they keep trying to substitute new variables and it just does not work. Taxing plus spending will never equal economic growth and prosperity. But the Republican formula of lower taxes and restrained Federal spending will always come out in favor of the American taxpayer and his checkbook, and that is what we need to be concentrating on.

I am going to throw out a few more facts to go along with what we are trying to do through the Truth Squad. We have got high consumer confidence these days, too. It rose to 106.3 in January, the highest level in over 3 years. So we are doing our best to make sure people know the economy is doing well and to raise consumer confidence.

We know that incomes rose in December, and we are up 1.4 percent in 2005. Again, very, very good news. Retail sales rose in December. We are up 6.4 percent in 2005 over 2004. Our manufacturing continues to expand. Manufacturing activity grew for the 32nd consecutive month in January. There is tremendous expansion out there, so we want that to continue to grow.

Construction spending is at an all-time high. Construction spending rose 1 percent in the month of December alone. For 2005, spending reached a record $1.120 trillion, an increase of 8.9 percent over the previous record set in 2004. Housing starts continue to go up.

So our economy is doing very well, and, again, it is based on the fact that Republicans believe in lower taxes and leaving more money in the pockets of American families. That is the way we can grow the economy. I hate hearing the words ''government investment.'' The government never invests. It spends.

We have to get people to understand the language. As my colleagues know, language is a very important thing to us. How we use words is important because it gets people's minds set about what those words mean. We need to stop government spending, and we need to leave as much money as possible in the hands of the American taxpayers. We need to keep this economy growing vitally, and the way to do that is to keep Republicans in charge.

With that, Mr. Speaker, I will yield back to the gentleman from Georgia.

Mr. PRICE of Georgia. Congresswoman FOXX, thank you so very, very much for coming and joining us today and really painting a wonderful picture.

Mr. Speaker, I do not know if you heard all of the items that Congresswoman FOXX ticked off there, but this is positive news. This is great news. This is good, good news.

Consumer confidence increasing, incomes up across the Nation, average real after-tax income per person has risen 7.9 percent, retail sales increased, manufacturing continues to expand, durable goods orders on the rise, new orders for durable goods increased 1.3 percent in December with new orders for machinery rising 6.5 percent, the highest level since the series began tracking that in 1992. That is good news. Productivity growth is strong. Productivity increased 2.3 percent and has grown 3.2 percent, at that annual rate, since the end of 2000. That is good news. Construction rates up; all-time high. Again, remarkable. Remarkably good news.

And that is what the Official Truth Squad is all about, coming to the floor to give honesty to the debate. Truthful numbers. Real numbers. Because it is important that people have that in order to make decisions.

Something that has been alluded to a number of times as we have had our discussion here today is the effect of tax decreases. I call them fair tax decreases. Some people call them tax cuts, I guess. I call them fair tax decreases. And what they will say is, we cannot have any more tax cuts. We cannot have any more tax decreases or even keep what we have. That is what the other side says, we cannot allow you to keep your money because government needs it. That is the way the line goes.

But what is the effect of tax decreases? What is the effect from an economic standpoint? Well, again, a picture paints it better than anything I could ever say. Down here is the year 2000 all the way to 2005. The vertical line there, the vertical dotted green line is when the tax decreases, the Jobs and Growth Act, went into effect. And the red line is revenue coming in to the government, how much money the government is receiving based upon the taxes.

Again, remember, revenue going down here from 2000 to 2003, decreasing money coming into the government. So what do the President and the Republican Congress do? Well, they decrease taxes. A fair tax decrease. That is what happened here. Then what happens? Revenue increases. Money coming into the government increases.

That seems counterintuitive, but that is what happens. President Kennedy knew that. That is what happened when he had his tax decreases. President Reagan knew that. That is what happened when he instituted his tax decreases. And what happened with President Bush's tax decrease? Same thing.

You would think there was a trend there, Mr. Speaker. You would think that, in fact, if you decreased taxes, you would increase governmental revenue. Well, that is the secret. That is what happens. And why does that happen? Because as we have talked about, the economy flourishes. The economy flourishes when you put more of the people's money in their back pocket and in their purses, and not in the government's purse. What happens is that the economy flourishes.

Now, I mentioned a little earlier that we in Washington, that government does not have a revenue problem. It has enough revenue. That is clear. It has a spending problem. So Congress is trying as hard as it can to decrease the amount of spending. And it is a difficult thing to do in this environment

where you have the distortion and the misinformation and the disinformation and the incredible personal attacks that are given. So it is a difficult thing to do.

But all last year what we tried to do is to work on what is called a deficit reduction act, which is spending less money. Ultimately, it took a little over a year, but in January when we came back, in early February we passed the Deficit Reduction Act that saved, that saved $39.8 billion. That is a good thing. That is a positive thing.

I asked my staff to see if they could get me a poster of the number of folks on the other side of the aisle, the Democrats, that supported a decrease in spending, which is what they say they want to do all the time. How many folks on the other side of the aisle voted for that? And I have that chart here somewhere. I found it. I found the poster that has the name of every single Democrat that voted in favor of a $39.89 billion decrease in spending.

There it is. Right there. Not a one. Not a one. I point up the other charts because, as I say, they are truthful. This is truthful. This is the slate of individuals on the other side of the aisle who are interested truly in stepping up to the plate and working hard together. Because these are not Republican problems, and they are not Democrat problems. But, Mr. Speaker, when only one party is interested in working positively, it gets pretty doggone hard to do something here. It really does.

So those are the folks willing to help us on the other side in terms of decreasing spending. So that is what the Official Truth Squad is all about, bringing appropriate, honest, truthful information to the American people. And we get terribly frustrated, as I mentioned, with what has been described as the politics of division. Many people practice it here in Washington. It is kind of tried-and-true; but, again, it does not get to the right answers. It does not help. It has been used for a long time, but it is not positive, it is not a productive activity, and it does not serve people well back home.

One gentleman who knew that well was Abraham Lincoln. Abraham Lincoln knew that the politics of division are destructive, and he talked about it in a way that I think is more eloquent than anybody has ever said. What he said was: ''You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot encourage the brotherhood of man by encouraging class hatred. You cannot help the poor by destroying the rich. You cannot build character and courage by taking away man's initiative and independence. And you cannot help men permanently by doing for them what they could do for themselves.''

Remarkable words from one of the pillars in our Nation's history. It kind of crystallizes the American philosophy. It puts it better than, frankly, I have ever heard it.

So what the Official Truth Squad is all about, Mr. Speaker, is bringing truth and enlightening information to the American people and trying to give them a little alternative to what they oftentimes hear coming out of Washington. We try to make sure there is a positive tilt to it, because we live in the greatest Nation on the face of the Earth. We live in a glorious and wondrous Nation. It is a Nation that still is seen by men and women around the world as a beacon of liberty and a repository of hope.

I am so honored and proud to serve in the United States House of Representatives and to have the opportunity to share a positive perspective and a positive vision with my colleagues and with the American people.

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MISSED OPPORTUNITIES IN AFGHANISTAN AND BEYOND

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, President Bush's brief stopover in Afghanistan yesterday gives us an opportunity to take stock of the progress that has been made there. It also provides an opportunity to reflect on what the world might look like today if the United States had adopted a wiser foreign and national security policy after the terrible attacks on our country on September 11, 2001.

After that tragic day, the world united behind the United States and our determination to destroy Osama bin Laden, al Qaeda, and the terrorists responsible for those attacks. We sometimes forget here that within days of the attack the United Nation's General Assembly, friends and foe alike, unanimously adopted a resolution condemning the attacks on the United States. And NATO, for the first time in its history, invoked article 5 of the Washington Treaty stating an attack against one is an attack against all.

When the brutal Taliban regime refused to support action against al Qaeda, the United States took appropriate military action to force out the Taliban and attempt to destroy the al Qaeda terror network. That was the right action and had the strong backing of the American people. And Afghanistan is a much better place today.

However, while we succeeded in driving out the Taliban from the capital city of Kabul and killed a number of al Qaeda leaders, we have not finished the job. Indeed, Osama bin Laden, the man responsible for masterminding the 9/11 attacks, is still alive and likely to be somewhere along the Afghan-Pakistan border, less than 100 miles from where President Bush stood just yesterday.

And the continued presence of active Taliban and al Qaeda resistance in Afghanistan and along the Pakistan border represents a lost opportunity. Instead of finishing the job against al Qaeda, the President decided instead to attack Iraq, a nation with no weapons of mass destruction and a government that was actually an ideological adversary of al Qaeda.

As a result of invading Iraq, the Bush administration squandered a huge opportunity to keep both our forces and the international community focused on defeating al Qaeda and its brand of radical Islam. The goodwill that the United States had developed throughout the world in the aftermath of 9/11 evaporated as we switched our focus from the enemy that attacked us to one that had not. As a result, our invasion of Iraq has fueled radical Islamic and anti-American forces and allowed al Qaeda to gain new recruits around the world.

Today, the United States is tied down in an increasingly volatile Iraq, and the man actually responsible for launching the attacks on the United States, Osama bin Laden, remains at the top of his terrorist network.

Meanwhile, the United States continues to make mistakes that will hamper our ability to put the Taliban and al Qaeda out of business permanently. First, the United States is sending the wrong message by reducing the number of our forces in Afghanistan. Just yesterday, as President Bush was arriving in Afghanistan, the director of the Defense Intelligence Agency, General Maples, told Members of this Congress that the insurgency in Afghanistan is growing and will increase this spring, presenting a greater threat to the central government's expansion of authority than at any point since 2001. And the greatest threat of Taliban resurgence is in southern Afghanistan, the area from which the United States will be withdrawing more than 2,000 troops.

While we welcome the additional NATO forces in Afghanistan, it would be far wiser to use these NATO troops to supplement rather than replace the U.S. forces in the region. We should not be sending the wrong signal to the Taliban and al Qaeda at this delicate time. We are still living with the consequences of neglecting Afghanistan in the past.

Second, Mr. Speaker, the United States must end the abuse of the detainees at the prison at the Bagram Air Base in Afghanistan. Recent evidence suggests that the abuses that have taken place there are even worse than those that occurred at the notorious Abu Ghraib prison in Baghdad.

The United States must lead by example. The abuse of prisoners is wrong and will only strengthen the hands of al Qaeda and the extremists. We cannot credibly demand that others adhere to the rule of law if we are flouting international human rights standards. The President's stopover in Afghanistan

gave him a chance to declare that such abuse is unacceptable.

Like so much else, however, it was another missed opportunity. As a result of many missed opportunities since 9/11, the United States is less secure than we could be. Osama bin Laden and al Qaeda are still in operation. The Taliban are feeling emboldened. We are bogged down in Iraq, and our weakened moral standing around the world has made it more difficult for us to influence events and protect our security. Let us stop missing opportunities to strengthen our security. We must not reduce our commitment to the people of Afghanistan, and we must increase our commitment to human rights.

Mr. Speaker, we can and should do better, much better.

THE PRESIDENT'S 2007 BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Virginia (Mr. MORAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. MORAN of Virginia. Mr. Speaker, I plan to yield to several of my colleagues. Mr. SCOTT from Virginia is also going to speak, and as soon as Mr. SPRATT, the ranking member on the House Budget Committee, comes out of an important hearing on the Dubai ports issue, he will be able to join us as well.

Mr. Speaker, the 2007 budget takes America down a wrong and unsustainable path. The decisions the President made in this budget favor the wealthy over the working class. These decisions reward those who live off what the IRS considers to be unearned income, while making those who have to work long hours every day, to support themselves and their families, pay far more in taxes. In fact, I think you would have found bipartisan agreement if we could have worked out tax cuts that were more in the interest of the working class and those hardworking families.

But, in fact, when you combine the focus of the tax cuts on those who live primarily off unearned income and the spending cuts that purportedly are necessary to offset the cost of these tax cuts, the majority of young people in this country will find it harder to go to college. It will be harder for low-income elderly to get the nutrition and health care they need, and it will be much harder for our grandchildren to pay for the future needs that their generation will face.

The decisions made in the President's 2007 budget, like his budgets since 2002, define a Nation, a community, if you will, that is not the America that we know. In fact, his priorities are just the opposite of what makes America great.

We heard from our colleagues on the other side of the aisle; they call it a so-called Republican truth squad. It boggles your mind.

But the fact is that the Bush administration has raised spending while they have cut taxes. You can't fight two wars on four tax cuts, ladies and gentlemen.

The gentlewoman from North Carolina suggested that the government never invests, it only spends. Well, what does she think is the purpose of the interstate highway system that enabled our economy to fulfill its potential during the Eisenhower administration and subsequent administrations, or the money that we have put into the public schools systems to empower our working class?

And that is what we are talking about, investment that will give us sustainable benefits versus tax cuts that are immediately lost, most of which seem to be invested overseas, and cuts in the real safety net that can make America achieve its greatness.

The conscious choices made in this budget reflect the flawed policies of an administration that has taken this country down a terribly wrong path, one that consists of waging an unnecessary and extraordinarily costly war, delivering huge tax cuts to the very wealthiest of this Nation, and taking the Federal debt to depths never before experienced, while reducing services to working Americans.

First, the 2007 budget is heavily impacted by the consequences of a reckless foreign venture, namely, the war in Iraq. The President's 2007 budget sets aside another $120 billion supplemental to cover the cost of waging this war in fiscal 2007. Of course, this is on top of a regular defense budget of over $450 billion. And, in fact, we have now allotted over $400 billion, when you look through fiscal 2007, primarily for this war in Iraq, and very little for the war in Afghanistan that was referred to by our colleague from Maryland.

The money that is requested in these Iraq war supplementals is $40 billion more than we request for transportation, $33 billion more than we request for education and training, more than $40 billion more than we request for the care of our military veterans, more than $90 billion more than we will set aside to protect our environment and natural resources, and more than $80 billion for what is considered diplomacy, but is spent on dealing with the AIDS crisis, on dealing with the ethnic cleansing, the genocide in Sudan and throughout the world, places where we could have such a constructive, positive effect.

The amount of money that is being requested in fiscal 2007 for this war in Iraq will bring the total amount requested by the Bush administration to $490 billion, an enormous sum. The American people have to ask, has this been worth it, given the results to date? But we know the results are more than 2,300 Americans who have lost their lives in Iraq; more than 16,700 who have been wounded; tens, if not hundreds, of thousands of Iraqi casualties; and yet Osama bin Laden is still on the run. Iraq now appears to be descending into an all-out civil war and al Qaeda recruitment levels are reportedly stronger than ever.

But while our men and women are risking their lives overseas, at the instruction of this administration, and of course, we have great regard for their courage and sacrifice, we are not being asked to sacrifice at home; and, in fact, the people who have been the most rewarded by this great economy—that was built on the investments that have been made in prior generations—they are being asked to sacrifice the least. In fact, they are actually being rewarded. The same time that these men and women are going to war, we are continuing trillions of dollars of tax cuts that primarily benefit the very wealthiest in our society. And yet these tax proposals are going to cost the American people about $3 trillion, $3 trillion over the next decade. The benefits from these tax cuts are heavily skewed toward the wealthy.

If they were to fix the alternative minimum tax for the middle class, that would be one thing. If they were to help working-class families deal with the vulnerabilities they face in providing for their families, that would be one thing. But that is not where most of it goes. More than half of these benefits go to the 4 percent of Americans who make over $200,000 annually.

Four years from now, in 2010, taxpayers with incomes of more than $1 million a year will receive average tax cuts worth $155,000, 100 times the tax cut that the average taxpayer will receive. Is that fair? Is that smart? I don't think it is appropriate, and I don't think it reflects America's priorities. And they come at a huge cost to the fiscal security of this Nation; causing massive amounts of annual Federal deficits.

Over the last 4 years, we have seen the largest deficits in the history of our Nation. Mr. SCOTT is going to show you what has happened over the last 5 years on a chart. I hope you will pay close attention. It is unbelievable.

The current fiscal year, 2006, is expected to produce the largest deficit ever in the history of our country at $423 billion. And this doesn't even take into account the supplemental spending requests that the President will send up to the Hill any day now which will increase the 2006 deficit to well over half a trillion dollars. And fiscal 2007 will be another year of historic deficits predicted to be $354 billion.

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In fact, since President Bush took office, we have had the largest annual deficits in the history of this country, and those numbers are net numbers after you take the Social Security surplus and offset it against general fund deficits. So you can add another $200 billion annually to each of those numbers.

So we are creating debt of over $500 billion a year, Mr. Speaker. These deficits and the $8 trillion in debt we now

have as a result of prior deficits will place on our children and grandchildren an unprecedented level of debt burden.

Because of these policies, every child born today automatically inherits $28,000 as their share of the Federal debt. And under the President's budget proposals, a child born just 5 years from now will inherit a much larger share. In fact, they will be paying taxes for nearly the first 5 months of every year just to pay the interest on the debt that their parents' generation incurred.

The President's massive budget deficits also require us to borrow from foreign governments. Foreign investors now hold half of the country's publicly held debt. China alone holds $250 billion of the public debt, which is more than 300 percent the amount that China held only 5 years ago. They have a fiscal guillotine over our necks if they chose to use it. We are so dependent upon China's being willing to borrow all this debt that we generate year after year.

Let me just show you a chart, in fact, of this foreign debt; Mr. Kahn, our very able staff director on the House Budget Committee, has put this together. This is the aggregate U.S. national debt held by foreign countries.

Now, the debt was climbing during the Reagan years in the 1980s, continued to climb during the Bush years. During the beginning of the Clinton years, it started to top off, and then with President Clinton having adopted the pay-as-you-go policy of the first President Bush, having to pay for tax cuts as well as additional spending, we got the budget under control. We had an estimated $5.6 trillion surplus predicted for the succeeding decade. So foreign debt would have gone down just like this. And as our foreign debt went down, our national security would have gone up.

But this administration decided they did not want to adopt the policies of the father. They did not want any pay-as-you-go. They just wanted to cut taxes. The heck with paying it. We will send a credit card to the next generation. They can pay off our debt. That is their problem, not ours. We are going to live high off the hog. We are going to reward our contributors. And the fact is that that is exactly what has happened, and we have driven this Nation into debt.

But even more seriously, look at what has happened to foreign debt. Foreign debt has gone up like this to here. We are now at $1.5 trillion. Here we are at $1.175 trillion and here we are over $2 trillion in 2005, a substantial share being purchased by China, as I just said, a 300 percent increase in China's share of the foreign debt. But imagine what has happened to foreign debt since 2001 when this President took office. Talk about endangering national security.

Now, who pays for all of this? Well, what happens is that the American people obviously pay. Our children will pay most of it. But even today the sick and the elderly who need care that cannot be provided by their families will pay. We will have our college students pay in reductions in student loans, and basically the dignity and the upward mobility of the American working class is going to suffer for these policies. Mr. Speaker, this is a situation that is not sustainable, that has to be reversed.

Now, everyone is entitled to their own ideological opinions. I do not think they ought to be entitled to their own set of facts. This is factual information. You can check in any of these budget documents put out by the government. You can find that the amount of debt has skyrocketed. The amount of debt held by foreign nations has skyrocketed to an even greater degree. We are dependent on countries like China to keep us afloat.

And, in fact, the working class has suffered. Our children are going to pay the bill, and we are involved in a war that we are only paying for by borrowing from the future. We have not paid one dime of the cost of the Iraq war nor have we paid for the tax cuts that we have so blithely passed.

Mr. Speaker, with this, I would like to yield to Mr. SCOTT, who has been on the Budget Committee for several years, and he is going to show you some shocking charts as well.

Mr. SCOTT of Virginia. Mr. Speaker, I thank my colleague from Virginia for yielding to me.

My colleague from Virginia, you have done an excellent job in outlining what the problem is.

I like to use charts as I describe what the problem is. Our previous speaker indicated, the Truth Squad, as to what the truth is. I would like to point out exactly what he is talking about because this chart shows the deficit back through the Ford, Carter, Reagan, Bush, Clinton administrations, up to a surplus and what has happened in the last 5 years.

When they talk about bragging about fiscal responsibility from the Republican side, this is the line they are talking about, the one they are bragging about right here.

When they ask what the Democratic plan is to get us out of this mess, I would say, Mr. Speaker, the Democratic plan is this blue line right here. That is what we had under President Clinton. My colleague from Virginia will remember in 1993 the first budget passed under the Clinton administration. It passed without a single Republican vote, House or Senate, and we took that budget and took it up to a surplus.

In 1995, when the Republicans came in and took control of Congress, they passed a different kind of budget, and President Clinton vetoed that budget. In fact, they threatened to close down the government if he did not sign those tax cuts, and he vetoed it again and the government was shut down. President Clinton would not sign an irresponsible budget. And as a result, we have almost a straight line up into a surplus.

When President Bush came in, everything collapsed. They stopped paying for tax cuts or paying for spending cuts. Pay-as-you-go dissolved, and here is what you have. And this is the line they are bragging about.

Now, unfortunately, it is going to get worse before it gets better. The President says that he wants to cut the deficit in half in 5 years. That is a fairly, what I would say, modest goal, taking into consideration the fact that you had a huge surplus to begin with to say that you are only going to clean up half of the mess, but the fact is he cannot even do it if we make the tax cuts permanent and do other things that he has suggested. And they are passing.

This is the line we are going to follow for the next 10 years. Deep into deficits. This green line is the promise, which is not much, but the red line is what we are going to probably do.

This little blue line up here is an interesting line because that is the budget from this administration in 2003 before they continued cutting taxes. They showed that by now we would be up into surplus. 2003 is significant because that is after 2001. After the war we still had projected, before we continued to mess up the budget, we were supposed to be in surplus now, but here we are deep in the ditch. In fact, as my colleague from Virginia has indicated, we had, when this administration started, a projected $5.6 trillion surplus for the following decade. We have dropped almost $9 trillion to, the same year, a $3.3 trillion deficit, a turnaround of $8.9 trillion.

Now, let us put that number in perspective because it is a big number. If you add up everybody's individual income tax, what everybody pays on April 15, every individual, what your individual tax is, it averages year by year to be about $800 billion. An average deterioration in the budget, almost $900 billion, deterioration in the budget. And when you talk about the war, the gentleman mentioned less than $500 billion, 0.5.

Talk about Katrina, $200 billion, we might want to pay for the Katrina aftermath, 0.2. An $8.9 trillion deterioration; you cannot blame it on 0.5 and 0.2. And since that happened, it looks like you would have changed course somehow to accommodate it. No, you kept going straight. But you cannot blame 0.5 and 0.2 on a $9 trillion deterioration.

Now, the Truth Squad indicated a blank slate of the Democrats who voted for the spending cuts in 1991. That is true. But they did not tell you what the spending cuts were. Food stamps and health care for the working poor, and I say ''working poor'' because when you cut, you cut from the top. The ones that are struggling, the ones that are just barely making it, you

whack them. The very poor are untouched; it is just the working, struggling poor that get whacked with food stamps and health care.

They also cut child care, child support enforcement, foster care. We had a group come into my office the other day talking about the effects on foster care. Many at-risk children who are in foster care now will not have resources to help them. These are the ones at most risk of getting into trouble, getting into other problems that we are going to have to deal with. Those are the ones that got whacked by that budget, as well as, as the gentleman indicated, student loans. That is what we did not vote for.

But he also did not say what that was a total package of. They had spending cuts and they had tax cuts. The spending cuts were less than $40 billion. The tax cuts were $70 billion. Had we passed the plan, we were going to be $30 billion worse off, further in the ditch than we started off. These are some of the problems with the budget.

And let me get these other charts which point out that when you run up that kind of deficit, that is kind of esoteric, but at some point not only do you have to pay it back, but in the meanwhile, interest on the national debt. By 2010, compared to where we were on the line on interest in the national debt, we are going to be spending over $200 billion more in interest on the national debt, $227 billion more in interest on the national debt than we had projected.

At $22,000 a year for a job, how many people can you hire with $227 billion? Answer: 10 million. There are only 8 or 9 million people looking for work, drawing unemployment today. You could hire each and every one of them with a $22,000 job and have money left over with the additional interest in the national debt that we are going to have to pay.

Now, as you have indicated, we are running up debt. This chart shows the Social Security cash flow. What we are spending now, the little blue line, shows that we are bringing in more than we are paying out. In 2017, we are going to start paying out more than we are bringing in. Right at the time we are deepest in the debt, paying the most in interest on the debt, we are going to need to come up with cash to pay for Social Security.

Now, there is an old adage that goes, ''If you don't change directions, you might end up where you're headed.'' Let us look at what where we are headed with this budget. This black line shows the taxes if we continue making these tax cuts permanent, as the Republicans have continued to pass. Where are we headed? By 2040, this line goes across and shows that we could be able to pay for the blue, interest on the national debt; the yellow, Social Security, and we would have to borrow a lot of money to pay for that because you are not even covering Social Security; but we would also have to borrow for the red, which is Medicare and Medicaid; and green, which is government spending like defense, education, FBI, and everything else we do, all with borrowed money.

□ 1545

Obviously, this is not a sustainable direction. We have to change directions, and we need to start now. It is not getting any better.

I thank you for leading this Special Order. We have a lot of work to do. Again, if people want to know what the Democratic plan is, the democratic plan is the blue. We dug ourselves deeply out of debt and ran up a surplus sufficient to have an over-$5 trillion surplus.

Mentioning Social Security, to pay for Social Security for the next 75 years, we would need today $4 trillion more in the trust fund, $4 trillion more. We had over a $5 trillion surplus squandered away, turned into a deficit. We had the Social Security problem licked because we had gone into surplus. We could have paid Social Security for the next 75 years. But, no, we went in a different direction.

We need to get back to the Democratic plan and certainly reject more of what we have been doing for the last 5 years.

Mr. MORAN of Virginia. I thank my good friend from Virginia. Let me just clarify a couple of points. In the Democratic plan, it was basically based upon the pay-as-you-go concept of 1990 with the first President Bush, a bipartisan plan to pay for any subsequent tax cuts, to have sufficient revenue to pay for whatever spending occurred, but to balance the budget each year. By those efforts to balance the budget, it actually created a surplus.

Now, I know that the gentleman voted after 9/11 to go to war in Afghanistan, to go after the people that attacked us, Osama bin Laden, as I did; but that is a small fraction of the money that we are spending on the Iraq war.

The gentleman knows a lot of people, men and women, who have been financially successful. Does he feel that if they had been asked to sacrifice to pay for the war to go after those people who attacked us on 9/11, that they would have readily foregone tax cuts so that we could keep the budget balanced and avoid deficits being passed on to future generations?

Mr. SCOTT of Virginia. If the gentleman would yield further, not only that, and the way the question is framed, it is significant, because the overwhelming portion of the tax cuts are going to people that make more than $200,000.

There is one tax cut that goes into effect this year, colloquially known as PEP and Pease, dealing with standard deductions and other kinds of deductions that can be made. To make a long story short, it only affects the wealthy. If you are making more than $1 million, you get out of this tax cut, when it is fully phased in, about $19,000. If you are down between $75,000 and $100,000, on average you will get $1. If you are under $75,000, you get zero. This shows how we are going to spend $20 billion a year when this thing is fully phased in.

It would seem to me this is how we get into deficit, with those kinds of cuts. $20 billion a year, let's put that into perspective. All the BRAC base closings that you suffered in Northern Virginia and I suffered in Hampton Roads, Virginia, all of the BRAC closings, we will be lucky to save $20 billion over 20 years. $20 billion a year, when people under $75,000 don't get a dime; people over $100,000 might get $1; $100,000 to $200,000 might get $25, over $1 million, $19,000. That is how we are spending $20 billion a year in that tax cut.

It seems to me before we pass tax cuts like that, we ought to get the budget straight. Let's not be down here in the dumps talking about more tax cuts, particularly when they are weighted overwhelmingly toward the wealthy.

Mr. MORAN of Virginia. I thank the gentleman for illuminating those misplaced priorities, and I thank him very much for his extraordinarily illuminating set of charts and numbers.

Mr. SCOTT, do you have one further thing you wanted to share with the American people? I yield to the gentleman.

Mr. SCOTT of Virginia. I would say that if we had actually improved the economy with all those tax cuts, it might have been worth it. But this chart shows that the economic improvement, the number of jobs created since Herbert Hoover, it shows that after we have run the budget into the ditch, we still have ended up with the worst job performance since Herbert Hoover.

Mr. MORAN of Virginia. Unbelievable charts. So for all of those Presidents since Herbert Hoover who had a net loss of job creation because of the Great Depression, Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan and the first President Bush, and then President Clinton, of course, they all created far more jobs than this Presidency, the worst job creation record in our lifetimes, in the last, what, 65 years. So, it is an unbelievable record. We thank you for sharing it with us, Mr. SCOTT.

We will now hear from the gentleman from Long Island, New York, TIM BISHOP, a member of the Budget Committee, and very much concerned about the fiscal policy of this administration.

Mr. BISHOP of New York. Mr. Speaker, I thank the gentleman from Virginia for yielding, and I thank both gentlemen from Virginia and Mr. SPRATT and all of our colleagues on the Budget Committee for their leadership and diligence in making the case against the Republicans' failed economic strategy and misguided budget priorities.

These shortcomings are conspicuous in the President's fiscal 2007 budget. If the last few years have taught us anything, the emerging Republican budget resolution to be considered by this House in the coming weeks will mirror the problems and missteps called for in the President's proposal.

On one hand, we are hopeful, even optimistic, that the promise of his competitiveness agenda represents a down payment on the long-term priority investments we need to make in order to maintain our competitive edge in the global economy. Yet, on the other hand, this budget is perhaps the single most disappointing, counterintuitive, and hypocritical proposal of his six requests thus far. Calling for deep cuts in education and health care, for example, while advocating a competitive workforce, represents a fundamentally incompatible strategy. Americans shouldn't be surprised, though, given this administration's history of cutting taxes for the wealthiest individuals and corporations at the expense of middle-class priorities.

After a dozen town hall meetings in my district in recent weeks, my constituents have spoken loud and clear about how these budget cuts are making it tougher for their families to stay ahead in today's economy.

Let me focus on two aspects of the President's budget proposal, each of which reflects deeply flawed policies.

First, education. Under the so-called Deficit Reduction Act and the President's 2007 budget request, student loan programs are cut by $12 billion, Pell grants are frozen for the fourth year in a row, and the Federal portion of the Perkins loan fund is recalled. This decision alone will take out of the student loan system another $600 million per year.

As a consequence, the rapidly expanding gap between the amounts of available student aid compared to the total cost of obtaining a college education is growing out of control. Yet this administration's response is that colleges should simply charge less.

But it is not making the same demands of other industries that are equally critical to our economy's infrastructure and competitiveness. While the budgets of college students and their families are stretched to increasingly thin margins and the dream of obtaining a higher education is placed farther out of reach, the administration isn't calling upon the drug companies or the oil and gas companies or those industries operating with banner profit margins to make the same sacrifices.

The central point is this: we can propose a competitiveness agenda, but it is simply an empty promise if our policies are going to make it more difficult for students to attend college. We can educate all of the AP students we want, we can have the best AP teachers in the world we want, but if once they finish those AP courses they don't have access to a higher education, our competitiveness agenda is simply an empty promise. It is a sham.

Investing where the government's help is needed the least, including $16.5 billion worth of tax breaks and generous subsidies for the most profitable oil and gas companies, at the expense of extending a helping hand to those Americans that need it the most is an economic strategy headed for failure.

Similarly, the President has chosen to scale back investments in the other pillar of America's competitiveness and critical infrastructure, health care. His plan to cut $36 billion from providers through fiscal year 2011 could result in Medicare reimbursements to medical facilities in my congressional district of approximately $28 million over the next 5 years, this on top of the $1.2 billion in cuts already enacted.

Reasonable people simply have to ask what kinds of priorities are revealed by these policy initiatives. More importantly, what kinds of values are revealed by these policy initiatives? Cutting funding for medical facilities doesn't save taxpayer dollars; it passes the costs on to local communities and places a greater strain on the middle class. Our health care system is already in tatters. The Medicare part D drug benefit remains in shambles, and more families are joining the ranks of the 46 million uninsured Americans.

These are the consequences of the Republicans' flawed policies. America needs a new prescription for competitiveness, one that we should rewrite as we take up the budget resolution in the weeks ahead.

If we are truly committed to sharpening our competitive edge and meeting the goals set forth in the President's budget, I suggest that we back up our promises by fully funding our health care and education priorities.

Mr. Speaker, this budget reflects priorities and values that simply cannot be supported. We can do better, and I look forward to working with my colleagues towards that end.

Mr. MORAN of Virginia. Mr. Speaker, we are very appreciative of the gentleman's comments. Thank you very much, Mr. BISHOP.

I yield to the very distinguished gentleman from Washington State, BRIAN BAIRD.

Mr. BAIRD. I thank my good friend and colleague. This is an important topic, because it strikes at so many issues important to our families back home and the people we represent.

This administration has said repeatedly, no new taxes. What they are not telling you is while they say on the one hand no new taxes, they are in fact passing a host of hidden fees that are tantamount to taxes onto the backs of the American people.

Let me give you some examples that directly impact my constituents, the first of which is, indeed, according to the administration, a new tax. If you listen to President Bush and our friends on the other side of the aisle, they will tell you that if we do not extend the capital gains and dividend tax cuts that go to the wealthiest Americans, that is equivalent to raising taxes. In other words, if you don't extend the tax cut, then you have effectively raised taxes. Yet the President's budget does not extend deductibility of the State sales tax that affects people in my State of Washington and six other States across the country.

How much is this matter worth? Last year our deduction for sales taxes, which we fought to put in on a bipartisan basis, saved the taxpayers of Washington State alone $500 million. If the President believes that we don't need to extend that, then the President, according to his own logic, would raise taxes on Washington State taxpayers to the tune of $500 million a year, which would be $5 billion over the next decade.

A second effective tax increase that is going to strike the Northwest comes from the President's ill-conceived proposals for dealing with Bonneville Power Administration revenues. The President would force Northwest taxpayers and the Bonneville Power Administration to take additional revenues from Bonneville and send them to the Federal Treasury to disguise the true cost of the deficit, rather than using them to lower the power rates, which currently are 50 percent higher than they were before the 2001 energy price crisis, which, not coincidentally, was precipitated by the actions of this very administration.

Friends, if policies of this administration increase your utility bill 10 percent above the current levels, that is equivalent to a tax from an administration that swore it would have no new taxes.

□ 1600

The President also is going to shift critical fees and expenses that also amount to an effective tax onto our local communities through their proposals to cut dramatically the Secure Rural Schools Initiative.

In my district, two of the highest recipients in Washington State, two counties are the highest recipients, Lewis and Skamania Counties, absolutely depend on this money to make their counties operate.

As we have seen curtailments in timber harvests and resulting revenues, these counties have come to depend and desperately need this money for public infrastructure, education and safety, yet this administration would first cut the funding for this program and, second, require that we sell off Federal lands again in a short-term effort to disguise the deficit, that we sell off Federal lands in order to provide the meager funds that would remain.

Our local communities depend on this creative, collaborative effort by environmentalists and timber companies and timber interests to get responsible, practiced harvests in the woods, that would be decimated. We cannot let this go forward.

That the Federal Government would also renege on its fundamental commitment to community safety by cutting this figure is astonishing, up to 80 percent of Federal support for local law enforcement programs.

Come to my district, Mr. President and my friends on the other side of the aisle. Talk to my local sheriffs and police officers who fight the daily battle against the scourge of methamphetamine, other drugs and other crimes. Ask them, can you do without Byrne Grants? Can you sustain the kind of cuts we are talking about in the COPS program? Can we really support further cuts in the High Intensity Drug Trafficking Area? We are making progress in the battle against methamphetamine, but increasingly international supplies are coming through our virtually open borders.

Our young people, even middle-aged people are getting addicted to this horrific drug, and this administration says, now is the time to cut funding that the Federal Government provides local communities. It is bad policy, friends, and it amounts to a tax on our local communities because they will be left to pick up the tab of the reduced Federal dollars. And it is a tax on you if your home is burglarized, if your family is assaulted, if your workplace no longer functions effectively because of the effects of this drug. It is a tax, my friends, and it is being levied by the policies of this administration.

Finally, last month, we had a number of folks from our local school boards in my office. And they talked to me about the proposed cuts to critical education programs and the shortfalls in key educational opportunities. We all know that this administration and this Republican-led Congress has proposed to increase the cost of student loans even as college costs are skyrocketing.

But we need to know too that folks who are not planning to go to college, the folks who need a vocational education, who want to learn a trade or a skill will be dramatically and adversely impacted by this ill-conceived budget.

The President has proposed zeroing out the Perkins Grant program which local high schools and community colleges and voc programs absolutely depend on to sustain their voc education program.

It happened to me last month that we had school board members and community college board members in my office one day talking about how devastating these cuts would be. The next day I heard from Josh Bolten, the President's OMB Director, who said everything is going to be just fine.

Mr. Bolten, Mr. President, please come to my district. When we finish talking to law enforcement about what you are going to do to them, we will come talk to our educators about what your proposals will do to them. It is a tax on our schools. It is a tax on our students. It is a tax on our families if you cut these resources.

You cannot continue to do this. You are funding a war without paying for it. You are funding tax cuts without paying for it. You are passing the debt onto our children and our grandchildren, and all the while you are cutting vital and essential services and you are trying to disguise the costs of our cuts by increasing the rates on our northwest electrical ratepayers, by shifting costs to local communities, and by trying to sell off the Federal lands.

None of that is responsible policy. The American people should know about it. And we must reject this ill-conceived budget plan by this administration, and our friends on the Republican side. I yield back to you.

Mr. MORAN of Virginia. I thank the very astute gentleman from Washington State. And now we have our very diligent, conscientious member of the Budget Committee from the Commonwealth of Pennsylvania, Ms. SCHWARTZ.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, the President's budget is fiscally irresponsible and cuts services vital to American families. I rise today in opposition to the President's proposals to cutting funding for homeland security.

I represent the Port of Philadelphia, the world's largest freshwater port and one of the Nation's strategic military seaports. Over 3,000 ships load and offload at the Port of Philadelphia each year, making it one of the busiest ports on the Atlantic coast, and the fourth largest port in the United States for the handling of imported goods.

In addition to the port, the greater Philadelphia region is home to other critical transportation economic infrastructure, such as a large portion of Amtrak's northeast corridor, SEPTA and PATCO high-speed lines, and major highway infrastructure.

Situated around this transportation hub are almost 5.7 million people. These factors led to the Insurance Services Office, which assesses risks for the insurance industry, to conclude that Philadelphia is among the 10 cities most vulnerable to a terrorist attack.

Madam Speaker, the President's cuts to port security and first responder funding will adversely affect the ability of Philadelphia and cities across the Nation to protect those who live, work and visit the city, to protect them from traditional and emerging threats.

Specifically, the President's budget slashes funding by 25 percent for first responders. These are the very dollars that allow American cities to equip, hire and train police officers and firefighters. The President's budget eliminates funding for law enforcement terrorism prevention, and the President's budget eliminates funding for port security grants which were created by Congress in 2002 as a means of directly funding the installation of security perimeters, surveillance technology, and other very important counterterrorism measures at our ports.

These cuts come at a time when the administration is allowing our major ports, including Philadelphia, to be managed by Dubai Ports World, a UAE-owned company, a company located in a country whose key agencies, including security and monetary agencies, al Qaeda has claimed to have infiltrated since 2002.

While the President justifies this decision by saying that the Federal Government, not Dubai Ports World, will be responsible for security, he has proposed to eliminate funding for port security by the Federal Government. Neither justification nor the President's proposals will make Americans safer.

My colleagues, while it is good that the Nation is finally focused on the critical issue of securing our ports, our rhetoric and our passion about Dubai must be matched by the funding necessary to keep our ports and our citizens safe.

That is why when the House Budget Committee votes on the President's proposed budget in the coming weeks, I will lead the fight to restore these and other harmful cuts to port security. The security of our Nation depends on our making the right investment and the right funding choices to protect America.

I yield back.

Mr. MORAN of Virginia. I thank the Congresswoman from Pennsylvania.

I am happy to yield to the Congressman from Alabama, Congressman ARTUR DAVIS. Thank you for your leadership, particularly on the Budget Committee.

Mr. DAVIS of Alabama. Madam Speaker, I want to thank the gentleman from Virginia (Mr. MORAN) for what you and Mr. SPRATT and Mr. SCOTT and so many others do.

Mr. MORAN, Mr. SCOTT, one of the helpful things about these colloquies and these special orders at the end of the day is that they have enormous nutritional content for people who really want to understand the budget issues. They expose some of the argument that happens on the floor.

As you know, when we have our full-fledged budget debate, we match each other in bits of 1 minute, 2 minutes, and it is hard to get clarity in 1- and 2-minute exchanges. These kinds of conversations allow for a lot more light to be shed.

And one of the points that you have made, that my friend from Virginia has made, and others have made, is exactly how fundamentally unserious the administration is about restraining spending. That is the point we ought to make over and over again, Madam Speaker, because when people hear these budget debates, they often think that folks on our side of the aisle are enamored with spending, they think the people on the other side of the aisle are resistant to it.

Well, you cannot be serious about spending cuts when you pass a reconciliation package that cuts spending

by about $45 billion, and then you push just as hard for revenue cuts, for tax cuts to the tune of $70 billion. That is a simple matter of math and arithmetic. You cannot be fundamentally serious about spending cuts when your administration has presided over the largest rise in discretionary spending in the last 10 years for a variety of programs.

So the American people ought to understand, this is not an argument about who wants to spend more and who wants to spend less. It is an argument about a far different set of issues. That is what we value and what we prioritize.

As so many have pointed out during all of these debates, Mr. MORAN, the reconciliation packets that passed a few weeks ago, the budget that we will debate in committee next week will not make much of a dent in the deficit when all is said and done. But it will wreak havoc with a lot of families in this country.

Just a few weeks ago, this body thought it was so important to start this session of Congress out by passing a bill, a reconciliation package, that will mean that 13 million working poor and poor families will have to dig deeper in their pockets to go to the doctor.

This House thought it was so vitally important to open this session of Congress by passing a package of cuts that took the heart out of the Federal Government's efforts to collect child support, that took the guts out of a program that the administration said was one of the best performing programs in the government.

And you will see it again and we will see it again in committee next week. You will see a budget that does very little to rein in spending, when all is said and done, but yet will have a disproportionate impact when it does make cuts on the people who are struggling in our communities right now. And that is what the people ought to understand this debate to be about.

We can do all kinds of things, cut spending that will attract support from both sides of the aisle. We can do all kinds of things to rein in the deficit that would attract support from all sides of the aisle. But every choice that the administration and the majority have made has been aimed at one set of people, the weaker people, the older people, the younger people, the people who are struggling to get by. And it is just wrong to put them in isolation. It is wrong to make them bear the brunt of these kind of cuts.

So as we move through this budget debate next week and over the next several weeks, I hope the American people understand, it is not an argument about cutting spending, it is an argument about what we value. It is an argument about what we prioritize. And finally it is an argument about who we give value to.

We know who the administration and our friends on the other side of the aisle often value. They often value people who are doing rather well in this society and they often reward that. They do not put a lot of value in some of the people who are living in my district, which happens to be the fifth poorest district in the United States. They do not put a lot of value in their needs.

So if you believe in a better way of looking at the American people, if you believe in a more principled way of understanding that everyone should count and not just some people, you will vote against this budget, you will reject this budget. And that is the kind of debate that we ought to be having in the next several weeks.

So, Mr. MORAN, I thank you for your leadership. Mr. SCOTT, I thank you for your leadership, and I yield back.

Mr. MORAN of Virginia. I thank the gentleman very much, and particularly for revealing the real effects upon the hard-working people in your congressional district. Many of them are poor because they have not had the opportunities to be as prosperous as others. And that is a situation perhaps more pronounced in your rural district, but it is the case through so many parts of the country.

We need to be investing in as strong an America as we can possibly create. Our strength is in America's workers, and the education our children receive, in the roots that our families put into their communities.

And I know your total commitment to the people of your district as well as to the country and I appreciate your input. Thank you, Congressman DAVIS.

We now call upon the gentleman from North Dakota (Mr. POMEROY), the former State insurance commissioner who watches this budget very carefully. And he is going to share with us some of his concern about the direction our fiscal policy has taken over the last 5 years.

Mr. POMEROY. Madam Speaker, I thank the gentleman for yielding and thank him and all of my colleagues, Democratic colleagues, on the House Budget Committee.

I have previously served on the House Budget Committee and the task before you points out the absolute lunacy of the Republican budget plan. This is extremely important. Thank you for the time you are spending on it today.

Earlier this morning I was at an event where we heard from several Republican Congressmen and the Vice President of the United States. They were sharing the same talking points. Because even the phrasing was identical in speech after speech. And it was something like this: The economy is going great. Growth is strong. Unemployment is down. We deserve a lot of credit.

What they did not tell you, what they did not tell the crowd this morning, made no mention of it at all, is that this crowd is funding the government on borrowed money.

□ 1615

The good times we are seeing today are very much like someone that might be living down the street, living high and mighty, driving nice cars, wearing fancy suits and doing it all on borrowed money.

There is a wonderful television commercial that has a very self-contented man. He says, I have got a nice family. I have got a nice house. I have got a nice car. And then he looks at the camera and says, And I am in debt up to my eyes. Because what they are doing is artificially creating today the appearance of prosperity while they mask the depth of debt they are pushing our country into. That is what is so important on this chart.

We have had the most significant financial swing in the history of our country going from projection of surpluses as this crowd took over to the deepest deficit we have ever had in the history of the country. Record deficit in 2003. Record deficit in 2004. Record deficit in 2005. And this year the biggest kahuna of them all, the deepest deficit ever, which is why they have brought this case in the national debt. It seems like this crowd and their wonderful economy have borrowed so much money the Nation has maxed out its credit card limit. They are at the edge of what we have authorized them to borrow.

Now, we have already increased this debt limit by votes of Congress on three different occasions under this President. I feel like the loan officer as a Member of Congress. They keep coming back for more and more and more. And now even while they proclaim how wonderful things are, they are presiding over the deepest deficit in the history of the country and an increase in the national debt limit authority down to $3.3 trillion of debt.

This is going exactly the opposite of the values of the families I represent. Household after household in North Dakota and across the country, you have got moms and dads at the kitchen table working hard to make ends meet and sharing a conviction that, no matter what, things are going to be better for their children; no matter what, they are going to make sure that their children have more opportunity.

Do you know what? A recent survey shows that more than half of the people in this country believe that it is going to be worse for our children than we ourselves have had it. Now, I ask you, why should Congress run this ''live for today economy,'' racking up debt for our children, doing exactly the opposite, living for today, reducing the prospects for tomorrow for our kids when individually the families of America would do anything to leave things better for their children than they themselves had it? In my opinion, that is the heart of this budget debate.

Are we going to pay our way? Are we going to take the stand now to leave things better for our kids? Well, you sure would not have known from this morning. They are crowing about the happy economy and not saying one word about pushing our Nation into the

deepest debt it has ever been in, leaving our children to clean up this mess. I believe they should be ashamed of themselves.

As I prepare to yield back, I again want to express my appreciation for the efforts of the House Democrats on that Budget Committee fighting this fight and getting the word out. We should not fund today's good times based on tomorrow's debt that our kids are going to have to take care of. We ought to pay our own way, and I intend to work with Republicans and Democrats to get us back to that point. I thank the gentleman.

Mr. MORAN of Virginia. I thank the gentleman from North Dakota (Mr. POMEROY) for his extraordinary leadership and his very deep and genuine concern over the fiscal policy direction of this country.

Even beyond the immorality of this wild, profligate spending and then sending the bill to our children to pay, what American family would take a credit card, max it out, and then tell the credit card company, Do not worry about it. Send the bill to my kids after I die.

And that is what is going to happen. The amount of debt and even the interest on that debt is going to cripple generations to come.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Madam Speaker, I would like to yield to my good friend from Virginia.

Mr. MORAN of Virginia. I thank my good friend from Florida, the son of one of our most distinguished Members, who is rapidly becoming a leader in his own right.

I mentioned to him that yesterday I stood transfixed at the television set watching his speech on the floor, and it brought up the issue of security. And I trust the gentleman will underscore the national security implications of this budget deficit, because the only way that we are able to spend so profligately, get away with it, is that we have found people who are willing to buy our debt. Not here, but overseas. And for some reason, China seems just as happy as they could be to increase the amount of American debt that they hold by 300 percent over the last 5 years. Billions of dollars they hold; and all they have to do is to say, we do not think that we are going to buy your debt in the manner and to the extent that we have in the past, and our stock market, our economy would crumble.

Imagine putting this country into that kind of vulnerability where we are dependent upon a communist nation buying our debt just so we can continue this misguided fiscal policy.

I thank the gentleman for his leadership, and I look forward to watching him and reading his statement in the CONGRESSIONAL RECORD tomorrow too. You have been terrific on this. Thank you, Congressman MEEK.

Mr. MEEK of Florida. Thank you. We in the 30-something Working Group, and as other Members come to the floor, we talk about these issues that are facing Americans and this issue of selling off our country, borrowing off of our country to foreign nations. You start talking about China, Japan, Saudi Arabia, even the Caribbean countries. They cannot do it by themselves. They have been able to accumulate over 45 percent of your debt thus far because the Republican majority has handed it to them.

I must say, you are a part of Congress, and a number of you who are part of Congress were on the floor when we balanced the budget. The Republicans are talking about cutting it in half. We actually have experience in following through on our side. So we have to continue to come to the floor and share not only with the Members but with the American people about what we can do and what we want to do. We do not want to sell off our country, and that is what it is all about.

The work that you all do in the Budget Committee is so very, very important to us all.

Mr. MORAN of Virginia. I thank the gentleman.

Mr. MEEK of Florida. You are welcome. I must say, Madam Speaker, it is an honor to come to the floor once again. I know that the Members appreciate the information that we provide to not only the Democratic Members but also Members of the Republican side, the majority. I think it is also important for us to point out issues that are working against Americans and those issues and bipartisan pieces of legislation that are working for America. And we have to see more of that.

I think it is important for us to also reflect on the fact that right now more than ever we need to have a forward lean in getting our fiscal house in order as we start moving through this budget process and also making sure we come clean with the American people on all fronts.

This afternoon we are going to not only talk about our fiscal house but we are also going to talk about making sure we are straight with the American people. The whole reason we come to the floor is there are so many disturbing things that are happening in our country. I am not talking about everyday Americans. I am talking about those who are elected to come here and represent, need it be a lack of oversight or need it be something that the executive branch has done, that this Congress, the majority side has rubber stamped.

Here on this side we have a number of examples of how we have tried to put America back on the right track, not only in leveling with them on homeland security, leveling with the American people as it relates to protecting our ports and our airports and seaports, but also as it relates to the dollar. A lot has happened in the last 4 years, and we have to share that information with them.

I am so glad my good friend and also a part of the 30-something Working Group, Mr. ARTUR DAVIS from Alabama, is continuing on. I know you were part of the last hour with the Budget Committee. I appreciate the work that you all have done thus far, the work that you are doing, looking at what the President has done.

I was hoping maybe you could shed some light on when we start talking about the President during the State of the Union. We were both here. He talked about innovation. He talked about it; and when he released his budget, I heard the talk, but I did not see the walk afterwards as it relates to the fiscal situation. But I appreciate your work on the committee, and maybe you can shed some more light on this, sir.

Mr. DAVIS of Alabama. I thank the gentleman for yielding. I am always pleased to see you and Mr. RYAN and Ms. WASSERMAN SCHULTZ lend your eloquence on these issues.

Let me make a couple of points. You touched on something enormously important about the President's commitment to more competitiveness in the economy and the strengthening of our workforce. You and I remember, we both came one Congress ago. We came here in January, 2003, and I remember the President's first State of the Union. He was standing not far from where we stand now. And the only line, frankly, I recall from that speech was a rather memorable one.

He said that this Congress should not put off what future Congresses would do and this generation should not put off for future generations what it could do for itself. That sounded good. It sounded like a bold President saying that we have real opportunities today if we are daring. Well, you look several budgets later. You have a verbal commitment to make the economy stronger. You have a pattern of cutting student loans and making them harder to get, and by the way, changing the eligibility outside the budget process in the dead of night in a way that it is not even debated by this Congress.

You have a promise of more effort to make the country competitive. You see reductions every year in workforce development programs. You see promises every year to strengthen our schools, and you see continued cuts in all of the educational programs in this country or so many of them, and the outright elimination of many of those programs. In fact, almost half of the title items in No Child Left Behind are gone with the wind now as we approach reauthorization.

And you see a promise by this President to make America stronger; but it appears, Mr. MEEK, that making America stronger does not include making our workers stronger and creating

more fair, stronger conditions for them.

As I said in the last hour, that is what this debate is about. It is not about cutting spending. You are not serious about cutting spending when you say, I am going to cut $45 billion and then cut taxes another $70 billion. The math works against you on that.

You are not serious about cutting spending when you have had the greatest level of discretionary spending increase in the last 10 years, in the last several budgets. You are not serious about those things. What we have is an administration and a Congress that, frankly, is not somewhat serious about cutting spending. They are very serious about changing the definition of what we owe each other as Americans.

They want to move us away from a world where we feel connected and obligated to each other across all kinds of lines, and they want to more or less move us to a place where you have got to take care of yourself.

These 13 million families on Medicaid who have got to dig deeper in their pocket now to go to the doctor, well, we have decided that it is such an important proposition that poor people pay more for health care that we rammed that into the budget reconciliation several weeks ago, or they rammed it in.

They think it is so important to spend less money on child support that they rammed that into the reconciliation package several months ago. It goes on and on. But the question is what exactly do we think we owe each other as Americans.

There are some people and some of them sit on the other side of the aisle who believe that we owe each other very little. There are some of us who believe that we can be no stronger than some of our people who are weak and who are hurting through no fault of their own.

□ 1630

There are a lot of kids in this country who will be pushed off Medicaid because of this reconciliation bill a few weeks ago. There are a lot of kids in this country who will not get the doctor visits they need because the Federal Government changed them the Medicare rules a few weeks ago. Those kids are blameless. They did not ask to be born into families under Medicaid or the distressed communities they live in.

So it is very much a matter of priorities and values and choices, but as I close out, I want to make one other point.

You talked about the importance of candor with the American people and the importance of leveling with the American people, not promising you are cutting and spending when you are actually causing the deficit to go up. You talked about the importance of not pretending that you are not taking people off programs, but in fact, you are moving them off programs.

I do not know if your office has been like mine in the last week. I have received so many phone calls from people wondering why their government cannot be more straight with them on what is going on with our ports right now. So many people have called our office and they are wondering exactly why we do not have a stronger shipping industry in the United States, why we have not built stronger port operators in this United States and why we have to keep delegating this stuff out. They hear all the procedural stuff about the 45-day review period, but really, what they wonder is why in the world are we doing a $6 billion deal with a country that helped launder money for the people who attacked our towers, a country that is a very strong and vociferous opponent of our strongest ally in the region, why are we doing business with a country that does not follow any of the rules that we said we want for good trading partners.

It is interesting. It is as if the administration's policy on this issue is completely unconnected to common sense and, frankly, completely unconnected from values because one value would be if you want to do business with the United States, well, maybe you need to do better in terms of your human rights policies; if you want to do business with the United States, maybe you need strong money laundering laws so people cannot pervert your system and finance terrorists; if you want to do business with the United States, maybe you need to be far stronger than this country has shown itself to be on the question of freedom around the world.

These are the values the President talks about every time he stands up there and does a State of the Union. He talks about exporting democracy. He talks about we are this great beacon of democratic freedom. He talks about countries all over the world that are not up to our standard. If that is the case, what signal are we sending?

The last point I want to make is the President wanted to know what signal are we sending to our friends in the Arab world if we do not do this deal. The question is, what signal are we sending if we do it? Here is the signal. The signal is you can fall short of every value and standard that we have in this country, and we will pick you up on the back end and we can make a good enough deal with you.

Now, this is the administration that said it built a foreign policy based on our best moral values. Those moral values appear to be watered down to the way to do a deal, have we got a deal for you, and that is wrong. It has upset people all over this country. It does tie into this debate about the deficit because I think people are wondering who is it we are trying to help; why are we not standing up more for our people who need help and why are we not being more candid about what we are doing.

I really predict to you, as I close today, I think when we come back here after the elections in November, I think that our side of the House will be the side that has got more people. I think the gentlewoman from California (Ms. PELOSI) will honor us by being the first female Speaker of the House. I am being stronger convinced that you will be the new chair of the subcommittee that you serve on so ably as ranking member, and Mr. RYAN and I will get to move up the dais, too, because I think the American people are getting this. They are getting that the side that says it is strong and says it is serious is neither as strong nor as serious as they have said.

People are really smart. They are smart in my district and yours and all over the country, and I think that what we will see is a change in the politics of this country, a change in the leadership of the House. I welcome it when we stand up here next year crafting the budget, and it will matter. The Democratic alternative we are putting together right now, it will really matter next year because we are going to be in the majority, and we will be crafting a budget and sending it to the President and saying, Mr. President, we dare you to veto a stronger commitment to education and health care and growing our economy; we dare you to veto a stronger commitment to strengthening working families. I would be happy to. He has not vetoed anything in 6 years.

Mr. RYAN of Ohio. Madam Speaker, our friend Mr. DAVIS is on the Budget Committee, and I think when he talks about you are preparing a substitute right now, what the Democrats are going to do when we are in charge, Madam Speaker, we have a track record already, and Mr. MEEK has the statistics, and we have the charts here.

MIKE THOMPSON from California offered a vote on pay-as-you-go to make sure everything we spend money on was budget neutral, so we did not go into deficit. CHARLIE STENHOLM, when he was in office, offered it. Republicans voted against that, and voted against MIKE THOMPSON's bill.

DENNIS MOORE of Kansas offered a pay-as-you-go amendment to a piece of legislation that got shot down. Every Democrat voted for it. Every Republican voted against it.

Mr. SPRATT offered amendments within our budget that we were providing to try to amend the budget resolution, on two occasions, in March of 2005 and again in March of 2004. Zero Republicans voted for this.

So when Mr. DAVIS says this is what the Democrats are going to do when we are in charge, that is what we are talking about here, making sure you pay for your bills as you go along, not this reckless spending.

Mr. DAVIS of Alabama. Madam Speaker, let me follow up on what my friend from Ohio just said.

This PAYGO rule you talk about, we call it PAYGO for various reasons. Really, it is the be-like-the-American-family rule. Every family I know,

yours, mine, every other one, has to decide, if we are going to go out and buy some new things, we better make some more money or we better pull into our savings. All this rule says is if you are going to have new spending, you have got to pay for it. You can do it one of two ways, with spending cuts by making changes in the marginal rate or changes in revenue. That is the honesty stuff, that is the candor stuff.

The reality is, why would anybody not want to do that? If you are a fiscal conservative, why would you not want to go to a world that says let us just be no better or worse than the American family?

So this is an argument, once again, about whether we follow the same rules and the same principles that people follow all around the country.

Mr. MEEK of Florida. Madam Speaker, I mean, we are willing to follow the rules. We are ready. We are ready to do what we have to do to be able to put this country on the right track.

The bottom line is that the Republican majority, time after time, because they are not doing their job by keeping the executive branch in check, Madam Speaker, things like videos that are broadcast throughout the world, commander-in-chief says I did not know anything about Hurricane Katrina, it was a shock to me, I learned 72 hours after the hurricane, blankets and everything is on the way to New Orleans, and we are going to do what we have got to do. Then lo and behold, in this great democracy of ours, a video surfaces where the President was informed of the power of this hurricane and that 12,000 people evacuated or went to some sort of high ground in the Superdome and that we are going to have massive flooding, and that this was bigger than Hurricane Andrew that hit my community almost 12 years ago, Madam Speaker. The President's in Crawford, Texas, on video phone, and he says we are ready and we are prepared to respond. Then he shows up a couple of days later, goes back to the White House acting like he is shocked.

That is what I am talking about, leveling with the people, but it is easy to say that you do not know because you have said it before. Well, I did not know anything about the intelligence, no one told me, no one told me about a special port deal dealing with the questionable, quote, unquote, new ally. No one told me; I did not know. I feel sorry for the White House spokesperson. Goodness gracious. I mean, the guy must have an ulcer by now because he has to come week after week, day after day now, and say, well, you know, we did not know, we did not know.

I am sick and tired, and I do not care, if I had no party affiliation in this House, I am sick and tired of folks here in Washington saying they do not know. Somebody knows. This stuff just does not happen on its own, and it is very, very wrong for someone to sit up here and insult the American people. I think the American people have had enough of this stuff. The polling indicates they have had enough of it and the Republican majority.

We are here saying let us get together on innovation. Let us make sure our country is ahead of other countries in innovation and the sciences and math. Let us educate our children in broadband access. We are here with this innovation document almost every day. Madam Speaker, we encourage Members to go on housedemocrats.gov. We say it every day. This has been out for several weeks. The ink's pretty dry. We can bring the big binder down here if someone wants to get a copy of that.

They do not want to level with the American people. We have got men and women in harm's way right now based on weapons of mass destruction, and a lot of folks are running around here saying we did not know. We have got CIA agents that have been outed; oh, I did not know anything about that; I do not know how that happened; I do not even know the lady. Okay.

I just want to go down memory lane here, and it is continuing to unfold. Here the Republican majority just last year this time, well, let us just put it this way, 3 months ago, this time embracing and boasting about the K Street Project. Yes, we have the K Street Project, and guess what, if the lobbyists are not in tune with us, then they do not even get to come into our office, if they are not a part of the K Street Project.

It is basically you pay your dues to the Republican National Committee or the Republican Congressional Committee and you get access. Oh, well, that is fine. And are you a part of that project? And Democrats, who if they even have a Democratic affiliation, they could not even go into a lobbying firm. They had to be okayed and checked off by this so-called K Street Project that grew out of the Capitol, not into the Capitol.

So I do not blame lobbyists and special interests for that. I blame folks that walk in here and have voting cards just like we do on the majority side.

I am going to say this, too, Madam Speaker, it is disturbing. Folks run around here saying we need lobbying reform. Well, you know, I do not recall the lobbyists walking in here knocking on the door of the Republican majority, saying you know something, I want you to make me contribute to your campaign; I want you to make me hire your ex-staffers; I want you to make me do things that I ordinarily would not do because I think I need to have some sort of approach for the best person; but if you send a person to me and I want to have access to this House, to this Senate and to the White House, I have got to play by your rules.

I doubt if that happened. I guarantee you that did not happen, and now after a certain lobbyist has said guess what, you are an attorney and you were educated at one of the best schools here in this country. A man says, okay, I know you accuse me of being a part of the Washington inside game, what a lobbyist does, he goes to trial, do we have to go through a jury pool selection? The guy says I am guilty, right here, handcuff me, please hurry up before I do something else, and I am willing to help you with some folks on Capitol Hill that I did business with on a daily basis for access into the process, okay, then the Republican majority comes out and says that K Street Project, hey, that is wrong. All right. Well, there is something really, really wrong with that.

Then you wonder exactly what you are talking about, how did we get to allowing countries to borrow $1.16 trillion of the American apple pie. How did Japan infiltrate the United States of America, owning a piece of the American pie? How did Red China get into it? How did the OPEC Nations like Saudi Arabia and other questionable lists get there when people start talking about this?

So when folks come to the floor and try to have a moment of clarity, I have to kind of just stand up and say, hey, the 30 Something Working Group, we have been talking about this stuff. Folks can talk about a green assault or they can come with a positive message. I am going to take from Mr. RYAN. You show me a way to talk positively, how we are selling our country off to foreign Nations and we will do it if it is okay.

I know Mr. RYAN wants to say something, and I am going to go to Mr. DAVIS because he has been holding something for a very long time, but I had to get that out, because as an American, let us just put the Democratic thing aside.

This is our country, too. This is our country, too, but Madam Speaker, I may represent too many veterans, too many troops in harm's way, allowing us to salute one flag. Maybe I am just a little bit too attached to my constituency, but I tell you one thing, they defended this country for us to be up here in this chamber representing them in a way they should be represented.

I will be doggone if we let whoever it is in the majority or what have you run this country, continue to run this country into the ground, and we do not have the prerogative to say anything.

We are in the minority. There is very little we can do because we cannot put a bill on the floor, but we are going to do everything we can do to step on the line, cross the line, because this country's being sold over to foreign Nations, and folks are running around here talking about security. They do not even want to level with the American people even about a hurricane.

□ 1645

Mr. DAVIS of Alabama. I thank the gentleman for yielding. All of my colleague's points are so powerful that they inspire other thoughts and ideas

that just want to tumble out of you. So let me go back a little bit to what you were saying, because you make a very important point.

I think there has been an interesting flip between where our party was at one point and where the Republicans are at this point. We are all fairly young guys. This is a little bit before our time, but we hit a zone as a party in the 1970s and 1980s where we would make decisions as a party and sometimes they would not be smart decisions. But we, frankly, couldn't and wouldn't defend them.

We would just say to the American people and some folks in our party would say to the American people, you know what, trust us. We have the facts, we are diligent, we know what is right, we have more information than you do, so you ought to just trust us. And, frankly, Mr. MEEK, that didn't work terribly well as a strategy for our party and people started to lose confidence in us. And they started to think, well, we put you there, so you have to tell us more, you have to level with us more.

Now, what have we seen in the last several weeks, essentially, when everybody all over the country is saying, why can't we find a country that doesn't have a history of terrorist ties to help police our ports, pretty simple question? What do they say? They say, trust us. They say we have got the facts, we have got information you don't have, we know more than you do, let us do our jobs. Trust us.

And they have said it before. They say it with these budgets. They say, yes, there is a lot of stuff in here nobody understands, and they bring them to the floor and we get a few hours to look at it. But they say, trust us, we have the information, we have the facts and we know what is right for the American people.

And I am sure a lot of folks are probably thinking right now that they did that back in March 2003, and they said, no, you don't have all the intel, you don't have all the evidence, but we do. Trust us and we will get us in and out of this war real quick. And if you doubt that, well, trust us.

This ''just trust us'' politics took us from having, what was the number we had, it was 292, was the maximum we got to. We had 292 seats here at one point, but we lapsed into the ''just trust us'' politics and now we are down to 203.

Well, I think now they are the ''just trust us'' folks, and they have started to move down the scale in the numbers, and I think they are going to be moving from around 231 to about 208 or 209 or so in not too long.

The American people put us here. We get whatever little authority we derive from the Constitution and from them. So we do owe them candor, we do owe them explanations, we do owe them a sense of direction. It is not enough to say, just trust us, is it?

Mr. MEEK of Florida. Well, Mr. DAVIS, the bottom line is, and Mr. RYAN said it last night and I will say it again, the American public is very coachable. The bottom line is: So shall it be written, so shall it be done out of the White House, and we have got to protect the President.

Let me tell you something. The President has Secret Service, all that good stuff, and about 100 staffers, or more than that.

Mr. DAVIS of Alabama. Actually 1,000, Mr. MEEK.

Mr. MEEK of Florida. A thousand staffers. A whole army of them wearing suits. And I will tell you this. Everyone respects the commander in chief, but the thing about our Constitution, our democracy, and the three branches of government means that we don't have to follow the President when he is heading us down the road.

Mr. RYAN of Ohio. He is not a king, Mr. MEEK.

Mr. MEEK of Florida. He is not a king. Thank you, Mr. RYAN. Thank you for making that very clear.

But it seems that folks don't understand that that is the case.

Now, I have Republican constituents that are very highly upset. Some of them got into the Republican Party looking for fiscal responsibility because that is all they sold, Madam Speaker. But the bottom line is, when you look in the final analysis, who is spending the money now? Who is borrowing the money now?

The thing is, we balanced the budget. We had surpluses as far as the eye could see, yet within a matter of a few, short, single-digit years this country is far beyond a point of return if we don't stop this Republican Congress from doing what they are doing.

Mr. RYAN of Ohio. If the gentleman will yield, I thought it was very interesting when our friend talked about trust. I couldn't help but see earlier our friends, the Truth Squad, and they were talking about all the spending increases and spending increases, all borrowed money. All of it is borrowed. And it is not having results. We are talking about results. We are talking about having an impact.

And as my friend, Mr. DAVIS, said, who I just enjoy being around him. I mean he is good.

Mr. MEEK of Florida. He is real good.

Mr. RYAN of Ohio. I want to be friends with you.

Mr. MEEK of Florida. You are friends, Mr. RYAN.

Mr. RYAN of Ohio. I am friends with him.

But the point that he made, Mr. MEEK, talking about their saying, trust us; and Republicans say that the American people should trust them. But we have a history here that says we have trusted you and you have misled us.

You misled us with the facts of the war, you misled us on the economy, you misled us on the results of what the tax cuts would be, you misled us when you said government was going to be smaller under your reign, you misled us when you said government would be more responsible under your reign. It has failed time and time again.

I have two images in my head, Mr. MEEK, about the real incompetence of the Republican majority to be able to run government. I have a picture of 11,000 trailers that are sitting in Hope, Arkansas, in the mud right now that cost the taxpayers $300 million that are sitting in the mud, and we still have people that are not in their homes in the gulf coast. That is a government that does not work.

And what the Democrats are saying is that we have solutions to this. We are not going to participate in cronyism and the lack of responsibility and responsiveness on the Republican side for not providing any oversight to all this.

Then we have the administration come out and say they didn't know anything about it, but memos leak out, and we find out they knew about it. Now, all of a sudden we get videos that are out saying that the administration knew exactly what the threat was and what would happen yet still not being able to respond.

That is the bottom line. The people of this country, Mr. MEEK, want a responsive government. It doesn't have to be big, and in today's society, government should not be big, but it should be responsive, effective, efficient, nimble, flexible, able to change with different scenarios as the scenarios change and as society changes.

Our Republican friends, and I mean that sincerely because I consider many of them friends, they just lack the ideas to try to move the country forward. So it is not anything personal, it is just that they do not have the ideas, Madam Speaker, to move this ahead.

What the Democrats offer, and this is the thing, Mr. MEEK, for us personally, definitely in the 30-somethings, and I know our Democratic friends believe, profit is not a dirty word. Profit is good. Greed is bad; profit is good. We want more profit, because that means more people are going to get hired. But in the end, our friends on the other side, on the Republican side, cannot put forth an adequate reform agenda that will move the country forward.

All we have to do, Mr. MEEK, is look at what the budget looks like right now. Look at what the budget looks like right now.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ just joined us, and I can tell both my colleagues right now what is wrong here. We talk about folks not leveling with the American people, which is wrong, and they are still not. They are still not.

We come to the floor because we think it is important that people understand what is going on. We have been talking about the debt ceiling being raised, and I want to be able to raise this again, because this stuff is historic. We know it, but I want to make sure the Members know what is going on. This is historic.

It is historic in a way that in the middle of the holiday season last year, on the 29th of December, when I was with my family.

Mr. RYAN of Ohio. Getting ready for New Year's.

Mr. MEEK of Florida. Getting ready for New Year's, looking forward to the New Year, and Members of Congress were back in their districts, as we all should be, with pies being baked and all kind of good stuff.

Mr. RYAN of Ohio. Cabbage and sauerkraut.

Mr. MEEK of Florida. Yes, things like that. And Secretary Snow obviously was in his office that day, the 29th of December 2005, Madam Speaker, and he wrote this letter to one of our Senators informing him of the current $8.1 billion ceiling that we had.

Mr. RYAN of Ohio. Sorry to interrupt, Mr. MEEK. It's trillion.

Mr. MEEK of Florida. Currently, the debt limit is $8.1 trillion. He wrote billion in this letter. I am just reading what he says there. It says billion. It doesn't say trillion, it says billion.

Mr. RYAN of Ohio. Wrong.

Mr. MEEK of Florida. Well, it could be a typo.

Mr. RYAN of Ohio. It is a big typo.

Mr. MEEK of Florida. But he is basically just talking about the debt ceiling, that it will be reached in 2006; at this time, unless the debt ceiling is raised, we will no longer be able to continue financing government operations.

This is on the 29th of December. On February the 16th he writes another letter, Secretary Snow. We talk about him. We have his portrait here. He is a nice guy. He is just trying to figure out how to run this thing because the Republican Congress is handing him a fixed deck.

He writes John Spratt, who is the ranking minority member on the Budget Committee here in the House, an honorable man, and he says, on December 29th I wrote the Congress regarding the need to increase the statutory debt limit. Because the debt limit has not been raised, I must inform the Congress that pursuant to 5 U.S.C. 8438(h)(2) that it is my determination that by reason of the fact the public debt limit has not been raised, I can no longer pay into the retirement system.

That is the retirement system that we call the G Fund, which basically puts forth the dollars for us to be able to invest in the retirement system of the Federal employees. He can no longer do it. He goes on, to relieve the Federal employees, that when the debt ceiling is raised that he would be able to continue the investment there.

Now, if you can just bear with me for 1 second, because I have to go through this and make sure everyone is clear. Again, this chart is one of the most famous charts; one day it may appear somewhere over in the National Archives, because it is history. It is history in our country. Unfortunately, it is bad history, not good history. And we keep things because we have to make sure we never make this mistake again.

In the 224 years prior to this President and the Republican Congress getting their opportunity to have free rein on borrowing, 42 Presidents before President Bush only borrowed $1.01 trillion. That is a fact. Anyone can check it out. This is the U.S. Department of Treasury. That is our third-party validator, Madam Speaker.

President Bush, along with friends and colleagues in the Republican Congress, has borrowed $1.01 trillion and counting from foreign nations.

Mr. RYAN of Ohio. Unbelievable.

Mr. MEEK of Florida. Let us talk about these foreign nations just for a second. This is a silhouette and map of the United States of America, one of the greatest countries on the face of the Earth. I think it is important that we talk about the people that own all the parts of the American apple pie.

I challenge Mr. RYAN and Ms. WASSERMAN SCHULTZ, and any Member of this U.S. House of Representatives, Democrat or Republican, that can explain to me a better way to say that this is a good thing for the American people.

Canada. We will put that up there. They own $53.8 billion of the American apple pie.

□ 1700

Korea, they own $65.5 billion of the American apple pie that we have borrowed from these countries. $65.7 billion, Germany owns a piece of the American apple pie, thanks to the Republican majority and the President, with their policies. The UK, some may say friend and ally, they are friends and allies of our efforts that are going on. They own a piece of America right now at $223.2 billion. That is a lot of money. OPEC nations. I am going to put that here, down there by Texas. They own $67.8 billion of the American apple pie. And I think it is important.

Mr. RYAN of Ohio. Mr. MEEK, will you yield for one moment?

Mr. MEEK of Florida. I will yield.

Mr. RYAN of Ohio. I just want to let the Members know according to the Department of Treasury, again, third-party validator, the OPEC designation includes those countries, what is it, $65 billion?

Mr. MEEK of Florida. $67.8 billion and counting, Mr. RYAN.

Mr. RYAN of Ohio. Okay. That is what we have borrowed from them. Iran, Iraq, Libya, UAE, Saudi Arabia, Algeria, Bahrain, Ecuador, Oman, Venezuela, Qatar, Nigeria, Kuwait, Indonesia.

Mr. MEEK of Florida. Did you say Iran?

Mr. RYAN of Ohio. I said Iran and I also said Iraq. I also said UAE, which has been in the news lately. But I just wanted to clarify for you.

Mr. MEEK of Florida. So it is not shocking from this administration to get anything from folks that may have a questionable past in the effort against terrorism. Am I correct, sir?

Mr. RYAN of Ohio. Iran, all the nuclear issues, all the conflict and controversy, we are borrowing money from them to finance the Republican spending spree that is rewarding their wealthy contributors.

Mr. MEEK of Florida. So they hold the note on the United States of America?

Mr. RYAN of Ohio. Them, along with a lot of other countries, yes.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. RYAN of Ohio. Be happy to yield.

Ms. WASSERMAN SCHULTZ. Because, Mr. MEEK, what you are saying here, it is not simply a matter of fact. It goes beyond just factual accuracy that you are talking about. There is risk when it comes to this much debt being owned, this much of our debt being owned by another country. And then that doesn't even take into consideration whether the country that owns that debt, how friendly they are towards us.

Let us just talk about some recent comments by some of the leaders of the nations that own our debt. The Japanese Prime Minister, obviously Japan is an ally of ours and not one that we have to do a lot of hand wringing about, but Prime Minister Hashimoto just recently, I think this was a couple of weeks ago, stated, ''We hope we don't have to succumb to the temptation to sell off U.S. Treasury bills.'' And later that same day the Dow Jones Industrial Average fell 192 points, one of the largest declines in points in history. So there is real risk to accumulating that much debt in each of these nations economically in our country and economically across the world.

I have heard many of our colleagues, very flippantly on the other side of the aisle, write off the issue of debt as if it is not a big deal. Debt, in someone's household individually, would be a big deal. When we talk about the deficit and deficit spending, which is obviously a separate issue, that is a very big deal. Debt is something that we should begin to move away from. Yet, instead of that, what Secretary Snow has been asking us to do is continually increase it. And what did they do recently, just during that February 16 letter when the Secretary indicated that the debt limit needed to be raised again? Because the Congress has not done that, he had to dip into the pension fund. He actually had to, because something has to give. If Congress is not raising the debt limit, then he has got to cover that debt somewhere.

What I have found ironic for a very long time is that the Republicans like to throw around the L word when it comes to us and that we are tax-and-spenders. Honestly, first of all, that certainly is incorrect. But beyond that, what has been equally, if not more, irresponsible since they have been stewards of this economy is the borrow-and-spend philosophy that they have engaged in, because during the Clinton years there was a surplus. We were

only arguing over what we were going to do with that surplus. And now we don't have the ability to talk about that. So how much we are borrowing and dipping into our reserves, so to speak, other people's reserves, is really inappropriate.

Mr. MEEK of Florida. You are 110 percent right, Ms. WASSERMAN SCHULTZ.

Mr. RYAN of Ohio. We are not done yet.

Mr. MEEK of Florida. There are so many people, so many countries, questionable and nonquestionable, ally and non-ally, Madam Speaker, that have a part of the American apple pie.

China. There are a lot of concerns about China. Red China, Communist China. Guess what? In the shining example of a democracy, they own $249.8 billion of our debt. They have it.

Taiwan, a lot of things are made there in Taiwan. $71.3 billion in Taiwan that they own of U.S. debt.

Japan. You heard of Japan and we just finished talking about Japan, $682.8 billion.

Now, Mr. RYAN, if you were to take all of the State budgets, Ms. WASSERMAN SCHULTZ, and all of us, you were a senator, State senator, Ms. WASSERMAN SCHULTZ and I were State Senators once upon a time, we understand State budgets. They have to balance. But I guarantee you can put all of the State budgets together in the United States, including Alaska and Puerto Rico and Hawaii, you name it. It doesn't total up to the amount of debt that Japan owns of the United States, which is the $682.8 billion.

Now, that is history and that is the present. The only one way we can have a paradigm shift, Ms. WASSERMAN SCHULTZ, is to do what Mr. RYAN talked about earlier. We share with the Members, time, examples, page, routing numbers, all of those things that the American people and these Members and the Republican Members can go back and see where we have tried to stop them from doing this. You pay as you go, like you said.

If you end up finding yourself in a financial situation, what do you do, go out and get another credit card? No, you start saying I have to pay for things because I can't get any more credit.

But the thing about this Republican majority, Madam Speaker, and the President of the United States, they just feel it is okay. Oh, I can go out and talk to one of our other friends and say, buy our debt.

Mr. RYAN, would you take that chart where you talk about domestic borrowing. You go over that, but I want to make sure that you share with the Members exactly what they are doing.

Mr. RYAN of Ohio. Well, let us do this here. This is the debt increases that you were referring to in the letter. Already, this President, and this Republican Congress have raised the debt ceiling, which means this country can now go out and borrow more money from the countries that Mr. MEEK was talking about.

June 2002, this Republican Congress okayed raising this debt ceiling by $450 billion. In May of 2003, $984 billion increase in the debt ceiling. November of 2004, $800 billion, raising the level of the debt ceiling again. And then the pending increase, $781 billion increase in our debt ceiling. That is a total of $3 trillion, $3 trillion that this Republican Congress has okayed, Madam Speaker, and will go out and borrow from the countries that Mr. MEEK just spoke of.

Now, real quick, of that increase, since 2001, this country has borrowed $1.18 trillion, which is signified by the blue bar there on the far left. Of that money, of the $1.18 trillion, $1.16 trillion, the orange bar is foreign debt borrowed from foreign countries. And over here, this bar, you could barely see, Mr. MEEK, that is domestic borrowing. So of all these, of this debt of the money we are borrowing, it is almost 100 percent from foreign countries. Piece by piece by piece.

It is not just the ports. It is not just the ports, Mr. MEEK, Ms. WASSERMAN SCHULTZ. It is our future. It is this country that is getting mortgaged, and we have to pay interest on that.

Ms. WASSERMAN SCHULTZ, I yield to you to talk about that.

Ms. WASSERMAN SCHULTZ. Thank you, because, you know, the concept of the debt and the deficit is kind of hard to get your mind around sometimes because the numbers are so big and the concepts are somewhat complex. So we always try, in our 30-something hours, to translate these concepts into what it means to everyday people. So let us just talk about the interest payments on the debt that we owe to these countries that Mr. MEEK slapped up on our Nation's map.

What we could do with the money, just on the interest payments, just the interest payments on the debt that we pay for veterans: we could be spending about $35 billion, billion with a B, more money on services for our Nation's veterans.

We could be spending about $20 billion on homeland security. Billion with a B. Certainly we could dedicate all that money to port security, because we spent about $18 billion since 2001 and 9/11 on airport security. I think we could probably equal it out just with the interest payment on the debt.

Let us take a look at education. We are seriously underfunding the No Child Left Behind Act and preventing children from getting themselves prepared for the path that they choose in life. And we could take just the interest payments on the debt and spend that on education. That would be about $75 billion for education. Or we could continue to spend it on the interest, which is now at $250 billion.

Let us take it a little bit further and translate that even more specifically. What else could the government do with the interest that the country pays every day on this publicly held debt?

We could invest $1 million a day in every single congressional district. Now, I think all 435 of us could find something good we could do to improve the quality of people's lives with $1 million a day.

We could provide health care to almost 80,000, 79,925 more veterans in this country. And we know each of us in our districts hears from our veterans about the pitiful health care services that they are receiving and the struggle that they have in just getting an appointment to get health care from the Veterans Administration.

We can enroll 60,790 more children in the Head Start program, which we are going in the wrong direction in right now and enrolling fewer because we are not funding it adequately.

Or we could improve the solvency of Social Security, which this President has said is in crisis. We have differed with his definition of crisis; but even if it is half as big a problem as he says, we can improve Social Security solvency by almost half a billion dollars, just by using the interest that this Nation pays on the national foreign debt that other countries hold.

Now, if you went to a town hall meeting in each of our districts and asked our constituents, and the three of us have a diverse constituency. We represent all different kinds of folks between the three communities that we represent. Universally, they would prefer that that money be available to be spent on these items rather than making interest payments on debt that we owe to foreign countries.

Mr. RYAN of Ohio. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. Absolutely.

Mr. RYAN of Ohio. And in addition to the money that we could be investing, and those are all investments, those are paying our Head Start, a million per Congressional district that is going to get spent on health and education and pushing it into our future making sure that we keep our promise to our veterans who we have promised that we would provide health care for.

But at the same time, when you balance the budget, you keep interest rates low. And we notice now how interest rates are starting to creep up every few months another quarter point, quarter point, half. It keeps going up. We want to balance the budget here like President Clinton and the Democratic Congress did in 1993 without one Republican vote, Madam Speaker, without one Republican vote, balanced the budget. Interest rates stayed low, and people went out and borrowed and invested in the economy.

So it is not government's job to go out and create work. We have a responsibility, and one of the things is to keep the budget balanced, keep interest rates low, and then allow that money to be borrowed by the private sector, so people can go out and make a profit and hire people and put that money back into the economy.

Be happy to yield to my friend.

Mr. MEEK of Florida. Mr. RYAN, the bottom line is that you really started to paint a picture here. What has happened over the last 4 to 5 years of this Republican Congress rubber stamping what the President has proposed has driven this country almost to the point of the 50 percent mark of foreign countries owning the United States of America financially. We owe them. Countries that don't even recognize, folks want to talk about an effort against terrorism.

Right now there is something major going on in the Middle East. You have the countries that are a part of this port deal that don't even recognize Israel. I mean, they are like, well, we don't even want to do business with them. Okay? As a matter of fact, Iran wants to blow Israel off the map. You have folks that are there saying all these statements every week about our friends and allies: if this is about the war on terror, we have to make sure that we do what we need to do and stick close to our friends.

□ 1715

And what is wrong here, Mr. RYAN and Ms. WASSERMAN SCHULTZ, is that the President is still making statements, Madam Speaker, such as, well, I have not changed my mind. They are going to have their 45-day review and all that kind of stuff.

It happens to be a U.S. statute, I must add.

Ms. WASSERMAN SCHULTZ. A small detail.

Mr. MEEK of Florida. Saying that if anyone, anyone, raised any concerns, any concerns, one of the lowest bars of statutory language, that there should automatically be a 45-day review.

Do you remember that we went for 72 hours, Madam Speaker, and no one bothered to open the statute books to say we should have had an investigation because there is a questionable pass of this country and that it should be done. But the administration came out stonewalling and trying to strongarm this House of Representatives and the Senate, saying, we are going to do what we have got to do and we are going to stick with it, and we think it is the right thing to do. And the statutes were on our side, on the people's side, saying, no, there should be a 45-day review.

So we are going to see what is going to happen.

But I hope, Madam Speaker, that the Republican majority here in the House and in the Senate no longer says, well, Mr. President, we still have our stamp. If you say we should do it, we will figure out a way to do it, and we will not object because we have got to be close to our friends.

Well, we are going to find out the leaders from the followers. The bottom line, Ms. WASSERMAN SCHULTZ and Mr. RYAN, is, are you with them or are you with our allies, our true allies? That is the question.

Ms. WASSERMAN SCHULTZ. Yesterday the amazing thing about this whole port deal that you are alluding to, in the Financial Services Committee we had an opportunity to question the representatives of the administration. Do you know that they testified that six different entities within the White House were aware of the proposal to close this Dubai Ports World deal, and the President still did not know about it, with six of his offices in the White House knowing about it? No explanation in committee for why that happened.

Really, this picture says it all. We are essentially outsourcing America's security to a foreign-government-owned company. We are not talking about just a foreign company.

I think I can tell you that I recognize that we are not going to shut down foreign companies from owning and operating facilities in our Nation's ports. We are a global economy now. But is it appropriate to allow foreign governments to have intimate knowledge about America's security in our ports and run the terminal operations inside those ports? Overwhelmingly, I think Republicans and Democrats in Congress are saying ''no.'' Why is the President saying ''yes''? This is a person who supposedly thinks that America's national security should be a priority. It has left Americans scratching their heads.

Mr. RYAN of Ohio. I think, at the end of the day, this is symbolic of what is happening in all these other areas that we talked about tonight. It puts a face, so to speak, on what is happening, that Mr. MEEK talked about, all the foreign borrowing, the deficits and everything else. Now, it is like, well, it is our ports, my goodness gracious. Well, that is just the tip of the iceberg, unfortunately.

Ms. WASSERMAN SCHULTZ. It is indifference, Mr. RYAN. It is indifference, that there is a total disconnect between what the American people care about and understand are their needs and what this administration and this President understand.

Mr. RYAN of Ohio. As we have been saying for a long time in the 30-something group, we have got to try to convince, Madam Speaker, the Republican majority to start putting the country before their own political party, and I think we would be okay.

The Web site, www.housedemocrats.gov/30something, Madam Speaker, for all the Members who want to access this. All the charts that you saw here tonight, Madam Speaker, are accessible on this Web site for Members to access.

To my friend from Florida, I thank you for the opportunity to be here with you.

Mr. MEEK of Florida. With that, Madam Speaker, we would like to thank Mr. Jim Moran, who was with us earlier, Mr. Artur Davis also and Ms. WASSERMAN SCHULTZ and definitely Mr. RYAN for coming to the floor. We would like to thank the Democratic leadership for allowing us to have the hour.

APPOINTMENT AS INSPECTOR GENERAL FOR U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Ms. FOXX). Pursuant to clause 6 of rule II, and the order of the House of December 18, 2005, the Chair announces the joint appointment by the Speaker, the majority leader and the minority leader of Mr. James J. Cornell of Springfield, Virginia, as Inspector General for the United States House of Representatives to fill the existing vacancy.

OMMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, FEBRUARY 28, 2006, AT PAGE H447

SENATE BILL REFERRED

A bill of the Senate of the following title was take from the Speaker's table and, under the rule, referred as follows:

S. 2141. An act to make improvements to the Federal Deposit Insurance Act; to the Committee on Financial Services; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINCHEY (at the request of Ms. PELOSI) for today on account of illness.

Mr. HINOJOSA (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today on account of illness.

Mr. SWEENEY (at the request of Mr. BOEHNER) for February 28 and the balance of the week on account of medical reasons.

Mrs. BONO (at the request of Mr. BOEHNER) for today on account of illness.

Mr. GOHMERT (at the request of Mr. BOEHNER) for today on account of business in the district.

Mr. NORWOOD (at the request of Mr. BOEHNER) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. KILPATRICK of Michigan, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

The following Member (at the request of Mr. PRICE of Georgia) to revise and extend his remarks and include extraneous material:

Mr. OSBORNE, for 5 minutes, March 7.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 449. An act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Calims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

ADJOURNMENT

Mr. MEEK of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, March 6, 2006, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6397. A letter from the Secretary, Department of Energy, transmitting the Department's report on the United States Radiological Threat Reduction Program, pursuant to Public Law 109–58, section 631(b)(2); to the Committee on Energy and Commerce.

6398. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Impact of Energy Policy Act of 2005 Section 206 Rebates on Consumers and Renewable Energy Consumption, With Projections to 2010,'' pursuant to Public Law 109–58, section 206(d); to the Committee on Energy and Commerce.

6399. A letter from the Secretary, Department of Energy, transmitting the Department's report on the Failure to Comply with Deadlines for New or Revised Energy Conservation Standards, pursuant to Public Law 109–58, section 141; to the Committee on Energy and Commerce.

6400. 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; to the Committee on the Judiciary.

6401. 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; to the Committee on the Judiciary.

6402. 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; to the Committee on the Judiciary.

6403. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2004, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

6404. A letter from the Solicitor General, Department of Justice, transmitting Determination not to petition for a writ of certiorari in the case Ramirez-Landeros v. Gonzalez, No. 03–71743 (9th Cir. 2005); to the Committee on the Judiciary.

6405. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter concerning grants made during FY 2005 under Section 2806(b) of the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106–561) to improve forensic science services; to the Committee on the Judiciary.

6406. A letter from the Office of Public Information, Supreme Court of the United States, transmitting a copy of the 2005 Year-End Report on the Federal Judiciary; to the Committee on the Judiciary.

6407. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a copy of the the Final Feasibility Report of the Stillaguamish River Ecosystem Restoration project in Snohomish County, Washington; to the Committee on Transportation and Infrastructure.

6408. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago New Year's Celebration, Lake Michigan, Chicago, IL [CGD09–05–135] (RIN: 1625–AA00) received December 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6409. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission [USCG–2004–19963] (RIN: 1625–AA93) received January 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6410. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AICW), Cape Fear River, Northeast Cape Fear River, NC [CGD05–05–102] (RIN: 1625–AA09) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6411. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North Portland Harbor Dredging Operations; Portland, Oregon [CGD 13–06–002] (RIN: 1625–AA00) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6412. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Town Creek Channel, Grace Memorial and Silas Pearman Bridges, Charleston, South Carolina [COTP Charleston 05–143] (RIN: 1625–AA97) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6413. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Hog Island Channel, Grace Memorial and Silas Pearman Bridges, Charleston, South Carolina [COTP Charleston 06–003] (RIN: 1625–AA00) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6414. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL [COTP ST Petersburg 05–163] (RIN: 1625–AA00) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6415. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, California [COTP San Francisco Bay 05–011] (RIN: 1625–AA00) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6416. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bayou Lafourche, LA [CGD08–05–049] (RIN: 1625–AA09) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6417. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Housatonic River, CT [CGD01–05–102] (RIN: 1625–AA09) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6418. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Niantic River, Niantic, CT [CGD01–06–011] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6419. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, Old Lyme, CT [CGD01–06–005] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6420. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Shark River (South Channel), Avon, NJ [CGD05–06–005] (RIN: 1625–AA–09) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6421. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones;

Pearl Harbor and adjacent waters, Honolulu, HI [COTP Honolulu 06–002] (RIN: 1625–AA87) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6422. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Choptank River, Cambridge, Maryland [CGD05–06–009] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6423. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Superbowl XL, Detroit River, Detroit, MI [CGD09–06–001] (RIN: 1625–AA87) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6424. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago Sanitary and Ship Canal; Romeoville, IL [CGD09–05–142] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6425. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; North Portland Harbor Dredging Operations; Portland, OR [CGD 13–06–002] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6426. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Alaska, South Central, Cook Inlet, Kamishak Bay [COTP Western Alaska–6–001] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6427. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cuyahoga River, Cleveland, OH [CGD09–06–002] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6428. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Alaska, Narrow Cape, Kodiak Island, AK [COTP Western Alaska–06–002] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6429. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Willamette River, Portland, OR [CGD13–05–023] (RIN: 1625–AA09) received December 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6430. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mianus River, CT [CGD01–00–228] (RIN: 1625–AA09) (Formelry 2115–AE47) received December 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6431. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Isleton, CA [CGD 11–05–035] received December 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6432. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT [CGD01–05–110] received December 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6433. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a letter of support for the Iran Nonproliferation Amendments Act of 2005, Pub. L. 109–112; to the Committee on Science.

6434. A letter from the Assistant Secretary for Import Administration, Department of Commerce, transmitting the annual report on the activities of the Foreign-Trade Zones Board for fiscal year 2004, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

6435. A letter from the Secretary, Department of Labor, transmitting the Department's twelfth report on the impact of the Andean Trade Preference Act on U.S. trade and employment for 2005, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

6436. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Report to Congress on Adoption and Other Permanency Outcomes for Children in Foster Care: Focus on Older Children,'' pursuant to Public Law 108–145; to the Committee on Ways and Means.

6437. A letter from the Principal Deputy Director, Office of the Director of National Intelligence, transmitting the Office's report containing an Information Plan for the Information Sharing Environment, pursuant to Public Law 108–458, section 1016(e); to the Committee on Intelligence (Permanent Select).

6438. A letter from the Director, Office of Legacy Management, Department of Energy, transmitting the Annual Report on Contractor Work Force Restructuring for Fiscal Year 2004, pursuant to 42 U.S.C. 7274h; jointly to the Committees on Armed Services and Energy and Commerce.

6439. A letter from the Director, Office of National Drug Control Policy, transmitting the ''Plan Colombia/Andean Ridge Counterdrug Initiative Semi-Annual Obligation Report, 1st and 2nd Quarters Fiscal Year 2005,'' pursuant to section 3204(e) of Pub. L. 106–246; jointly to the Committees on International Relations and Appropriations.

6440. A letter from the Administrator, General Services Administration, transmitting a copy of a draft bill entitled, ''To amend 40 U.S.C. 590 relative to child care services for Federal employees in Federal buildings''; jointly to the Committees on Government Reform and Transportation and Infrastructure.

6441. A letter from the General Counsel, Office of Government Ethics, transmitting the report to the President and to Congressional Committees on the Conflict of Interest Laws relating to Executive branch emplyment, pursuant to Public Law 108–458; jointly to the Committees on Government Reform and the Judiciary.

6442. A letter from the Acting Assistant Secretary for Economic Development, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2004, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

6443. A letter from the Architect of the Capitol, transmitting the Report on the Requirements of the Energy Act of 2005 Related to Congressional Facilities; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

6444. A letter from the Chairperson, National Council on Disability, transmitting a copy of the Council's report entitled, ''The State of 21st Century Long-Term Services and Supports: Financing and Systems Reform for Americans with Disabilities''; jointly to the Committees on Ways and Means and Energy and Commerce.

6445. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2007, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 643. Resolution directing the Attorney General to submit to the House of Representatives all documents in the possession of the Attorney General relating to warrantless electronic surveillance of telephone conversations and electronic communications of persons in the United States conducted by the National Security Agency; adversely (Rept. 109–382). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 644. Resolution requesting the President and directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the authorization of electronic surveillance of citizens of the United States without court approved warrants; adversely (Rep. 109–383). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MILLER of Florida (for himself, Ms. BERKLEY, Mr. BUYER, and Mr. EVANS):

H.R. 4843. A bill to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HYDE:

H.R. 4844. A bill to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes; to the Committee on House Administration.

By Mr. GOODLATTE (for himself, Mr. SMITH of Texas, Mrs. JOHNSON of Connecticut, Mr. PUTNAM, Mr. SWEENEY, and Mr. TIAHRT):

H.R. 4845. A bill to better prepare and develop the United States workforce for the global economy, and remove barriers that stifle innovation; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Science, Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mr. WOLF, Mr. CANTOR, Mrs. DRAKE, Mr. BOUCHER, Mr. SCOTT of Virginia, and Mr. SMITH of Texas):

H.R. 4846. A bill to authorize a grant for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Government Reform.

By Mr. OWENS:

H.R. 4847. A bill to amend the Immigration and Nationality Act to provide for legal permanent resident status for certain undocumented or nonimmigrant aliens; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 4848. A bill to provide for permanent resident status for any alien orphan physically present in the United States who is less than 12 years of age and to provide for deferred enforced departure status for any alien physically present in the United States who is the natural and legal parent of a child born in the United States who is less than 18 years of age; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 4849. A bill to amend title 49, United States Code, to provide that individuals who are eligible to join the Armed Forces of the United States are also eligible to be security screening personnel; to the Committee on Homeland Security.

By Mr. OWENS:

H.R. 4850. A bill to provide for prices of pharmaceutical products that are fair to the producer and the consumer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 4851. A bill to provide for general revenue sharing and assistance for education for States and their local governments; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 4852. A bill to curtail the use of high-stakes tests in elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 4853. A bill to amend the Internal Revenue Code of 1986 to impose an additional tax on taxable income attributable to contracts with the United States for goods and services for the war in Iraq; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself and Mr. OSBORNE):

H.R. 4854. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real estate and rural housing; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself and Ms. NORTON):

H.R. 4855. A bill to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public and private school tuition assistance programs established under the Act; to the Committee on Government Reform.

By Ms. BEAN:

H.R. 4856. A bill to amend the Internal Revenue Code of 1986 to allow a credit to homeowners for Energy Star qualified homes; to the Committee on Ways and Means.

By Miss MCMORRIS (for herself, Mr. DICKS, Mr. OTTER, Mr. SIMPSON, Mr. HASTINGS of Washington, and Mr. WALDEN of Oregon):

H.R. 4857. A bill to better inform consumers regarding costs associated with compliance for protecting endangered and threatened species under the Endangered Species Act of 1973; to the Committee on Resources.

By Mr. JEFFERSON (for himself, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mrs. JONES of Ohio, Ms. LEE, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Ms. WATERS, Ms. MOORE of Wisconsin, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, and Mr. OWENS):

H.R. 4858. A bill to provide for the restoration of health care-related services in Hurricane Katrina-affected areas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER (for himself and Mr. CLAY):

H.R. 4859. A bill to amend chapter 89 of title 5, United States Code, to provide for the implementation of a system of electronic health records under the Federal Employees Health Benefits Program; to the Committee on Government Reform.

By Ms. GRANGER (for herself and Mr. HOYER):

H.R. 4860. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FERGUSON (for himself, Mr. TOWNS, Mrs. BONO, Mr. GORDON, and Mrs. BLACKBURN):

H.R. 4861. A bill to authorize the Federal Communications Commission to impose licensing conditions on digital audio radio to protect against the unauthorized distribution of transmitted content; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California (for himself, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. CALVERT, Mr. CHABOT, Mr. TOM DAVIS of Virginia, Mr. DREIER, Ms. ESHOO, Mr. FOSSELLA, Mr. GARRETT of New Jersey, Ms. HARRIS, Mr. HAYWORTH, Mr. HERGER, Mr. KENNEDY of Minnesota, Mr. KIRK, Ms. ZOE LOFGREN of California, Mr. MACK, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. OTTER, Mr. RADANOVICH, Mr. SIMMONS, Mr. UPTON, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. SAM JOHNSON of Texas, Mr. AKIN, Mr. FEENEY, Mr. KLINE, Mr. BARTLETT of Maryland, Mr. BARRETT of South Carolina, Mr. GRAVES, Mr. ROHRABACHER, Mr. KUHL of New York, Mr. GINGREY, Mr. PITTS, Ms. FOXX, Mr. DOOLITTLE, Mr. PENCE, Mr. FORTUÑO, and Mr. MCHUGH):

H.R. 4862. A bill to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce; to the Committee on the Judiciary.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 4863. A bill to establish a pilot program in the Department of State for improvement of government-to-government relations with the Miccosukee Tribe of Indians of Florida; to the Committee on Resources.

By Mr. EVERETT:

H.R. 4864. A bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; to the Committee on Resources.

By Mr. CONAWAY:

H.R. 4865. A bill to require every Senator and Representative in, and Delegate and Resident Commissioner to, the Congress to obtain copies of the Constitution of the United States of America and distribute them to their staff and require that they all read such document; to the Committee on House Administration.

By Mr. FORD:

H.R. 4866. A bill to promote responsibility by improving development education; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO (for himself, Mr. SERRANO, Ms. PRYCE of Ohio, Mr. CANTOR, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. RAHALL, Mr. HOYER, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. KENNEDY of Rhode Island, Mr. HYDE, Mr. PUTNAM, Mr. FLAKE, Mr. PENCE, Mr. TOM DAVIS of Virginia, Mr. KILDEE, Mr. WELLER, Mr. MCKEON, Mr. FEENEY, Mr. BROWN of South Carolina, Mr. BONILLA, Mr. ABERCROMBIE, Mr. FOLEY, Mr. CALVERT, Mr. CANNON, Mr. GILCHREST, Mr. PEARCE, Mr. NUNES, Ms. LORETTA SANCHEZ of California, Mr. PETERSON of Pennsylvania, Mr. RENZI, Mrs. DRAKE, Mr. DOOLITTLE, Ms. BORDALLO, Mr. DENT, Ms. HARRIS, Mr. WESTMORELAND, Mr. POE, Mr. PETERSON of Minnesota, Mr. CONAWAY, Mr. MARCHANT, Mr. WILSON of South Carolina, Mr. MICA, Mr. CROWLEY, Mr. BOUSTANY, Mrs. BLACKBURN, Mr. SCHWARZ of Michigan, Ms. HART, Mr. FATTAH, Mr. MACK, Mr. WELDON of Florida, Mr. MCCAUL of Texas, Mr. FITZPATRICK of Pennsylvania, Mr. CRAMER, Mr. FOSSELLA, Mr. HENSARLING, Mr. WAMP, Mr. COBLE, Mr. MOLLOHAN, Mr. HOSTETTLER, Mr. MCCOTTER, Mr. KELLER, Mr. KUHL of New York, Mr.

GOHMERT, Mr. MORAN of Virginia, Mr. WYNN, Mr. KIND, Mr. CONYERS, Mr. NADLER, Mr. WALDEN of Oregon, Mrs. TAUSCHER, and Mr. GENE GREEN of Texas):

H.R. 4867. A bill to provide for a federally sanctioned self-determination process for the people of Puerto Rico; to the Committee on Resources.

By Mr. GORDON:

H.R. 4868. A bill to amend the Internal Revenue Code of 1986 to allow certain agricultural employers a credit against income tax for a portion of wages paid to nonimmigrant H–2A workers; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 4869. A bill to require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom; to the Committee on Intelligence (Permanent Select).

By Mrs. KELLY:

H.R. 4870. A bill to establish certain rules for Surface Transportation Board approval of waste management company applications to become rail carriers; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 4871. A bill to ensure the coordination and integration of Indian tribes in the National Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security, and for other purposes; to the Committee on Resources, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4872. A bill to amend the Internal Revenue Code of 1986 to allow medical care providers a credit against income tax for uncompensated emergency medical care and to allow hospitals a deduction for such care; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4873. A bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 4874. A bill to authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 4875. A bill to amend the Healthy Forests Restoration Act of 2003 to help reduce the increased risk of severe wildfires to communities in forested areas affected by infestations of bark beetles and other insects, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 4876. A bill to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico (for herself and Mr. LANTOS):

H.R. 4877. A bill to direct the Attorney General to study how private entities and State and local government agencies store explosives, and to issue regulations providing for the safe and secure storage of explosives by such entities and agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS:

H.J. Res. 80. A joint resolution proposing an amendment the Constitution of the United States limiting the number of consecutive terms that a Senator or Representative may serve and providing for 4-year terms for Representatives; to the Committee on the Judiciary.

By Mr. CANTOR (for himself, Mr. EHLERS, Mr. LANTOS, and Ms. MILLENDER-MCDONALD):

H. Con. Res. 350. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. COSTA (for himself, Mr. REGULA, Mr. GILLMOR, Mr. HOBSON, and Mr. SHADEGG):

H. Con. Res. 351. Concurrent resolution recognizing and honoring the 150th anniversary of the founding of the Sigma Alpha Epsilon Fraternity; to the Committee on Education and the Workforce.

By Mr. BERRY (for himself, Mr. ROSS, Mr. BONNER, Mr. DAVIS of Alabama, Mrs. EMERSON, Mr. PETERSON of Minnesota, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mr. LAHOOD, Mr. OBERSTAR, Mr. SALAZAR, Mr. SKELTON, Mr. EDWARDS, Mr. CUELLAR, Mr. UDALL of Colorado, Mr. MELANCON, Ms. HERSETH, Ms. KAPTUR, Mr. ETHERIDGE, Mr. MARSHALL, Mr. KIND, Mr. GRAVES, Mr. HINOJOSA, Mr. TAYLOR of Mississippi, Ms. DELAURO, Mr. FILNER, Mr. EVANS, Mr. BOOZMAN, Mr. CARDOZA, Mr. LEACH, Mr. FORD, and Mr. CLAY):

H. Res. 706. A resolution expressing the sense of the House of Representatives that Congress should enact legislation to provide direct emergency assistance to American farmers who were adversely affected by natural disasters and unforeseen production costs during the 2005 crop year; to the Committee on Agriculture.

By Mr. GARRETT of New Jersey:

H. Res. 707. A resolution condemning the Government of Iran's offer of assistance to Hamas, a known terrorist organization which currently controls the Palestinian Authority, and its call for other Arab nations to do the same, and the anti-Israeli and anti-American statements of the leaders of Iran; to the Committee on International Relations.

By Mr. GUTIERREZ:

H. Res. 708. A resolution recognizing the centennial of Christopher House in Chicago; to the Committee on Government Reform.

By Mr. PAUL:

H. Res. 709. A resolution amending the Rules of the House of Representatives to ensure that Members have a reasonable amount of time to read legislation that will be voted upon; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LATOURETTE:

H.R. 4878. A bill for the relief of Karen Poppell; to the Committee on the Judiciary.

By Mr. MICHAUD:

H.R. 4879. A bill to reliquidate certain entries of salmon; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 94: Mr. TIBERI, Ms. PRYCE of Ohio, and Mr. BROWN of Ohio.

H.R. 147: Mr. RENZI and Mr. DEAL of Georgia.

H.R. 182: Mr. ISTOOK.

H.R. 198: Mr. JEFFERSON.

H.R. 215: Mr. ANDREWS.

H.R. 224: Mr. WYNN.

H.R. 282: Mr. OSBORNE.

H.R. 390: Ms. MCKINNEY and Mr. FATTAH.

H.R. 450: Mr. KUHL of New York, Mr. KENNEDY of Minnesota, Mr. JEFFERSON, Mr. KLINE, and Miss MCMORRIS.

H.R. 503: Mr. YOUNG of Florida.

H.R. 521: Mr. EVERETT.

H.R. 552: Miss MCMORRIS.

H.R. 583: Mr. RAHALL, Mrs. BONO, Mr. SAXTON, Mr. ROSS, Mr. MEEKS of New York, Mr. SANDERS, Mr. BECERRA, Mr. OBERSTAR, Ms. CARSON, Mr. WALDEN of Oregon, Mr. OTTER, Ms. SCHWARTZ of Pennsylvania, and Mr. LEWIS of Kentucky.

H.R. 591: Mr. BUTTERFIELD.

H.R. 625: Mr. FATTAH.

H.R. 693: Mr. FRANK of Massachusetts.

H.R. 699: Mr. LANGEVIN.

H.R. 807: Mr. FORD and Ms. HOOLEY.

H.R. 880: Mr. MORAN of Kansas.

H.R. 994: Mr. OWENS and Mr. WEINER.

H.R. 995: Mr. CONYERS, Mr. MCCOTTER, and Mr. MURPHY.

H.R. 998: Mrs. CAPITO and Mr. MCCRERY.

H.R. 1002: Mr. SERRANO.

H.R. 1016: Mr. MORAN of Kansas and Mr. JEFFERSON.

H.R. 1053: Mr. ISSA.

H.R. 1125: Mr. WYNN.

H.R. 1249: Mr. GERLACH, Mr. RENZI, Mr. BROWN of Ohio, Mr. LOBIONDO, Mr. BRADY of Pennsylvania, and Mr. FATTAH.

H.R. 1298: Mr. MICHAUD, Mr. SAXTON, Mr. CLYBURN, Mr. LAHOOD, Mrs. DRAKE, and Mr. WYNN.

H.R. 1351: Mr. FORD.

H.R. 1356: Ms. MOORE of Wisconsin, Mr. FITZPATRICK of Pennsylvania, and Ms. BEAN.

H.R. 1393: Mr. FORD.

H.R. 1426: Mr. BOOZMAN and Mr. BOUCHER.

H.R. 1578: Mr. WELDON of Florida, Mr. POMBO, and Mr. DAVIS of Illinois.

H.R. 1592: Mr. JOHNSON of Illinois.

H.R. 1603: Mr. GOODE.

H.R. 1634: Mr. TIERNEY, Mr. OTTER, Mr. WALSH, and Mr. POMBO.

H.R. 1663: Mr. PALLONE and Mr. CANNON.

H.R. 1707: Mrs. MALONEY and Mr. LEWIS of Georgia.

H.R. 1749: Mr. JONES of North Carolina.

H.R. 1806: Mr. LEVIN.

H.R. 1823: Mr. ALLEN.

H.R. 1950: Mr. SHAW.

H.R. 1951: Mr. COLE of Oklahoma and Mr. LEWIS of Kentucky.

H.R. 2014: Mr. LUCAS.

H.R. 2238: Mr. DAVIS of Kentucky.

H.R. 2305: Mr. BROWN of Ohio.

H.R. 2317: Mr. LANTOS and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2328: Mr. JEFFERSON.

H.R. 2345: Mr. CONYERS.

H.R. 2356: Mr. BISHOP of Georgia.

H.R. 2369: Mr. STUPAK, Ms. SCHAKOWSKY, Mr. BRADLEY of New Hampshire, Mr. LINCOLN

DIAZ-BALART of Florida, Mr. COSTELLO, Mr. BEAUPREZ, Mr. KUCINICH, and Mr. WU.

H.R. 2370: Ms. SCHAKOWSKY.

H.R. 2389: Mr. MCCAUL of Texas.

H.R. 2421: Mr. MEEKS of New York.

H.R. 2525: Mr. KLINE.

H.R. 2671: Mr. LAHOOD.

H.R. 2684: Ms. LINDA T. SÁNCHEZ of California, Ms. DEGETTE, and Mr. STARK.

H.R. 2727: Mr. VAN HOLLEN.

H.R. 2943: Ms. SCHAKOWSKY.

H.R. 3142: Mr. CONYERS.

H.R. 3145: Ms. BALDWIN.

H.R. 3278: Mr. MICHAUD.

H.R. 3307: Mr. MILLER of North Carolina.

H.R. 3312: Mr. WAXMAN and Ms. SCHAKOWSKY.

H.R. 3413: Mr. SWEENEY and Mr. KUHL of New York.

H.R. 3449: Mr. ANDREWS.

H.R. 3559: Ms. ROS-LEHTINEN, Mr. SHERWOOD, Mr. JONES of North Carolina, Mr. DELAHUNT, Mr. NADLER, Mr. CAPUANO, Mr. LARSEN of Washington, Mr. MILLER of North Carolina, and Mr. MORAN of Kansas.

H.R. 3778: Mr. PUTNAM, Mr. AKIN, and Ms. CORRINE BROWN of Florida.

H.R. 3917: Ms. MCKINNEY.

H.R. 3933: Mr. ROTHMAN.

H.R. 3949: Mr. PETRI.

H.R. 3997: Mr. SHAYS.

H.R. 4005: Ms. WATERS, Ms. SCHWARTZ of Pennsylvania, Mr. ROTHMAN, Mr. LANTOS, and Mr. UPTON.

H.R. 4156: Mr. CUMMINGS.

H.R. 4188: Mr. BLUMENAUER.

H.R. 4197: Mr. VAN HOLLEN.

H.R. 4215: Mr. BROWN of Ohio.

H.R. 4228: Mr. SCHWARZ of Michigan.

H.R. 4239: Mr. GREEN of Wisconsin.

H.R. 4265: Mr. FITZPATRICK of Pennsylvania, Mr. MCCOTTER, and Mr. FORTUÑO.

H.R. 4296: Mr. SOUDER.

H.R. 4298: Mr. JEFFERSON.

H.R. 4303: Mr. MCHUGH, Mr. OWENS, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. CARSON, Mr. CASE, Ms. NORTON, and Ms. DEGETTE.

H.R. 4343: Mr. WEXLER, Mrs. MALONEY, Mr. GRIJALVA, Mr. PETERSON of Minnesota, Mr. REYES, Mr. MCDERMOTT, Mrs. MCCARTHY, Mr. GENE GREEN of Texas, Mr. MILLER of Florida, Mr. SKELTON, and Mr. EVANS.

H.R. 4366: Mr. FARR.

H.R. 4394: Mr. GONZALEZ.

H.R. 4408: Mr. GARY G. MILLER of California and Mr. GOODE.

H.R. 4434: Mr. SIMMONS, Mr. KILDEE, Ms. MOORE of Wisconsin, Mr. COOPER, Mr. FATTAH, Mr. ALLEN, and Mr. LEVIN.

H.R. 4435: Ms. MOORE of Wisconsin, Mr. FATTAH, and Ms. HARMAN.

H.R. 4450: Mr. TOM DAVIS of Virginia.

H.R. 4452: Ms. HART and Mr. FITZPATRICK of Pennsylvania.

H.R. 4460: Mr. LANTOS and Mr. BUTTERFIELD.

H.R. 4466: Mr. CONYERS, Mr. WYNN, Mr. TOWNS, Mr. ENGEL, and Mr. GONZALEZ.

H.R. 4542: Mr. FRANK of Massachusetts, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. CRAMER, Mr. POMEROY, and Mr. ACKERMAN.

H.R. 4561: Mr. NEUGEBAUER.

H.R. 4575: Mr. GERLACH.

H.R. 4596: Ms. MOORE of Wisconsin and Mr. CARNAHAN.

H.R. 4597: Mr. TERRY.

H.R. 4604: Ms. ROS-LEHTINEN.

H.R. 4606: Mr. CONYERS.

H.R. 4608: Ms. GINNY BROWN-WAITE of Florida and Mrs. LOWEY.

H.R. 4621: Mr. FITZPATRICK of Pennsylvania.

H.R. 4622: Mr. FORTUÑO, and Ms. MCKINNEY.

H.R. 4657: Ms. MOORE of Wisconsin and Mr. ABERCROMBIE.

H.R. 4666: Mr. MURPHY, Mr. PAUL, Mr. BROWN of Ohio, Mr. ENGLISH of Pennsylvania, Mr. GORDON, Mr. FILNER, and Mr. MORAN of Virginia.

H.R. 4675: Mr. PAYNE.

H.R. 4681: Mr. LINDER, Mr. BERMAN, Mr. GARRETT of New Jersey, Mr. GONZALEZ, and Mr. ROSS.

H.R. 4685: Ms. LINDA T. SÁNCHEZ of California and Mr. LEVIN.

H.R. 4704: Mr. MURTHA and Mr. CLEAVER.

H.R. 4729: Mr. KUHL of New York and Ms. JACKSON-LEE of Texas.

H.R. 4732: Mr. GIBBONS.

H.R. 4740: Mr. LEVIN.

H.R. 4749: Mr. HONDA and Ms. DEGETTE.

H.R. 4755: Mr. MELANCON, Mr. MANZULLO, Ms. SCHWARTZ of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. GORDON, Mr. ROTHMAN, Mrs. MALONEY, Mr. FOLEY, Mr. KIRK, and Mrs. CAPITO.

H.R. 4760: Ms. NORTON, Mr. OWENS, Mr. BISHOP of New York, Mr. PAYNE, Mr. CONYERS, Mr. MCDERMOTT, Mr. MCNULTY, Mr. JEFFERSON, Mr. CLAY, Mr. GRIJALVA, and Ms. MCCOLLUM of Minnesota.

H.R. 4761: Mr. MCHUGH and Mr. WESTMORELAND.

H.R. 4773: Mr. MCGOVERN, Mr. CONYERS, Mr. GENE GREEN of Texas, and Mr. JEFFERSON.

H.R. 4776: Ms. HARRIS and Mr. MCCOTTER.

H.R. 4780: Mr. BURTON of Indiana.

H.R. 4792: Mr. DICKS.

H.R. 4793: Mr. KUHL of New York, Mr. WEXLER, Mr. LEWIS of Georgia, Mr. EVANS, Mr. PAYNE, and Ms. JACKSON-LEE of Texas.

H.R. 4798: Mr. BACA.

H.R. 4799: Mr. GERLACH.

H.R. 4800: Mr. INSLEE and Ms. LEE.

H.R. 4807: Ms. SLAUGHTER, Mr. KILDEE, Mr. BOREN, Mr. MEEHAN, Mr. FOLEY, Mr. SPRATT, Mr. CAMP of Michigan, Ms. NORTON, and Mr. NEAL of Massachusetts.

H.R. 4813: Mr. MEEKS of New York and Mr. CAMP of Michigan.

H.R. 4824: Mr. GERLACH.

H. J. Res. 16: Mr. PRICE of Georgia.

H. Con. Res. 85: Mr. GERLACH.

H. Con. Res. 137: Mr. CLAY.

H. Con. Res. 272: Mr. HONDA.

H. Con. Res. 299: Mr. WAMP and Mr. KUCINICH.

H. Con. Res. 314: Mr. FARR.

H. Con. Res. 318: Mr. STARK and Ms. WOOLSEY.

H. Con. Res. 343: Mr. KUHL of New York.

H. Res. 521: Mr. DAVIS of Illinois and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 603: Ms. WOOLSEY.

H. Res. 635: Mr. SABO.

H. Res. 643: Ms. HOOLEY.

H. Res. 658: Mr. MEEKS of New York.

H. Res. 681: Mr. BOEHLERT.

H. Res. 685: Mr. PALLONE, Ms. SCHAKOWSKY, Mr. PAYNE, Ms. LEE, Mr. GRIJALVA, Ms. KAPTUR, Mr. OBERSTAR, Mr. CONYERS, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. MEEKS of New York, Ms. WATERS, Ms. MCKINNEY and Mr. STARK.

H. Res. 691: Mr. OWENS, Mr. CONYERS, Mr. BURTON of Indiana and Mr. MCDERMOTT.

H. Res. 698: Mr. HOEKSTRA, Mr. EHLERS, Mr. CAMP of Michigan, Mr. UPTON, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. KILDEE, Mr. LEVIN, and Mr. SCHWARZ of Michigan.

H. Res. 699: Mr. FOLEY.

H. Res. 703: Mr. MCCOTTER.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 11, February 28, 2006, by Mr. JOHN BARROW on House Resolution 614, was signed by the following Members: John Barrow, Debbie Wasserman Schultz, Jane Harman, Jesse L. Jackson, Jr., David E. Price, John Lewis, Janice D. Schakowsky, George Miller, Fortney Pete Stark, Patrick J. Kennedy, Barney Frank, Louise McIntosh Slaughter, Michael F. Doyle, Bart Stupak, John B. Larson, Earl Blumenauer, Michael R. McNulty, Tom Udall, Steven R. Rothman, John D. Dingell, Stephanie Tubbs Jones, Timothy H. Bishop, Joe Baca, G. K. Butterfield, Al Green, Lynn C. Woolsey, John W. Olver, Martin T. Meehan, Sanford D. Biship, Jr., Bennie G. Thompson, James P. Moran, Jerrold Nadler, Juanita Millender-McDonald, Jim McDermott, Eddie Bernice Johnson, Ellen O. Tauscher, Carolyn McCarthy, Betty McCollum, Tammy Baldwin, Shelley Berkley, Dennis Moore, James R. Langevin, John Conyers, Jr., and Gwen Moore.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3, by Mr. EDWARDS on House Resolution 27: Tim Holden, Barbara Lee, John Conyers, Jr., and Gwen Moore.

Petition 4, by Ms. SLAUGHTER on House Resolution 460: John Barrow, John Conyers, Jr., and Gwen Moore.

Petition 5, by Mr. WAXMAN on House Resolution 537: John Conyers, Jr. and Gwen Moore.

Petition 6, by Mr. ABERCROMBIE on House Resolution 543: Janice D. Schakowsky, Fortney Pete Stark, Marcy Kaptur.

Petition 7, by Ms. HERSETH on House Resolution 568: Nick J. Rahall II, Alcee L. Hastings, Anna G. Eshoo, Albert Russell Wynn, Jesse L. Jackson, Jr., Bob Etheridge, John F. Tierney, Dale E. Kildee, Russ Carnahan, John Lewis, Ruben Hinojosa, Janice D. Schakowsky, Patrick J. Kennedy, Dennis A. Cardoza, Barbara Lee, James E. Clyburn, Michael F. Doyle, Tom Udall, Steven R. Rothman, John Barrow, Stephanie Tubbs Jones, Joe Baca, Lynn C. Woolsey, Martin T. Meehan, Major R. Owens, Bennie G. Thompson, James P. Moran, Marcy Kaptur, Jim McDermott, Eddie Bernice Johnson, Ellen O. Tauscher, Betty McCollum, Tammy Baldwin, Lois Capps, C. A. Dutch Ruppersberger, John Conyers, Jr., Gwen Moore, and Steny H. Hoyer.

Petition 8, by Mr. WAXMAN on House Resolution 570: Nick J. Rahall II, Michael H. Michaud, Alcee L. Hastings, Anna G. Eshoo, Albert Russell Wynn, Jane Harman, Jesse L. Jackson, Jr., Bob Etheridge, John F. Tierney, Dale E. Kildee, John Lewis, Ruben Hinojosa, Patrick J. Kennedy, Dennis A. Cardoza, Barbara Lee, Michael F. Doyle, Bart Stupak, Earl Blumenauer, Tom Udall, Steven R. Rothman, Stephanie Tubbs Jones, Lynn C. Woolsey, Major R. Owens, Martin T. Meehan, James P. Moran, Mark Udall, Marcy Kaptur, Jim McDermott, Eddie Bernice Johnson, Ellen O. Tauscher, Betty McCollum, Tammy Baldwin, Lois Capps, Dennis Moore, John Conyers, Jr., and Gwen Moore.

Petition 9, by Mr. BOSWELL on House Resolution 584: Nick J. Rahall II, Anna G. Eshoo, Tim Holden, Diane E. Watson, Albert Russell Wynn, John F. Tierney, John Lewis, Fortney Pete Stark, Patrick J. Kennedy, Henry A. Waxman, James E. Clyburn, Sherrod Brown, Michael F. Doyle, John B. Larson, Stephanie Tubbs Jones, G. K. Butterfield, Al Green, Lynn C. Woolsey, John W. Olver, Major R. Owens, Martin T. Meehan, Bennie G. Thompson, Jerrold Nadler, Ben Chandler, Juanita Millender-McDonald, Betty McCollum, Dennis Moore, Raul M. Grijalva, Artur Davis, C. A. Dutch Ruppersberger, John Conyers, Jr., and Steny H. Hoyer.

Petition 10, by Ms. HERSETH on House Resolution 585: Nick J. Rahall II, Anna G. Eshoo, Tim Holden, Diane E. Watson, Albert Russell Wynn, Bob Etheridge, John F. Tierney, John Lewis, Fortney Pete Stark, Patrick J. Kennedy, Henry A. Waxman, James E. Clyburn, Sherrod Brown, Michael F. Doyle, John B. Larson, Stephanie Tubbs Jones, G. K. Butterfield, Al Green, Lynn C. Woolsey, John W. Olver, Major R. Owens, Martin T. Meehan, Bennie G. Thompson, Ben Chandler, Juanita Millender-McDonald, Betty McCollum, Raul M. Grijalva, Dennis Moore, Artur Davis, C. A. Dutch Ruppersberger, John Conyers, Jr., and Steny H. Hoyer.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, THURSDAY, MARCH 2, 2006 No. 25

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Stephen L. Swisher, Lovers Lane United Methodist Church in Dallas, TX.

The guest Chaplain offered the following prayer.

Let us pray.

We pray, Dear God, that You would fill this sacred minute with meaning and make it an oasis for the refreshment of our souls, a window cleaning for our vision, and a recharging of the batteries of our spirit. As this day unfolds, give us the courage to step into life with new drive and motivation.

As we gather here in this historic place, facing the stress of committee hearings, paperwork deadlines, and seemingly endless functions, may we not lose sight of our true purpose—to get the right things done and in some cases the wrong things undone.

I pray Your blessings upon each Member of this our United States Senate, their families and staff members. Surround each one with Your protection, strength, and guidance. May they feel You as close as their next breath.

Lord, we remember those who have stood here before us and we are proud—and in our minds we can visualize the sea of faces whom we represent, those multiplied millions of people looking to us to make a real, positive, significant difference—and we are emboldened. May our words offer hope and our actions inspiration. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 2, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. THOMAS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we have 30 minutes set aside for a period of morning business. Following that 30 minutes, we will resume postcloture debate on the PATRIOT Act conference report. We had five procedural votes on or in relation to the PATRIOT Act yesterday, concluding with an 84-to-15 vote. Given that overwhelming vote, it is now time for the Senate to take a final vote on this conference report. That vote is scheduled for 3 p.m. today. We will divide the time equally until that time.

After the vote on the adoption of the PATRIOT Act, we will proceed to a cloture vote on the issue of LIHEAP. I hope we can proceed to the LIHEAP bill and come to a resolution on that measure before the close of the week. In any event, I am confident we will proceed to that measure and work toward a vote on the LIHEAP issue. We will update Senators this afternoon after the two votes later today.

COMBAT METH ACT

Mr. FRIST. Mr. President, I wish to make a brief comment on an important provision on methamphetamine that is in the PATRIOT Act but not a lot of attention has been focused on it over the last several days, a very important provision.

At 3 o'clock today the Senate will vote on passage of the PATRIOT Act conference report, and after a lot of months of debate we will finally deliver a PATRIOT Act that is stronger and tougher and more effective against terrorists on American soil, while at the same time protecting our civil liberties.

It has not been easy. It has taken a long time. But now we are on the verge of a tremendous success with the passage of a very important bill that will benefit the American people.

The Combat Meth Act is legislation Senator TALENT introduced last year, and I and many of our colleagues are a cosponsor of that legislation. Senator TALENT's leadership has been instrumental in pushing this bill forward, and it is something of which we can all be very proud.

I have worked with the House leadership to encourage Members to get this done because meth is a crisis that has been building in all of our States. It is highly addictive, cheap, and easily available.

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

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In the last 10 years meth has become America's worst drug problem. I say that, even putting it before marijuana, cocaine, and heroin, in that the use of it has increased so significantly and it is so terribly addictive.

Last year Tennessee ranked No. 2, tied with Iowa and just behind Missouri, in the number of meth lab seizures. Through tougher laws and tougher enforcement over the last year and a half Tennessee is starting to see a turnaround, and that is one of the reasons I am so convinced this legislation will have a dramatic impact in a short period of time.

It was in March of last year that Tennessee signed its Meth Free Tennessee Act, a much needed law that required retailers to take cold medicines and sinus medicines containing pseudoephedrine off the shelves and put them behind the counter where they can be closely monitored. As a result of this powerful new approach, lab seizures have declined dramatically, down 40 percent in May and another 60 percent in June.

In addition, district attorneys across the State have told me of the tremendous impact it has made and they joined Governor Bresden in launching the Meth Destroys campaign. Through videos and brochures and bulletin boards and other means of public relations, the Meth Destroys campaign is reaching out to schools, to church groups, to parents, to civic organizations, to educate the public on the grave dangers of this highly addictive drug, methamphetamine.

Now with the imminent passage of the Combat Meth Act here in the Senate today at 3 o'clock, everyone's job is going to get a whole lot easier.

We learned that when one State restricted access to the precursors, meth cooks simply crossed over to the adjoining State, bought their ingredients and brought them back. Law enforcement told us again and again that they needed uniform law to be able to cut off this access to and purchase of these ingredients.

Senator TALENT and Senator FEINSTEIN introduced the Combat Meth Act to restrict access to cold medicines containing pseudoephedrine and ephedrine across all 50 States. Under the Combat Meth Act, meth users will no longer be able to jump from State to State, cruise from State to State in order to buy these ingredients.

Once again I thank Senator TALENT and Senator FEINSTEIN for pushing hard to get this done. It will have a direct impact in a short period of time. Lives will be saved, communities will be better protected because of their commitment. I urge all of our colleagues to vote for the PATRIOT Act, which includes the Combat Meth Act, this afternoon. It applies directly to the well-being and safety of our neighbors and fellow citizens.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, before the distinguished majority leader leaves, will the Senator be so kind as to allow 5 more minutes in morning business on each side, with 20 minutes on each side. We have a number of people seeking recognition.

Mr. FRIST. That will be fine.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 40 minutes, with the first half of the time under the control of the Democratic leader and the second half of the time under the control of the majority leader.

Mr. REID. Mr. President, I yield 10 minutes to Senator BAUCUS of Montana and 10 minutes to Senator KENT CONRAD of North Dakota, in that order.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. I thank the Chair. I thank the leader very much for the allocation of time.

INCREASING THE FEDERAL DEBT LIMIT

Mr. BAUCUS. Mr. President, on December 29 of last year I received a letter from the Secretary of the Treasury, John Snow, asking that Congress increase the Federal deficit. This is extremely important, obviously; that is, whether we should and the degree to which we should increase the Federal debt limit. But we don't have any scheduled debate on this and I don't think, frankly, the leadership wants to schedule debate on whether we should and the degree to which we should increase the Federal debt. I think the reason is pretty clear. It is because it is embarrassing. It is an embarrassment that our Federal debt is growing so much and at a rapid rate.

I say that in part because the Secretary says the United States will hit the limit in the middle of this month. That is not too many days away. I hope very much this body exercises its responsibility to do what it should do and let's have a discussion on our fiscal situation: How great is the debt? What should be done about it? How big is the deficit and what should be done about that? Where are we? Where are we headed? What are the implications?

These are very real questions that affect the financial security of the United States and which affect very greatly individual Americans. I very much hope we have that debate of the points I think we should consider. It is our responsibility to address the implications of our huge Federal debt and deficits. We have a responsibility to do that. That is our job. It is much more our job to address that than it is some other things I think we do here in the Senate, and I am going to do what I can to urge my colleagues and urge, frankly, anybody listening and watching to begin to think about what is going on here because this is critical.

Let's review some of the facts about the debt limit. Currently, our Treasury, the U.S. Treasury, is authorized to issue debt totaling over $8 trillion. That is the current statute. Last year's budget resolution proposed an increase in that authorization of $781 billion. That is an increase. That would be the fourth largest debt limit increase in the Nation's history.

If I might briefly indicate in a graphic way literally what that means. This basically is a chart showing the amount of Federal debt limit increases the Congress has enacted over various years going back not too long ago—1986 up to the present.

The red bars here indicate the amount of the debt increase Congress has enacted because our Federal debt was going up so quickly. You can see there was a big increase back in 1990. That was the time when, frankly, our country was under a little bit of pressure and the debt was going up. Between 2000, 2001, we did not have any debt increases. But what has happened lately?

You can see all these huge increases in the last 4 years. In 2002, the Congress increased the national debt by $450 billion.

Here is a whopper. In 2003, Congress increased the Federal debt by close to $1 trillion. The next year it increased the Federal debt by $800 billion, four-fifths of a trillion dollars in 1 year. Last year it did not have to increase the debt because the $800 billion carried us over through 2005, but here again we have to increase the Federal debt by $781 billion.

The debate point is that in the last years there have been big increases in the Federal debt. Why? Because we have been borrowing so much in this country, Congress has authorized and the President has proposed very large expenses.

More striking, though, is that total increase has occurred since the year 2002.

During this administration, America's debt, the total deficit, has increased by $3 trillion. You can imagine. Since 2002, if you add up all the increases in the Federal debt, our Federal debt has increased by $3 trillion. That is not the level now; it is close to $9 trillion if it is increased further. But this is the increase—and those increases have occurred only in the last 4 years. That is a 40-percent increase in the entire Federal debt accrued by our

country in its entire history. Forty percent of the increase in the Federal debt has occurred in the last 4 years.

Who is lending the Federal Government these funds? Ask yourself that question. That is a lot of debt out there. Some of it is internal. The U.S. Government borrows from Social Security, and we all know that pretty soon those chickens are going to come home to roost. We can't do that much longer. We will have to start paying back all that is due to Social Security—and that is an awful lot. Much of the borrowing is from American citizens and businesses.

But what is more alarming is the trend where much more of the debt is held by foreigners and central banks in foreign countries; that is, the amount of debt held by foreign governments is much worse. Five years ago foreigners held about $1 trillion of our Federal debt.

What is that number today? It is double. In over 5 years the amount has doubled. The number held by foreigners has now doubled to $2.2 trillion.

Today, Japan holds two-thirds of a trillion dollars of our foreign debt. China holds a quarter of a trillion dollars. China's reserve is scheduled to be about $1 trillion by the end of this year.

The rate of increase in Federal debt held by foreigners—simply by foreign banks, central banks—is alarming. I tend not to be an alarmist. In fact, sometimes people say: Max, you are kind of easy going, you don't get too upset, and so on. But I am quite concerned about these trends. They are worse.

I might also add that the debt held by foreigners after World War II was extremely high, too. It was. But the composition of that debt—investments held by foreigners—was just that: investment in infrastructure in the United States and capital assets; that is, investments foreigners made in the United States after World War II. The composition was not much debt. It is securities to finance the borrowing by Uncle Sam, and we have to pay back the interest on that borrowing.

The question is, How long can we continue to borrow all of that money? That is the basic question.

What are the implications to our foreign policy as foreigners increase their holdings of U.S. debt? What does that mean? What might happen?

Try to be wholly analytical about this. What does that mean? What percentage of the American taxes are being used to pay interest on that debt? How much are American taxpayers paying to foreigners directly through interest on the national debt?

I think that should be debated. That is something I think is quite concerning, particularly with the large numbers.

These are just some of the issues I think we should debate. We also should remember—this is not rocket science—that ordinarily there are limits on debt. Ordinarily, credit card companies or businesses or banks just do not automatically increase debt, which is happening in this country in the last 4 years as I showed in that chart. It has been automatic. We have increased the debt.

Think a little bit about the limits an institution holds on a family and what the family wants to borrow. What about a credit card and a maximum balance. Most Americans have credit cards. Most Americans know there is a maximum balance on that credit card. You can only borrow so much. After a certain limit, you can't borrow any more. That is it.

Wouldn't it be great if each individual could say: We are going to ask the credit card company to increase the debt, and do it as the Congress is doing right now. We will just increase the debt limit. A person can't ask a bank willy-nilly to increase the maximum allowance on a credit card. There is a good reason for that. There have to be limits. We have to live within our means.

Take an ordinary business, a bank loan to a business. The bank pays a lot of attention to how that business is being run, whether it is being run well. It pays a lot of attention.

One could ask: Is the Treasury or foreigners or someone who holds the debt asking how well we are running our business?

I urge the majority leader to schedule time to hold a thorough debate on this issue.

This is real. This is really real. We all know this cannot continue. We really do not know at what point, if we continue to increase the debt, there might be some cataclysmic event. We just don't know that. But we do know that with every debt limit increase we are accelerating the time when something nasty or bad might happen economically.

Already, some countries are starting to move out of dollars into other currencies. China is on the margin of looking at holding currencies other than the dollar. Many countries worldwide are becoming more self-sufficient. They don't need the United States as much now as they once did. They are becoming more independent. They are going more in their own direction. They are doing what they think makes sense for them economically.

Clearly, the bottom line is we have to live within our means. Every time we increase the debt limit we are not within our means.

I urge us to have a debate so we can know what we really should be doing.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair and I thank my colleagues.

DEBT AND TAXES

Mr. CONRAD. Mr. President, the New York Times, in its Monday edition editorial, said:

> There's nothing Congressional Republicans would like more than to escape the inescapable need to raise the Nation's debt limit. The upcoming increase, from $8.18 trillion to nearly $9 trillion, will be the fourth major hike in the last 5 years.

The editorial went on to say:

> It will come as no surprise if Senate leaders squelch debate on the debt limit until Congress is ready to begin its next week-long recess on March 17. Then, up against the Treasury's default deadline, the increase would be put to a voice vote so that no individual would have to go on record as approving the measure—

Increase in the debt.

If anybody thinks that the New York Times is just imagining that there will be an attempt to avoid a debate on this massive increase in the Nation's debt, this is what the chairman of the Finance Committee said:

> Senator GRASSLEY told Reuters that the goal would be to get the debt limit legislation passed with the least debate.

He went on to say:

> I would like to see a bill on any Thursday night just prior to a recess.

Why do our colleagues on the other side of the aisle want to avoid a discussion of the Nation's debt? Perhaps it is revealed in this chart which shows what is happening to the Nation's debt under their leadership.

Our friends on the other side of the aisle have controlled Washington policymaking since 2001. They have controlled the Senate. They have controlled the House. They have controlled the White House.

Here is their record on debt. At the end of the President's first year, the debt was $5.8 trillion. I think it is fair to leave out the first year. He is not responsible for the first year.

Look at what happened since. The debt has gone up each and every year—and up dramatically. At the end of this year, it is predicted, if the President's budget is adopted, that the debt will have reached $8.6 trillion.

Every Member of this body will recall when the President embarked on this fiscal strategy. He told us not only that he would not increase the debt but that he would have maximum paydown of the debt. He said his plan would virtually eliminate the Nation's publicly-held debt.

There is no elimination going on here. Instead, the debt has exploded. We anticipate that it will be $8.6 trillion at the end of this year, if the President's further 5-year program is adopted. The debt will skyrocket to $12 trillion in 2011, at the worst possible time before the baby boomers retire.

One of the results of their disastrous fiscal strategy is the debt held by foreigners has exploded at an even more alarming rate. It took 42 Presidents—all the Presidents pictured here—224 years to run up $1 trillion of external debt. This President has more than doubled that amount in 5 years.

This is the legacy of debt that will haunt this country for generations to come. This is the hard reality. This is a fiscal plan and a fiscal strategy that

has failed—failed miserably, and failed by any measure.

The Senator from Montana raised a question of who is holding our debt. Here it is: Japan—we now owe them $685 billion. We owe China over $250 billion. We owe the United Kingdom over $230 billion. And in fourth place—who would have ever believed this—we now owe the so-called Caribbean banking centers over $100 billion.

Now it comes to this year and a further continuation of the Republican plan to load the Nation with debt. I do not know how else you can term it because here is what has happened.

By the way, from 1998 to 2001, there was no need to increase the Nation's debt limit. In fact, we were paying down the Nation's publicly-held debt under the administration of President Clinton. But in 2002, we had to raise the debt $450 billion; in 2003, we had to raise the debt $984 billion; in 1 year, 2004, another $800 billion increase in debt; and now, in 2006, they are seeking to raise the debt another almost $800 billion.

You add this up and the debt will have already increased under this President by $3 trillion. When he came into office it was more than $5 trillion. And we now know, if his next 5-year plan is adopted, he will add another $3 trillion to the debt.

This is not a sustainable strategy or plan, and it is time for Congress to face up to it. It is time to begin the debate on what we do to confront these rapidly growing debts.

I hope very much that we will have a chance for a full debate on the debt limit and to consider stringent pay-go legislation, the device which we have had in the past to provide budget discipline.

It simply says: If you want more spending, you have to pay for it. If you want more tax cuts, you have to pay for them. That is a basic notion that we used with great effect in the 1980s and 1990s to reduce what were then record deficits and debt levels—levels that have been greatly exceeded by the massive runup of debt under this administration. I hope we have that opportunity. The Nation deserves as much.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

THE ISLAMIC REPUBLIC OF IRAN

Mr. SANTORUM. Mr. President, I rise today to talk about some of the recent developments in the Islamic Republic of Iran.

We have a lot of activity today. There is a hearing in the Foreign Relations Committee, as well as some dissidents who are in town to talk about the state of affairs in Iran.

As many of my colleagues know, the Iranian Government's track record with respect to supporting acts of terror inflicted upon innocent persons and inflicting damage on peaceful relations among Middle Eastern countries is abysmal. Iran's bad activities in the Middle East and, candidly, bad actions in the world—at the head of the list, from my perspective, is promoting terrorism activities and Islamic fascism ideology that undergirds that terrorist activity in the Middle East—have secured a designation by the U.S. Department of State as a state sponsor of terrorism. Iran supports terrorist organizations such as Hezbollah, the entity behind the 1983 suicide terrorist attack against U.S. military and civilian personnel in Lebanon. Hamas is another organization that they are now supporting, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command. All of these are reprehensible organizations that the Iranian Government is directly sponsoring as a state sponsor of terrorism.

Additionally, Iran has been implicated in the 1996 attack on U.S. military personnel at Khobar Towers in Saudi Arabia.

Iran's reach into Iraq, which many of us have been complaining about for a couple of years and which is now being recognized by our Government, by our Department of State, and which is now being recognized by the world—Iran is one of the fomenters of terrorism within the country of Iraq. Iran's connection to the Supreme Council for the Islamic Revolution in Iraq and the organization's Badr Brigades means that Iran has a hand in shaping the allegiances of both Iraq's police and military forces.

Iran's human rights violations, in addition to their terrorist activities, are no less chilling. The State Department reported that the Government of Iran engages in widespread use of torture and other degrading treatment and the Iranian Government continues to discriminate against religious and ethnic minorities. They do not discriminate as to who they discriminate against. Other Muslim sects—whether Sunni or Suffi or Jews or Christians, they discriminate against them all.

Iran's record of degradation of women is appalling and should not be tolerated by the international community. Iranian women are severely oppressed and their voices are constantly suffocated by the government. There are numerous examples of Iranian women who have been arrested and severely beaten for the simple fact they are females. One example is Dr. Roya Toloui, a women's rights activist and the editor of a publication that is now banned in Iran. She was arrested last summer in the wake of a 2005 July demonstration in the town of Mahabad. Dr. Toloui was held in prison for 66 days. While she was there, she was raped and she was tortured. Though she has since been released from prison, Dr. Toloui is in constant fear of rearrest and of death.

The State Department also noted Iran's continued restrictions on workers' rights. In short, the Government of Iran oppress its people and terrorizes the world and is a threat to the security of this country and to the security of democracies throughout the West.

The one additional aspect that has now taken a lot of press is Iran's pursuit of nuclear capability. This is very unsettling when you have a regime with this kind of track record to be in pursuit of nuclear capability. Iran, of course, is permitted to pursue peaceful nuclear research under the terms of the Nuclear Nonproliferation Treaty. Its record on transparency and the true purpose of its program, obviously, is very much in doubt. In November of 2003 the International Atomic Energy Agency reported that Iran has been developing an undeclared nuclear enrichment program for 18 years and had covertly imported nuclear material and equipment. Furthermore, the IAEA reported that Iran had conducted over 110 unreported experiments to produce uranium, metal, and separated plutonium, and had possession of designs clearly related to the fabrication of nuclear weapons.

In 2005, in August, following the election of President Ahmadinejad, Iran announced that the ongoing negotiations under the terms of the 2004 Paris agreement, the agreement that suspended activities brokered by the EU–3, were ''satisfactory'' according to Iran. Then they announced they were resuming the conversion of raw uranium into gas for enrichment. In January of 2006, Iran removed the IAEA seals on the research enrichment plant in Natanz.

Recently, the IAEA board voted 27 to 3 to report Iran to the U.N. Security Council, and in so doing noted Iran's many failures and breaches of its obligations to comply with the Nuclear Nonproliferation Treaty. Iran's aggressive behavior and concealment of ongoing nuclear activities can only lead to one conclusion, and that is that Iran is seeking to enrich uranium to use for nuclear weapons.

In response to this nuclear gambit, I believe we need smart sanctions for the U.N. to impose. For example, the U.N. should consider imposing a travel ban on Iran's leaders, banning international flights from Iranian air, banning the transportation of cargo carried by Iranian Government-owned ships, and possibly to pursue legal action against Iranian leaders responsible for human rights and terrorism abuses, as well as executions.

I recently introduced legislation with my colleague, Senator NORM COLEMAN, that seeks to empower the forces of democracy in Iran and support efforts to foster peaceful change within Iran. It is S. 333, the Iran Freedom and Support Act. It seeks to make it harder for the Government of Iran to have access to revenue and foreign investment. Resources that those investments accrue are used by the Iranian Government to support terrorist organizations and to pursue nuclear activity as well as to repress its people.

The bill also codifies sanctions, controls, and regulations currently in place against Iran by Executive order. It codifies those in statute. The bill declares it should be a policy of the United States to support the Iranian people in their prodemocracy movements. We believe, and the bill says, that the people of Iran are entitled to self-determination, to free and fair elections, and we want to provide the resources in helping those groups attain those free and fair elections. We authorized $10 million in this bill, but thanks to the effort on the supplemental the administration has sent up to the Congress, they have requested $75 million for prodemocracy efforts in Iran. I hope the introduction of our legislation last year perhaps gave some encouragement to ask for such funding. They have asked for $75 million. I will amend our bill to ask for $100 million for those efforts.

The Iran Freedom and Support Act is a nonviolent way to try to effect change in Iraq. I agree with the President and all who have talked about keeping our military options on the table, but it is vitally important to try to use our diplomatic options first and foremost. At a time when the threat from Iran is real, it is not only real to this country, not only real to the Middle East and Iraq, but it is, obviously, real to their own people in the way they treat them.

This is an important piece of legislation. It is something I hope we can do. It is important in spite of what the President has done. I support his policies that we show the Congress is 100 percent behind his effort to do something about the nuclear gambit Iran is engaged in right now. I am hopeful we can pass this legislation in a timely fashion.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise to join my colleague from Pennsylvania on underscoring the urgency that surrounds the threat to our Nation and the entire world community with Iran.

I listened to my esteemed colleague talk about the Iranian repression of women. I thought to myself, how sad; Iran was a country that at times led that part of the world in its respect for women and women's rights at a time few talked about it. And how low they have sunk.

It was 100 years ago Iran's constitutional revolution was the first genuine democracy in the Middle East, over half of the population of that part of the world. When we look where we are today, I have a touch of sadness in my heart as I reflect upon the plight of the Iranian people.

Make no mistake, as my colleague from Pennsylvania noted, Iran is a nation with painful rhetoric, rhetoric of its president, who says: Our goal is to destroy Israel. We should take people at their word that is the goal.

This is not, by the way, the rantings of a madman. This is the clear policy of the regime backed by the ruling mullahs. It is the clear policy, not the rantings of some wild man. Take him at his word, that is his goal, his objectives, and Iran's goal and objective.

Painful rhetoric is backed by their concrete actions. They are the largest state sponsor of state-supported terrorism in the world. It is not just cheap rhetoric; it is a disconcerting and frightening reality we have to deal with.

Now we have a regime that is clearly in pursuit of nuclear weapons. We are dealing with a lot of security issues out there today. There is lots on the agenda dealing with concerns about port security. Let's not let this issue slip away.

Some say Washington is a town of a thousand issues and few priorities. This is a priority and continues to be a priority. As I said before, they have been clear about their regime and their desire to destroy Israel and the western civilization.

At the conference where Ahmadinejad talked about destroying Israel, I remember the picture behind him vividly, a picture of an hourglass. In this hourglass, the ball is dropping through. This is posted not by accident but by design. In the hourglass, the fragile glass ball is falling through the glass, about to be shattered. That is Israel. But already lying on the floor of the shattered glass is a shattered USA.

That is the vision, that is the plan. We have to understand that. Clearly, the vitriolic rhetoric is backed by a clear vision and plan and it merits immediate action by the international community.

All in all, the Tehran regime's previous and ongoing activities indicate that a nuclear-armed Iran would pose an unprecedented threat to American national security as well as to the existence of the State of Israel. Have no doubt about it; if Iran were to use a nuclear weapon in the Middle East, we are not protected, even being thousands of miles away. We will all be impacted by that. We are all in this. The outcome of Iran's vision and the destruction of Israel is unacceptable. Common sense and responsibility demand that action be taken now. Time is not on our side.

The scenario we face with Iran today has many parallels to the 1930s when the League of Nations failed to confront the aggression of the dictatorships in Japan, Italy, and Germany. Hitler said what he would do and the international community chose to ignore that very clear red flag. In ''Mein Kampf,'' Hitler meant what he said. When he had the opportunity, he acted on that.

The President of Iran has not written a book such as ''Mein Kampf,'' but he has been very clear about what his intentions are, public about his intentions to destroy Israel and the rest. And at the same time he is pursuing a strategy to campaign to obtain nuclear capacity. Will the international community continue to wring its hands and allow this murderous regime to align its intentions with its capabilities or will it take action? The answer must be yes. The answer must be now. And the United States must be part of leading that charge.

The IAEA has taken some action. There is a meeting of the board of governors March 6. They must continue to put pressure on Iran. But that is not enough. The reality is, negotiations are not enough. There is a Russian proposal on the table. The European three have been negotiating with Iran. The problem with this, it may seem as if there is something there, but when you pursue this negotiation you are presuming that the other side wants a solution. They are negotiating with someone who is not looking for a solution to divert a crisis but playing a cat-and-mouse game to buy time. You have to realize enough time for talk and we have to take action. Talk is what the other side wants as it buys time. It is clear they are not looking for a solution to avert a crisis. They have a vision. They have a path.

They have demonstrated time and again they are not serious about negotiating. They deserve no further opportunities to prevent them from being held to account for their intransigence. I think it is high time the international community called the Iranian bluff. They have had more than enough opportunities to negotiate and have brazenly violated every agreement. The Security Council must take strong action. This needs to be the focus of our policy now and in the immediate future.

While all of us recognize that actions must be taken to deal with the imminent threat of Iran's nuclear intentions, a true long-term solution to the problem with Iran lies in efforts to promote a free and democratic society. As Secretary Rice has noted:

> Attempting to draw neat, clean lines between our security interests and our democratic ideals does not reflect the reality of today's world. Supporting the growth of democratic institutions in all nations is not some moralistic flight of fancy; it is the only realistic response to our present challenges.

In his State of the Union Address, President Bush made a direct appeal to the Iranian people and voiced our country's support for their right to freedom. Here in Congress, we need to act to convert moral support into concrete actions to help foster democratic change in Iran.

I commend my colleague, Senator SANTORUM, for his introduction of the Iran Freedom and Support Act of 2005. I am a cosponsor of that legislation. He has talked about that and clearly seeks to support the roots of democratic change in Iran. We need to support democracy in Iran. And supporting them is not being an American voice preaching moralistically about democracy; it is an opportunity to connect with the Iranians around the world, not just there. There are folks who have been

fighting for freedom in Iran. Some are still in Iran. We need to figure out a way to connect with Iranian voices, with dissidents in Iran and around the world, to let them know we are there to support freedom, we are there to support democracy.

I urge passage of Senator SANTORUM's bill. It is a step in the right direction.

Finally, I would note that March 20 and 21 is the Iranian new year. I say that because the regime is repressing the celebration of the Iranian new year. I want to conclude my comments by wishing the Iranian people a happy new year, one in which, hopefully, they will be closer to freedom, closer to freedom in the year to come. And we will take those steps necessary to help make that happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend the Senator from Minnesota. I think he is right on target. He is putting the burden where it should be, and that is directly on the United Nations to do what is right with regard to Iran.

Our President has tried to put the Europeans out front to negotiate with the Iranians. I believe they have been less than forthcoming about what they were doing the last 2 years with nuclear capabilities. Now it is time for us to all step in as world leaders and say to Iran: You must stop making nuclear weapons. And further, if you do not, there will be repercussions.

But it will take the entire world community, led by the United Nations, to make an impact on Iran. The United States cannot do this alone. We do not trade with Iran. We need the people who are trading with Iran to say there will be consequences if a nuclear weapon is produced in that country.

So I thank the Senator from Minnesota. I hope very much the United States will step forward with the other leaders of the world to say we are of one mind.

Mr. President, I wish to take a moment because today is Texas Independence Day.

The PRESIDING OFFICER. Time for morning business has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes in morning business.

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

170TH ANNIVERSARY OF TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I wish to take a moment to read the letter of William Barret Travis from the Alamo. This is a tradition I continue that was started by Senator John Tower to commemorate Texas Independence Day, and that is today, March 2.

Today is the 170th anniversary of the signing of the Texas Declaration of Independence, a document that was signed by, among others, my great-great-grandfather, Charles S. Taylor, and also his friend, Thomas J. Rusk, who first held the Senate seat I now hold. They both hailed from Nacogdoches, which is the oldest town in Texas—the town in which my mother grew up and the town in which I now own the home my grandfather built.

It is a very historic time for Texas. We celebrate Texas Independence Day every single year because we know that fighting for freedom has made a difference in what Texas is. We love our history. We fought for freedom. We were a republic for 10 years, and then we came into the United States as a State.

The defense of the Alamo by 189 courageous men, who were outnumbered 10 to 1, was a key battle of the Texas Revolution. The sacrifice of COL William Barret Travis and his men made possible GEN Sam Houston's ultimate victory at San Jacinto, which secured independence for Texas.

From the Alamo, Colonel Travis wrote to his countrymen the following:

> Fellow citizens and compatriots: I am besieged by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man—the enemy has demanded a surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken—I have answered the demands with a cannon shot, and our flag still waves proudly from the wall—I shall never surrender or retreat.
>
> Then, I call on you in the name of liberty, of patriotism and of everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death.
>
> William Barret Travis, Lt. Col, Commander.

Colonel Travis's are the words of a true patriot. And his letter did inspire Texans to ultimate victory. In fact, his holding of the Alamo for so long did allow Sam Houston to muster his troops for the last stand at San Jacinto.

To show you one other example of how Texans love their history, the minister who opened our Senate today with prayer from Lovers Lane Methodist Church in Dallas, TX, showed me, at breakfast this morning, the ring he wears which is a replica of the ring of William Barret Travis that he wore at the Alamo. He put the ring around the neck of the daughter of one of those who was able to survive and leave the day before the onslaught that killed all of those men at the Alamo. So Susanna Dickinson's daughter had that ring around her neck—she was about 8 years old at the time—and that is why we know what the ring signified.

Another example of how history continues to inspire us: I, just 2 weeks ago, commissioned the newest amphibious ship of the U.S. Navy. It is an amphibious assault ship, the first of its class, the USS *San Antonio*. The USS *San Antonio* has in its motto the words from William Barret Travis's letter ''Never surrender, never retreat.''

That is a great ship which is going to carry marines into battle. It will carry our marines with the very best of technology, the very best safety measures we can possibly give them. And the quote ''Never surrender, never retreat'' will carry them into battle to help protect the freedom of Americans for years to come.

I am proud to be the sponsor of the ship the USS *San Antonio*. It represents the spirit of our armed services today, just as 170 years ago when we fought for our independence from Mexico and later became a great State of the United States of America.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

USA PATRIOT TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 3199, which the clerk will report.

The assistant legislative clerk read as follows:

> Conference report to accompany H.R. 3199, an act to extend and modify authorities needed to combat terrorism, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. shall be equally divided, with 1 hour of the time controlled by the minority to be under the control of the Senator from Wisconsin, Mr. FEINGOLD.

Mr. VITTER. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 15 minutes and that the time be charged to the Republican side. I further ask that Senator STEVENS be recognized at 12:15 for up to 5 minutes and Senator BYRD then be recognized for up to 35 minutes.

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

LOBBYING REFORM

Mr. VITTER. Mr. President, I rise to speak on the very important subject of lobbying reform. When you think of our role in our constitutional system and how important it is that that role

be held in high regard and confidence by the American public, this issue certainly takes center stage as a very important one that we need to address. Again, it goes to the heart of who we are and what we are about and the heart of the crucial task of having the confidence of the American people in our system.

Obviously, in the last year, in particular, that has been shaken—shaken by some very real and serious scandals that have touched the Congress. Because of that, we need to address these issues of lobby reform, campaign finance reform, and other related issues very boldly and very directly.

Again, why do we need to do this? For a very simple reason. This goes to the heart of our credibility, the heart of the central issue: Do the American people have confidence in our integrity, in our ability to put their interests ahead of the interests of narrow or special interests?

I come to this set of issues with quite a bit of experience from Louisiana. These sorts of issues have been at the center of our political debate for quite some time because, quite frankly, we have fought our own challenges in terms of integrity and credibility. We have had a political culture and a political history riddled with corruption and cronyism. Many of us are working very hard to get beyond that. Before I came to the House of Representatives in 1999, I served in the Louisiana legislature. While I was there for about 7 years, these sorts of issues—reform issues, lobby reform, campaign finance reform—were at the very top of my agenda because, again, what could be more important than building the confidence of citizens in the integrity of their Government? Certainly, when I stepped into the Louisiana legislature in January 1992, that credibility and that integrity absolutely needed bolstering.

When I first went to the legislature in 1992, we had a Governor named Edwin Edwards. We had an explosion of legalized gambling issues and legalized gambling concerns. That only fueled the need to address these central, ethical lobby and related issues. Issues such as the influence of gambling and gambling contributions came to the floor, and the influence of gambling entities on elected officials. Because of all this, I filed several formal ethics complaints against our then-Governor, Edwin Edwards. Many of those were successful to help draw attention to the very real problems that were persistent. And then several years later, that was actually followed by Federal prosecution of then-former Governor Edwards on gambling-related charges, and he now still serves a significant sentence in Federal prison.

Other issues came before us, such as gambling contributions. We had an infamous incident of the president of the State Senate handing out gambling contribution checks on the floor of the Senate. This caught everybody's attention, and the good part of the incident—the only good part—is that it ushered in more reform, more cleaning house, if you will.

So I was very involved in those issues for exactly the same reason. They went to the heart of what we are about. They went to the heart of voters' and citizens' confidence. They went to the heart of the question of our integrity.

In part, because of that background and that experience, I was very interested in being involved in these ethics reform and lobby reform efforts on Capitol Hill. Very early on, I joined the working group in the Senate that was focused on these important issues. The group consisted of Senators SANTORUM, MCCAIN, LOTT, KYL, LIEBERMAN, OBAMA, ISAKSON, DODD, FEINGOLD, and COLLINS. It was a very strong, very sincere bipartisan working group to look hard at these crucial questions and to come up with a strong package that could gain bipartisan consensus support, and that we could pass through the Senate.

In working with this group, we discussed a lot of issues and tried to hone in on the key abuses and, therefore, the key reforms we thought we needed to address. That led to our releasing a statement in favor of meaningful lobby reform, particularly with regard to the following areas: The revolving door between private lobbying and public service; privately funded travel, which has clearly been abused in the past; gifts from lobbyists; improved lobbying disclosure; earmarks and the abuse of earmarks and the need for transparency and some limit in terms of those earmarks; strengthened ethics guidelines, training, and enforcement.

Again, I compliment all of my fellow Senators who worked on that important group—Senators SANTORUM, MCCAIN, LOTT, KYL, LIEBERMAN, OBAMA, ISAKSON, DODD, FEINGOLD, and COLLINS. We all worked together in a very aggressive and sincere way. I think we have made a lot of headway. That headway is being exhibited this week and even more next week.

This past Tuesday, the Senate Rules Committee, chaired by Senator LOTT, voted out a consensus package of important reforms. Now, today, the other committee of jurisdiction, the Committee on Homeland Security and Governmental Affairs, chaired by Senator COLLINS, will take a look at their side of these matters—those matters in this general category that fall under their jurisdiction. I think they are going to come out today with a strong and significant package in terms of matters that come from their jurisdiction. Of course, as I said, Senators LOTT and COLLINS were very active, very forceful, and contributing members to the working group.

I look forward to supporting these two packages that will come together next week on the Senate floor. But as I do, I also look forward to strengthening the package, perhaps here on the Senate floor, perhaps through separate legislation, on other crucial questions, which I truly believe we also need to address in a bold and direct and forceful way to gain the confidence of the American people.

I want to highlight three of those additional issues today. The first has to do with a very important matter of Indian tribe campaign contributions. Now, this, as everyone knows, is not some theoretical concern. This issue has been at the heart of the recent scandals that have plagued the Congress and the country with regard to lobby reform and campaign contributions. So this is not a theoretical or abstract concern.

What is the problem? The fundamental problem, as I see it, is that the rules are very different and very tilted for Indian tribes, as opposed to other entities such as corporations. How is that true? Let me give you a few examples. The first is that Indian tribes are treated as ''persons'' under Federal campaign finance law, and because of that they are allowed to contribute up to $2,100 per election to a candidate. But they are not considered what are called ''individuals'' under the law. For that reason, there is no aggregate limit in terms of how much money they can give to Federal political campaigns overall in an election cycle.

For other entities, such as corporations, there is absolutely an overall limit of $101,400. That is a lot of money but understand that tribes have no such limit, so they can go beyond that and give absolutely as much as they want, without limit, to Federal campaigns.

The second area of difference I think is even more significant, and that is because most Indian tribes are unincorporated, they are not subject to any rules or ban on using corporate treasury funds to fund all of this or to any rules with regard to mandatory disclosure of the source of the funds they use and where they go. That is a huge difference.

Corporate PACs, of course, have to collect money in very certain ways. They cannot write a check out of the corporate treasury. An Indian tribe can and, in doing so, doesn't have to disclose in any meaningful way where the money came from or where it is going.

The second issue I want to highlight is the ability of some incumbents, some Members of Congress, in the House and Senate, to pay their spouses or dependent children for work on their own political campaign. Why is that a problem? It is a fundamental problem, in my opinion, because it gives Members of Congress the ability to increase their salary if they want to abuse that right to write checks to their own personal bank account from their campaign account by ''hiring'' a spouse or even a dependent child or both.

Again, this is not a theoretical concern; this has been a practice in the past and is, to at least a limited extent, a practice now. There may be some spouses or some kids who do a lot

of work for that paycheck, who do a full day's work for a full day's paycheck. But, clearly, this is an area that is wide open to abuse and, in fact, in my opinion, has been abused in the past.

So how do we fix it? I think it is pretty simple. I think to gain the confidence of the American people and to do ourselves a favor, we fix it in a very simple and direct way, which is by completely banning spouses or dependent children from being on the payroll of a Member's campaign or on the payroll of a Member's leadership PAC.

The final issue that I quickly want to highlight is the issue of Members' spouses being able to lobby Congress. Again, I think in the real world, in the heartland of America, this causes average citizens and average voters a lot of concern. The concern, again, is obvious. A Member's spouse has a unique ability to lobby, No. 1. No. 2, that relationship, if a Member's spouse is on the payroll of a lobbying firm, means that the lobbying firm is writing a check, which basically goes directly into the family banking account of that Member.

How do we address this? We need to be very careful to address it responsibly and carefully and also to take into account the fact that some spouses may have been a true lobbyist with true expertise, earning an honest day's work, before they were ever spouses of a Member of Congress. So I believe the way to address it is to ban that activity if the spouse was not a registered lobbyist a year or more before the Member was elected to Congress or the marriage between the spouse and the Member occurred.

I think that is a responsible, fair way to address a very real concern, a very real issue in the hearts and minds of the American people.

I close by again saying I appreciate all of the work of my fellow members of the working group on which I serve. I look forward to that legislation coming to the floor next week, and I also look forward to us addressing other crucial issues that may not be in that underlying package, such as campaign contributions of Indian tribes, such as spouses and dependent children being on the payrolls of campaigns, and such as lobbying by Member spouses.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time? The Senator from Alaska.

PERMANENT POSTPONEMENT OF S. 1977

Mr. STEVENS. Mr. President, I have come to the floor today to ask a request of the joint leadership. Last year, I introduced S. 1977 to repeal a provision of the 1977 reauthorization of the Marine Mammal Protection Act of 1972. My bill was designed to address the concerns on the west coast about the impact of high energy prices on their economies, their businesses, and their consumers.

Upon its introduction, S. 1977 was immediately met with press releases condemning it. I believe the purpose of my legislation was deliberately misinterpreted. By repealing this provision, this bill would ensure that the Cherry Point refinery in the State of Washington could maintain its current capacity.

The Cherry Point refinery processes 225,000 barrels of crude oil per day. About 60 percent of the crude oil processed at the refinery comes from my State of Alaska, and 70 percent of its refined product is consumed by businesses, vehicles, and industries located in Washington State.

S. 1977 deals solely with the construction or expansion of marine terminals and docks in Puget Sound specifically at Cherry Point. It has nothing to do with the number or size of tankers in Puget Sound. The Coast Guard controls that through regulation. The existing provision of law under consideration limits the expansion of docks which is vital to the area's economy. If this provision is enforced, it will eventually reduce crude oil delivery at the Cherry Point refinery by about 10 percent, reducing fuel capacity for the entire region by about 704,000 gallons per day of refined product.

My intention on introducing this legislation was to ensure stable supplies of fuel for the Pacific Northwest at the existing capacity. It would not have increased capacity at all.

Some have litigated this issue in the press, politicized this issue, and leveraged it for personal political publicity. Some Washingtonians have appealed to me because they don't like to see a conflict between our State and their State. They contacted me privately and sought to work this out.

In particular, one letter convinced me that despite my good intentions, the bill may not be the best policy for the people of Washington right now. But they contacted me.

Because of my private consultation with the author of the letter, which I do appreciate very much, I have come to the floor to ask that the joint leadership institute procedures to bring about the permanent postponement of this legislation and indicate we will never take it up.

It is my understanding that this is the only procedure available as it is not possible for me to ask to withdraw it. I have never, in my 38 years in the Senate, asked to pull legislation or have any bill I introduced be permanently postponed. But that is my intention now.

For years, I have fought for Alaska's right to determine our State's future and to develop our own energy resources, particularly in the Alaska Coastal Plain. I defer to this policy now, and I believe the people of Washington will have to make this decision. It is a decision that will have to be made. But based on the private conversations and the letter I mentioned, I yield to the concerns of Washingtonians on this legislation. I still believe S. 1977 is the right policy, but I respect the rights of those living in Washington State to make the decision as to when that policy should be pursued. Consistent with my personal philosophy, again I ask that the leadership find a way to permanently postpone consideration of S. 1977.

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

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

APPOINTING CONFEREES

Mr. President, still another day has gone by. It is now Thursday, and we have been unable to appoint conferees for the pension reform bill. This is a shame. Up to 40 million Americans are concerned about what we do in the Senate. They may not wake up every morning thinking about it, but there are millions of Americans who are worried about their pensions, and they should be.

It is so important that we get this matter to conference and come back with a bill that will help those 40 million Americans. We passed a bill out of this body on a bipartisan basis; 97 of the Senators voted for it. Not only was it a bipartisan vote, it was a bipartisan effort to get it to the floor. We need to do things on a bipartisan basis. This pension reform bill is an indication of how we can work together, but it shouldn't break down now.

There is a dispute over whether the conference should have seven Republicans or eight Republicans. That is what it amounts to, whether it has seven Republicans going to conference or eight Republicans. There is a two-vote difference. Because of the majority, 55 to 45, we have agreed to a two-vote difference, but it is not right that we are not going to conference because the majority doesn't want an extra Senator.

I need an extra Senator. I need 8 to 6. I have Senators who are heavily engaged in this matter and who have worked hard: Senator KENNEDY, Senator HARKIN, Senator MIKULSKI, and, of course, Senator BAUCUS who does the finance aspect of this and has worked very hard. Senator ROCKEFELLER has worked hard on this. There isn't anything unreasonable about saying: Mr. Leader, instead of going for seven Republicans, go with eight, go with nine. They have already agreed to go with nine, they just wanted the difference to be 9 to 6. They wanted a difference of three. I can't do that. I will go with nine. If they want nine Senators from the current seven, fine, I will go along with that.

In yesterday's Congress Daily the majority said they didn't want an 8-to-6 ratio because, ''How do you break a tie?'' I took my math training at Searchlight Elementary School. We

had one teacher who taught all eight grades and it wasn't that great, I am sure. But I even know that really doesn't make sense. Remember, how do you break the tie if the vote is 8 to 6?

We know that can't be the real reason for the delay because we know the majority's first proposal was 7–5. You would have to have the same concerns about 7–5, so that can't be the reason.

I understand another reason for the delay could be the majority's insistence that they get a three-vote margin conference. We can't start something like that around here. There are five Republicans, and I understand and appreciate that. We have agreed to a two-vote margin. That is fair. We have never had a conference committee that I am aware of with a three-vote margin, certainly not in this session of Congress. I am hard pressed to remember that it ever happened, so that can't be the reason.

So there must be something else going on. There must be pressure coming from people downtown, as we refer to the special interest groups that are interested in legislation. There must be pressure coming from these special interest groups to appoint particular Members to this conference, to ensure that they get the result they seek at the end of the conference. It is like fixing a jury. Sometimes you work too hard and you wind up with a bad result.

I had a case once where I represented the North Las Vegas Police Department. They had been accused of false arrest. So we go to pick the jury, and the plaintiff's attorney—I was representing the defendant—used up all their voir dire during the voir dire examination of the jury, and then we have a period of time after that wherein you can peremptorily challenge a juror. You don't have to have a reason, you just get rid of them. He used all of his peremptory challenges, and somebody stood and talked who had been a police officer. He didn't want that guy on the jury, but he had used up all of his challenges. He couldn't get rid of a juror who was a police officer, who would tend to side with me. He worked a little too hard in coming up with a jury that he thought would be OK and wound up trying too hard. So sometimes you try to play with the jury too long and you wind up being hurt.

In that case, I got a defense verdict. I won the case. I don't know if that was the reason, but I am sure it didn't hurt me to have a former police officer during that jury deliberation.

So I really don't know how to explain this deadlock. The downtown interests, the special interests say they obviously can't have that Republican or that Democrat on this conference because they don't agree with whomever it is on this issue.

This bill passed the Senate by a vote of 97 affirmations. Ninety-seven Senators said it is a good bill. This is not a Republican conference; it is a Senate conference. Is it going to make that much difference if it is 8–6 or 9–7, compared to 7–5? I don't think so.

In the past, we would appoint conferees based strictly on seniority. If the majority leader doesn't want to do that, then have him pick based on some other principle. We will probably stick with the seniority rule over here, but not necessarily. There is little consideration of how anyone would vote. I haven't asked those I would like to be on the conference committee—Senator KENNEDY, Senator BAUCUS, Senator ROCKEFELLER, Senator HARKIN, Senator MIKULSKI—how they are going to vote. I do know that Senator HARKIN and Senator MIKULSKI both believe there should be pension reform, but they are experts in different areas of this very complex piece of legislation that is so important that we complete. We will appoint people to this conference and let them do what they think is right. We need to move on.

It should not have taken 9 months to consider the bill in the first place, and it shouldn't take us 2 months to go to conference. Democrats have cooperated on this every step of the way—Senators BAUCUS and GRASSLEY, KENNEDY and ENZI—the chairman and ranking members of the committees. We are ready to go to conference 5 minutes from now. If the majority leader walked through these doors and said: I move that we go to conference, the ratio will be 8–6, 9–7, it is done. They could start meeting today. We are not delaying this legislation.

I don't understand all the reasons that we are not going forward with the conference, but I have to tell you, it looks somewhat suspicious to me when they are saying, instead of having seven Republican Senators, we want eight, for some reason. That is wrong. We need to stop playing around with this. Up to 40 million Americans, I repeat, are counting on us to do this the right way and to do it quickly.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be recognized at 2:15 p.m. for up to 15 minutes to make some final remarks on this bill.

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

Mr. FEINGOLD. Mr. President, yesterday the Senate took further steps to reauthorize the PATRIOT Act without the fundamental checks and balances that so many of us believe are needed. To bring us back to first principles, I read aloud the Constitution and the Bill of Rights. And to remind us of the broad, bipartisan support for amending the PATRIOT Act all over this country, I read the eight statewide resolutions that have passed in the last few years expressing concerns about the PATRIOT Act. I also read some of the nearly 400 local resolutions that have passed—the four resolutions from my own State of Wisconsin. Today I want to continue by reading some additional items to take my colleagues back to how hard we fought in November and December to stop the flawed conference report, and how many Americans wanted us to do better than we have done this week.

Let me start with a few editorials. The resolutions passed by State and city governments that I read here on the floor yesterday are not the only way by which Americans have expressed their concerns about the PATRIOT Act. The Fourth Estate has weighed in too, with many newspapers running editorials or columns criticizing the PATRIOT Act's effect on Americans' freedom. And not just a few newspapers, but dozens and dozens, from all across the United States. From major national newspapers to small, local newspapers. Papers in big cities and small towns. All concerned about the erosion of civil liberties under the PATRIOT Act. I am going to read just a few representative editorials.

From the Orlando Sentinel, August 17, 2005; headline: Fighting the terrorists.

Our position: Patriot Act changes need to be tough but protect against abuse of power.

The U.S. House and Senate have taken different approaches to renewing the USA Patriot Act, the sweeping anti-terrorism law that otherwise would expire at year's end. The Senate's more thoughtful, bipartisan approach deserves to prevail when members begin meeting next month to reconcile their competing proposals.

The House proposal leaves the Patriot Act's expanded surveillance and law-enforcement powers largely intact. It does not accommodate legitimate concerns raised by both liberals and conservatives about inadequate checks on those powers.

The Senate proposal, passed unanimously, includes what Judiciary Chairman Arlen Specter called ''responsible changes to safeguard civil liberties.'' It would continue to let the government obtain secret court orders to seize medical, financial, library and other records, but only records tied to suspected terrorists or spies, or people in contact with them. It would require the government to notify targets of secret search warrants after seven days, though a judge could extend that deadline.

Also under the Senate proposal, two of the most controversial Patriot Act provisions—to seize records secretly and conduct roving wiretaps—would expire in 2009 unless renewed. That would encourage Congress to reevaluate those provisions in four years.

The Senate proposal would not stop the government from using the powers in the Patriot Act to go after terrorists. But its changes would better protect ordinary Americans from possible abuse of those powers.

Next, The Los Angeles Times; editorial, ''Checks on the Patriot Act,'' from November 21, 2005.

The Patriot Act, a 4-year-old federal law that gave investigators unprecedented power to search for and chase terrorists, is a case study in bad lawmaking. Angry and anxious to respond to the atrocities of 9/11, Congress

hastily approved a measure that exposed an indeterminable number of Americans to unreasonable searches and intrusive snooping for the sake of the war on terror. The law provided few of the legal system's usual checks to protect against investigators abusing the new capabilities.

The measure eventually generated outrage on both sides of the political spectrum, as well as from corporations, libraries and retailers forced to report secretly on the activities of employees and customers. Nevertheless, in their haste to wrap up business before the Thanksgiving recess, lawmakers were poised last week to reauthorize the Patriot Act, which is due to expire at the end of the year, with only minor changes.

That was the outcome sought by the White House and its allies in the House. A bipartisan group of six senators stopped the bill, however, by threatening a filibuster. They demanded that House and Senate negotiators produce a reauthorization bill with more of the safeguards that the Senate had approved earlier this year.

The senators' demands are modest, recognizing that law enforcement agencies do need enhanced powers to battle elusive and technologically sophisticated groups of terrorists. But the public also needs to be able to review how those powers have been used. And people need more assurance that the information vacuumed up by their government is actually connected to a suspected terrorist or spy.

In particular, the bill should do away with the automatic, permanent gag orders that allow investigators to hide forever their demands for records from banks, libraries, doctors and other sources. And the most controversial provisions of the Patriot Act should be extended for a much shorter period than the seven years suggested by House and Senate conferees.

When Congress approved the Patriot Act, it put its trust in prosecutors and investigators to use their expanded powers responsibly. It now appears that trust was misplaced. Authorities have gone on a snooping frenzy since 2001, issuing more than 30,000 secret demands for records per year, according to the Washington Post. And unless the law is changed, no one will ever know whether those records should have been gathered, or what has been done with them.

Americans want to trust their government. It is their government's foundation, its system of checks and balances, that enables that trust.

Now, from The Pittsburgh Post-Gazette, entitled, ''True patriots: Some in Congress won't let terror limit freedom,'' from November 30, 2005.

Long before the 9/11 terrorist attacks and the so-called Patriot Act that was passed in reaction and fear, a man with stellar patriotic credentials who championed the cause of liberty had words of wisdom for his fellow Americans: ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

What Benjamin Franklin said in his own day remains a telling commentary for our time. Indeed, these words could have been written specifically about the Patriot Act, which went too far in trying to accomplish a legitimate goal: to remove some of the bureaucratic and legal barriers that stood in the way of hunting down terrorists.

But increasing government power while decreasing judicial oversight was a troubling exercise in a free country, and Congress realized as much when it passed the Patriot Act, including sunset provisions that could be considered in calmer days. That time has come and plenty of true patriots have stood up and offered suggestions that would make the Patriot Act more respectful of civil liberties and the American ideal of freedom.

This is one issue that provides common ground for liberals and conservatives. When a government has the power to search a suspect's premises without his knowledge and can retrieve personal business and library records of people without showing any connection to terrorism, then the alarms that go up are for Americans regardless of party. That is why, for example, former Republican Rep. Bob Barr, the scourge of President Clinton, finds himself on the same side of the fight as the American Civil Liberties Union.

Despite the bipartisan qualms about reauthorizing the Patriot Act without proper amendment, the Bush administration has not been sympathetic. Trust us, it says implicitly. But because paranoia animates policy for this White House, the use of the Patriot Act is bound to go too far and impinge on basic civil liberties. This is an administration, after all, that feels threatened when Sen. John McCain and others want to outlaw torture.

Sadly, ordinary Americans can't naively trust their freedom to such hands. The Patriot Act needs to have reasonable checks and balances written into it. Of the two bills to reauthorize the act, the Senate version accomplishes this better than the House measure. A tentative agreement has been reached on reconciling the bills, but principled opposition remains.

Six senators—three Republicans (Larry Craig of Idaho, John Sununu of New Hampshire and Lisa Murkowski of Alaska) and three Democrats (Richard Durbin of Illinois, Russell Feingold of Wisconsin and Ken Salazar of Colorado)—have emerged to resist accepting a version of the Patriot Act that doesn't meet their legitimate concerns.

This isn't about being pro-terror but pro-American. It is possible to keep essential liberty and obtain safety. For Americans to deserve both, the true patriots on Capitol Hill need support.

From the New York Times, just recently, on February 11, 2006, entitled, ''Another Cave-In on the Patriot Act.''

The Patriot Act has been one of the few issues on which Congress has shown backbone lately. Last year, it refused to renew expiring parts of the act until greater civil liberties protections were added. But key members of the Senate have now caved, agreeing to renew these provisions in exchange for only minimal improvements. At a time when the public is growing increasingly concerned about the lawlessness of the Bush administration's domestic spying, the Senate should insist that any reauthorization agreement do more to protect Americans against improper secret searches. When the Patriot Act was passed after Sept. 11, 2001, Congress made some of its most far-reaching provisions temporary so it would be able to reconsider them later on. Those provisions were set to expire last December, but Congress agreed to a very short extension so greater civil liberties protections could be added. This week, four key Republican senators—later backed by two Democrats—said that they had agreed to a deal with the White House. It is one that does little to protect Americans from government invasions of their privacy.

One of the most troubling aspects of the Patriot Act is the ''gag order'' imposed by Section 215, which prohibits anyone holding financial, medical and other private records of ordinary Americans from saying anything when the government issues a subpoena for those records. That means that a person whose records are being taken, and whose privacy is being invaded, has no way to know about the subpoena and no way to challenge it. Rather than removing this gag order, the deal keeps it in place for a full year—too long for Americans to wait to learn that the government is spying on them. Even after a year, someone holding such records would have to meet an exceedingly high standard to get the gag order lifted. It is not clear that this change has much value at all.

The compromise also fails to address another problem with Section 215: it lets the government go on fishing expeditions, spying on Americans with no connection to terrorism or foreign powers. The act should require the government, in order to get a subpoena, to show that there is a connection between the information it is seeking and a terrorist or a spy.

But the deal would allow subpoenas in instances when there are reasonable grounds for simply believing that information is relevant to a terrorism investigation. That is an extremely low bar.

One of the most well-publicized objections to the Patriot Act is the fact that it allows the government to issue national security letters, an extremely broad investigative tool, to libraries, forcing them to turn over their patrons' Internet records. The wording of the compromise is unclear. If it actually says that national security letters cannot be used to get Internet records from libraries, that would be an improvement, but it is not clear that it does.

In late December, it looked as if there was bipartisan interest in the Senate for changing the worst Patriot Act provisions and standing up for Americans' privacy rights. Now the hope of making the needed improvements has faded considerably.

Clearly the PATRIOT Act touched a nerve, and has continued to do so for 4 years now. While I support a strong fight against terrorism, we cannot sacrifice our citizens' basic liberties in that fight. To do so would weaken this country.

Next I want to turn back to some PATRIOT Act resolutions. It was not just State and city governments that passed resolutions these past several years. Colleges and universities across the United States have become actively involved in the PATRIOT Act debate as well. Across the country, 53 resolutions have been passed on 44 campuses advocating for substantial changes to the PATRIOT to protect the civil liberties of the American people. From Mt. Holyoke, a small private all-women's liberal arts school in South Hadley, MA, to the University of Texas at Austin, one of the largest public universities in the United States, students and faculties alike are coming together to pass these resolutions. Resolutions have been passed on college campuses in states from California to Kentucky. I will now read a few of these campus resolutions.

A resolution concerning the protection of students' civil rights in the wake of the passage of the USA PATRIOT Act.

UNIVERSITY OF TEXAS AT AUSTIN STUDENT GOVERNMENT

WHEREAS: The United States Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act; Public Law 107–56) on October 25, 2001, championed by U.S. Attorney General John Ashcroft;

WHEREAS: The 4th amendment of the Bill of Rights establishes: The right of the people

to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2. WHEREAS: According to Mayor Pro Tem Jackie Goodman's Austin City Council resolution regarding the PATRIOT Act, ''fundamental rights granted by the United States Constitution are threatened by actions taken at the Federal level, notably by passage of certain sections of the 'U.S.A. P.A.T.R.I.O.T. Act,' other acts and executive orders which, among other things:

Grant potential unchecked powers to the Attorney General and the U.S. Secretary of State to designate legal domestic groups as ''terrorist organizations'' by overly broad definitions, and implying restrictions to Constitutionally protect First Amendment rights of speech and assembly by reference, such as political advocacy or the practice of a religion; while lifting administrative regulations on covert, surveillance counter-intelligence operations;

Violate the First and Fourth Amendments to the Constitution through the expansion of the government's ability to wiretap telephones, monitor e-mail communications, survey medical, financial and student records, and secretly enter homes and offices without customary administrative oversight or without showing probable cause;

Give law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests;

Violate the Fifth, Sixth and Fourteenth Amendments to the Constitution in establishing secret military tribunals, and in subjecting citizens and non citizens to indefinite detention without being allowed an attorney, without being brought to trial, and without even being charged with a crime;

Authorize eavesdropping on confidential communications between lawyers and their clients in federal custody;''

WHEREAS: In the October 1997 edition of Global Issues, available as Vol. 2, No. 4 of the USIA Electronic Journal, then Senator John Ashcroft (R–MI) wrote in an article entitled, ''Keep Big Brother's Hands Off the Internet,''

The FBI wants access to decode, digest and discuss financial transactions, personal e-mail, and proprietary information sent abroad—all in the name of national security. . . This proposed policy raises obvious concerns about American's privacy. . . The protections of the Fourth Amendment are clear. The right to protection from unlawful searches is an indivisible American value. Two hundred years of court decisions have stood in defense of this fundamental right. The state's interest in crime-fighting should never vitiate the citizens' Bill of Rights. . .

The administration's interest in all e-mail is a wholly unhealthy precedent, especially given this administration's track record on FBI files and IRS snooping. Every medium by which people communicate can be subject to exploitation by those with illegal intentions. Nevertheless, this is no reason to hand Big Brother the keys to unlock our e-mail diaries, open our ATM records, read our medical records, or translate our international communications. . .

WHEREAS: Eva Poole, President of the Texas Library Association, the oldest and largest organization representing Texas libraries, including university and academic libraries, stated in a personal e-mail by request:

The USA PATRIOT Act is just one of several troubling policies that compromise the public's privacy rights. Enhanced surveillance powers permitted under the provisions of the Act license law enforcement officials to peer into Americans' most private reading, research, and communications. Several of the Act's provisions not only violate the privacy and confidentiality rights of those using public libraries, but take no consideration of constitutional checks and balances as it authorizes intelligence agencies to gather information in situations that may be completely unconnected to a potential criminal proceeding.

Librarians do not know how the USA PATRIOT Act and related measures have been applied in libraries because the gag order bars individuals from making that information public. Equally troubling is the fact that librarians are not allowed to comment on FBI visits to examine library users' Internet surfing and book-borrowing habits. I oppose any use of governmental power to suppress the free and open exchange of knowledge and information.

WHEREAS: The Student Governments of the University of California at Berkeley and Santa Barbara, University of Alaska Fairbanks, University of Washington, Washington State University, University of Wisconsin and Southern Oregon University have passed resolutions denouncing the USA PATRIOT Act;

THEREFORE BE IT RESOLVED that the Student Government of the University of Texas at Austin has been, and remains, absolutely committed to the protection of civil rights and civil liberties for all of its students and affirms its commitment to embody democracy and to embrace, defend, and uphold the inalienable rights and fundamental liberties granted to students under the United States and Texas Constitutions;

BE IT FURTHER RESOLVED that the Student Government of the University of Texas at Austin firmly calls upon the Austin Police Department, University of Texas Police Department, Federal Bureau of Investigation and Joint Terrorism Task Force to refrain from and, in certain cases, discontinue the surveillance of individuals, groups of individuals, and organizations based solely on their participation in activities protected by the First Amendment to the United States Constitution, such as political advocacy or the practice of a religion without reasonable and particularized suspicion of criminal conduct unrelated to the activity protected by the First Amendment of the United States Constitution;

BE IT FURTHER RESOLVED that Student Government respectfully requests that Dr. Fred Heath, Vice Provost of General Libraries, direct all UT libraries to post in a prominent place within the library a notice as follows:

''WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107–56), records of books and other materials you borrow from this library may be obtained by federal agents. This law also prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to Attorney General John Ashcroft, Department of Justice, Washington, DC 20530.'';

BE IT FURTHER RESOLVED that the Student Government of the University of Texas at Austin commits to organizing a forum addressing student privacy concerns consisting of a panel of relevant administrators and community members;

BE IT FURTHER RESOLVED that the Student Government of the University of Texas at Austin firmly calls upon UTPD to preserve and uphold students' freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, even if requested to do otherwise in accordance with new federal law, which infringes upon such rights granted to federal or state law enforcement agencies under powers assumed by the USA PATRIOT Act by Executive Order;

BE IT FURTHER RESOLVED that the Student Government of the University of Texas at Austin calls upon the Austin City Council to do everything in its power to protect and defend the rights and liberties of University of Texas at Austin students who reside within jurisdiction of the City of Austin.

Next:

ASSOCIATED STUDENTS OF MOUNT HOLYOKE COLLEGE

A RESOLUTION AFFIRMING CIVIL RIGHTS AND LIBERTIES IN LIGHT OF THE USA PATRIOT ACT

WHEREAS, Mount Holyoke College has a diverse student and faculty body, including many students from outside the United States, and many students with diverse cultural backgrounds whose contributions to this community are vital to the culture and civic character of Mount Holyoke College; and

WHEREAS, the preservation of civil rights and civil liberties is a pillar of American society and is essential to the well-being of any democracy, particularly during times of conflict when such rights and liberties, especially those of immigrants and ethnic minorities, may be threatened, intentionally or unintentionally; and

WHEREAS the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, The community of Mount Holyoke College denounces terrorism, and acknowledges that federal, state and local governments have a responsibility to protect the public from terrorist attacks in a rational, deliberative and lawful fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing upon civil liberties; and

WHEREAS, Mount Holyoke College as a private institution, is also responsible to protect its community, including all faculty, staff, and students, whether they be residents or non-residents; and

WHEREAS, the United States Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act; Public Law 107-56) on October 26, 2001; and

WHEREAS, some provisions of the USA PATRIOT Act and other related federal orders and measures may pose a threat to the civil rights and civil liberties of all students, staff and faculty at Mount Holyoke College, including natural citizens of the United States, and particularly, but not limited to, those who are of Middle Eastern, Muslim or South Asian descent; by:

a. Reducing judicial supervision of telephone and Internet surveillance.

b. Expanding the government's power to conduct secret searches without warrant.

c. Granting power to the Secretary of State to designate domestic groups, including political and religious groups, as ''terrorist organizations''.

d. Granting power to the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime.

e. Granting the Federal Bureau of Investigation (FBI) access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime.

f. Granting the FBI the power to compel libraries and bookstores to produce circulation or book purchase records of their patrons, and forbidding disclosure that such

records have been requested and produced; and

WHEREAS, law enforcement and security measures that undermine fundamental constitutional rights do irreparable damage to the American institutions and values of equal justice and freedom that the students staff and faculty of Mount Holyoke College hold dear; and

WHEREAS, the Senate of the Associated Students of Mount Holyoke College believes that there is not and need not be conflict between security and the preservation of liberty, and that students of Mount Holyoke College can maintain their privacy and be both safe and free;

BE IT RESOLVED BY THE SENATE OF THE ASSOCIATED STUDENTS OF MOUNT HOLYOKE COLLEGE THAT the SGA Senate supports the fundamental, constitutionally-protected civil rights and civil liberties of all members of Mount Holyoke College; and THAT the SGA Senate opposes those measures that infringe upon such civil rights and liberties, or that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin, religion, ethnicity or immigration status; and THAT the SGA Senate urges all students, staff, and faculty of Mount Holyoke College to respect the civil rights and civil liberties of all members of this community, regardless of citizenship or heritage; and THAT the SGA Senate urges the Mount Holyoke College Department of Public Safety and all other applicable departments, except when required by law, to refrain from:

a. utilizing race, religion, ethnicity or national origin as a factor in selecting which individuals to subject to investigative activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect,

b. participating in a joint search of the property or residence, with any law enforcement agency absent the assurance that simultaneous notice of the execution of a search warrant to such member of Mount Holyoke College,

c. any practice of stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity, and

THAT the SGA Senate urges the Mount Holyoke College Department of Public Safety not to subject any individual to the custody of the South Hadley Police Department, who may be placed in federal custody, to military detention, secret detention, secret immigration proceedings, or detention without access to counsel; and

THAT the SGA Senate urges the Mount Holyoke College administration to provide notice to all individuals whose education records have been obtained by law enforcement agents pursuant to Section 507 of the USA PATRIOT Act (Disclosure of Educational Records).

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution passed by the United Council of Students at the University of Wisconsin Madison.

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

UNIVERSITY OF WISCONSIN STUDENT RESOLUTION (2/19/2004)

MC1201–01: RESOLUTION IN RESPONSE TO USA PATRIOT ACT

Whereas the Fourth Amendment of the United States Constitution states;

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized, and;

Whereas the Fifth Amendment of the United States Constitution states;

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, *nor be deprived of life, liberty, or property, without due process of law;* nor shall private property be taken for public use, without just compensation, (emphasis added), and;

Whereas Section 1 of the Fourteenth Amendment of the United States Constitution states;

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; *nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws* (emphasis added), and;

Whereas the United Council of University of Wisconsin Students Policy Platform in regards to Student/Civil/Legal Rights states the following two points;

United Council opposes discrimination based on but not limited to race, ethnicity, creed, gender, gender identity, sexual orientation, religious belief or lack thereof, veteran status, marital/familial/parental status, age, physical appearance, disability, political affiliation, national origin, income level or source, residency status, or geographic disadvantage for any reason including but not limited to educational opportunity, employment, housing, physical or emotional well being, and social attitudes; and;

United Council supports the student campaign for the statistical accounting and documentation of Racial Profiling in the UW System, the state of Wisconsin, and the United States of America;

Whereas the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism, USA PATRIOT, Act of 2001 (H.R. 3162, S. 1510) of the title officially introduced: 'To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes' became Public Law No. 107–56 on October 26, 2001;

Whereas Senator Russ Feingold (D–WI) was the only member of the United States Senate to vote against this bill;

Whereas Laura Murphy, Director the American Civil Liberties Union Washington National Office stated that, ''Included in this bill are provisions that would allow for the mistreatment of immigrants, the suppression of dissent and the investigation and surveillance of wholly innocent Americans;''

Whereas the USA PATRIOT Act overrides civil liberties such as those encompassed within the Fourth, Fifth and Fourteenth Amendments of the United States Constitution;

Be it resolved that United Council appreciates the support of Senator Russ Feingold for voting against the USA PATRIOT Act;

Be it further resolved that United Council upholds Civil Liberties such as those encompassed within the Fourth, Fifth and Fourteenth Amendments of the United States Constitution;

Be it finally resolved that United Council urges UW institutions to both officially state that they will protect students, citizens and non citizens alike, and their rights, and inform students that they are entitled to legal advice before cooperating with Federal law enforcement agencies.

Mr. FEINGOLD. Mr. President, every day children across this country learn about the role of their Government and how it is intended to function. I have also collected a handful of textbooks used by children from elementary school up through high school to see what they have to say about the role of Government. In looking at these books, I notice that each of them at different reading levels discuss the Government as a whole, the importance of the Constitution as the foundation of our Government, and the importance of checks and balances and separation of powers. Each of these books, at whatever learning level or reading level, teaches that the Government does not have endless, unchecked powers over the people it is intended to protect.

I started my presentation after cloture was invoked by reading the Constitution of the United States. I wish to conclude for now by reading a very brief portion of one of these books. It is entitled ''National Government, a Kids' Guide.'' ''Separation of Powers.''

The people who wrote the U.S. Constitution wanted to make sure that the leaders of the government did not have too much power. The writers spread the power among three separate branches of government that work together to govern the country. This is called separation of powers.

The executive branch is lead by the president of the United States. This part of the government is responsible for making sure the laws are carried out, or executed.

The legislative branch is made up of the people in the Senate and the House of Representatives. Together, the Senate and the House of Representatives are called the United States Congress. The legislative branch makes the laws.

The third branch is the judicial branch, which is led by the Supreme Court. The judges—called justices—of the Supreme Court explain the laws and decide if any laws are not fair.

Each branch of the government has its own job to do, but the three branches have to work together. The people who wrote the Constitution were very careful to make sure that each branch of the government could check up on the others. A system called checks and balances keeps different parts of the government from having too much power.

Mr. President, I ask unanimous consent that Senator BYRD be recognized at 12:30 p.m. today.

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

Mr. FEINGOLD. Mr. President, I reserve the remainder of my time.

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

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

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to speak until 12:30, with the time to be charged to the Republican side.

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

Mr. KYL. Mr. President, the hour has almost arrived. I understand that in a little less than 3 hours, we will finally be voting for the final time on the reauthorization of the PATRIOT Act. This is critical for the defense of our country, the security of our Nation.

I am pleased we have the opportunity now to approve it, and I predict it will be approved overwhelmingly. The question is, What took us so long? We could have done this at least 2 weeks ago. Indeed, we could have done it 2 months ago. Such is the process in the Senate that sometimes the wheels grind slowly.

The problem is the war on terror. Our enemy does not treat the war necessarily the same way some people in this country do. They are very flexible. They are very agile. They do not tell us what they are going to do in advance. Sometimes they are very patient and wait a long time to strike, and when they do strike, it can be with great speed and lethalness, which means that our ability to fight the terrorists has to be equally agile.

Good intelligence has a short shelf life. Yet that is basically our main weapon in the war on terror. This is not a war we fight with planes, tanks, and ships, but with good intelligence to find out where the terrorists are, who they are, what they are up to, and, if we can, find out whether we are able to stop their terrorist attacks before they occur. That takes good intelligence. It takes agility to be able to get that intelligence, cooperate among the various law enforcement and intelligence agencies.

Before September 11, several of us had provisions of law we believed were important to amend in our statutes to provide tools to fight terrorists. Little did we know how important those would soon become. Senator FEINSTEIN and I have been ranking member and chairman of the Subcommittee on Terrorism, Technology and Homeland Security for many years, since I came to the Senate. We held a lot of hearings on the subject. We had a lot of ideas about what we wanted to propose.

Shortly after September 11, a lot of these things made their way into the PATRIOT Act which we were able to approve. Some Members said the PATRIOT Act was approved hastily. Actually, a lot of the ideas of the PATRIOT Act had been around for some time, had a lot of debate and hearings, but there did not seem to be a reason to get them passed; that is, until September 11, and then, indeed, we did act quickly. But I submit there is a difference between acting hastily and acting quickly.

Nevertheless, some of the provisions were sunsetted. Regarding things we did then and some subsequent amendments to statute, we wanted to take another look down the road to make sure we did not act too hastily. Our action today will make it clear that by reauthorizing these provisions, we intended them to be in effect. We know the terrorists have not stopped their war on terror, and therefore we dare not stop the tools to fight terrorism, many of which are embodied in the PATRIOT Act. So it is important to reauthorize these provisions and not have them expire or sunset.

There is a certain amount of pride of authorship I confess to since a lot of the provisions we are reauthorizing today are provisions which I wrote or helped to write in coauthorship with some of my colleagues. Let me mention some of these because these are important, one of which has been known as or has come to be known as the Moussaoui fix, which is named after Zacarias Moussaoui, sometimes referred to as the 20th hijacker. In the 108th Congress, Senator SCHUMER and I introduced the Moussaoui fix, which allows the FBI to obtain FISA warrants to monitor and search suspected lone wolf terrorists such as Zacarias Moussaoui.

Now, lone wolf terrorists exist because in today's world, you do not get a little card that says: I am a proud member of al-Qaida. It is a very loose-knit organization. Some have likened it to a franchise where all over the world there are little bands of people—cells—who would do harm to the West generally and the United States in particular and who share the same goals and ideals of al-Qaida, frequently have communication with members of al-Qaida, train in the same way, and conduct the same kinds of terrorist activities, sometimes in consultation or concert with al-Qaida. But it is not like a club, it is not like you are a member of the KGB of the Soviet Union, which is what the threat was when we wrote the FISA act.

Because the FISA act refers to foreign intelligence organizations or terrorist organizations, we found that with people such as Zacarias Moussaoui, who we could not prove was a card-carrying member of any particular terrorist group but we figured he was a terrorist and up to no good, we did not have an ability under FISA to seize and search his computers even though we had the ability to arrest him. This was 2 weeks before September 11. Had we been able to get into the computer, we might well have discovered the information we later found that could have pointed us in the direction of an attack on September 11.

Well, that is what the object of the Zacarias Moussaoui fix was: to enable us to add the lone wolf terrorist to the other situations in which a FISA warrant could be obtained. And it filled a gap in our laws that, as I said, might well have uncovered the September 11 conspiracy had it been in place at the time.

It was reported out of a unanimous Judiciary Committee and passed out of the Senate 90 to 4 in 2003. In 2004, it was added to the Intelligence Reform and Terrorism Prevention Act, with the general PATRIOT Act sunset applied to it. Like the other PATRIOT provisions, the Moussaoui fix was set to expire at the end of last year. Today, we will extend the sunset on that critical provision of law for another 4 years.

Another was the material support enhancements. In 2004, I introduced a bill that, among other things, clarified and expanded the statute prohibiting the giving of material support to a designated foreign terrorist organization. These changes helped address perceived ambiguities in the law that had led the Ninth Circuit Court of Appeals to strike down parts of it as unconstitutionally vague. The changes also expanded the law to bar giving any type of material aid whatsoever—including providing one's self—to a terrorist group.

This legislative proposal also was enacted into law later that year as part of the intelligence reform bill, and also was subjected to a sunset. Again, today, with the PATRIOT Act reauthorization conference report, we repeal that sunset. We make the 2004 material support enhancements permanent features of our law, as they should be.

Another part of the original PATRIOT Act I helped author was the so-called pen registers and trap-and-trace authority. Now, the authority for pen registers and trap and trace is critical for antiterror investigations. It has been around for years in connection with other kinds of investigations, and it obviously was an important tool to fight terrorism.

What these authorities do is allow investigators to discover what telephone numbers are being dialed into and out of a suspect's telephone. As I said, they already had this authority in connection with other kinds of crimes. It certainly made sense to have it track terrorists. An important feature here was to get one court order from a judge in one place and not have to hop all around the country wherever the telephone was used and get a separate court order in that State. That requirement made it totally useless.

So this one court warrant for trap and trace and pen registers was enacted. I am very glad to see the conference report repeals the sunset on this authority—in other words, the automatic ending of the authority—and makes permanent for antiterror investigations this pen register and trap-and-trace authority, another critical tool to fight terrorism.

For the past 2 years, I have also been a cosponsor of legislation that my colleague, Senator FEINSTEIN, helped to coauthor on seaport security and mass transportation security. This is especially interesting in view of the debate and concern right now about seaport security with which we are all familiar.

This particular legislation increases the penalties for and, by the way, also the scope of the criminal offenses for attacks on seaports and shipping. It also consolidates and updates the laws with regard to attacks on railroads and other mass transportation facilities.

Now, these proposals also had been amended into the intelligence reform bill in 2004 by the House of Representatives but have been dropped in conference. Today these important provisions, which I helped to coauthor, are enacted into law through the conference report of the PATRIOT Act.

There is another rather interesting, rather esoteric—one of the things lawyers debate about—but an interesting and important provision of the PATRIOT Act we are going to be dealing with today. When the final draft of the PATRIOT Act reauthorization was introduced in the Judiciary Committee the night before the committee acted on it, for the first time a proposed three-part test was inserted into the bill—a test for determining whether a section 215 order is relevant to a terrorism investigation. There has been a lot of debate about these section 215 orders, but these are critical to obtain records that might help in the investigation of a potential terrorist.

Several of us expressed reservations about this three-part test and whether it would impede the use of these section 215 warrants and impede important investigations and thought it required further study.

Well, during the next weeks and months, we became persuaded essentially that this three-part test would simply either make impossible or certainly delay needed investigations and, therefore, should not be enacted. It raised more questions than it answered, complicated this investigative tool that was being used, after all, at the very preliminary stages of an investigation—not the stage at which you ought to be proving probable cause to introduce evidence into the trial.

Well, the test remains in the conference report, but with changed language. I think it is much better in its current form. The form of the test remains in the conference report, but investigators are no longer required to use that test. Instead, they are simply permitted to use that test to obtain a presumption that a 215 order is relevant to a terror investigation, which is fine.

Usually, when we create a legal presumption that a standard has been met, it is easier to satisfy the presumption than it is to satisfy the underlying legal test. I do not believe that is the case here. Relevance is a simple and well established standard of law. Indeed, it is the standard for obtaining every other kind of subpoena, including administrative subpoenas, grand jury subpoenas, and civil discovery orders.

So I cannot imagine that investigators will ever bother using the complicated three-part test in order to get a presumption when they can simply plead relevance and that will suffice for their investigation. I might be wrong, and they might find this test useful. It is there should they decide they can use it. But I am pleased to see the conference report is not impeding investigations by mandating the use of that test.

We are not betting important antiterror investigations on the issue, I guess, is another way to say it. I think it would have been clearer just to eliminate the test, but it does not—other than, in my view, cluttering up section 215 of the PATRIOT Act because it is not mandatory, I do not think it is going to cause any harm. Investigators are not going to be impeded in their investigations because of it. I think that is an important change we made.

The conference report also does something that is important for States, like my own State of Arizona, that have attempted to improve the ability to prosecute and defend against certain kinds of serious crimes. In the 1996 Antiterrorism and Effective Death Penalty Act, Congress made an offer to the States in effect saying: If you will provide qualified counsel, lawyers, in capital cases to the defendants in those cases during the stage of the case after conviction but during appeal—it is the so-called postconviction review stage of litigation—then the Federal Government would apply a streamlined and expedited procedure to review the habeas corpus petitions that are normally filed during that period of time from the conviction in the State court.

The Federal courts would be required to abide by timelines in ruling on these cases, and they would be barred from staying Federal petitions to allow further exhaustion or broadly exempting claims from procedural default requirements on the grounds of the perceived inadequacy or lack of independence of the State's procedural rules. The bottom line is that if the defendants are represented by good counsel, by good lawyers, then they should be able to comply with the provisions of the law and not plead, in effect, they have to delay the law as they are having their appeals reviewed.

Arizona did its part to comply with this statute. It enacted a system to provide qualified counsel to capital defendants on State postconviction review. It spent a lot of money doing it. But to date, it has not received the benefits of the system. It is because the decision about whether a State is entitled to the benefits of this chapter 154 relief—including the time deadlines—is made by the same Ninth Circuit Court of Appeals that would be bound by those deadlines. And it has repeatedly refused to extend to Arizona the benefits of the 1996 law's special habeas chapter. By the way, it has also been very slow in many of these cases, and that has been a real problem.

The good thing about today's conference report is that it includes a provision that would shift the decision of whether a State is eligible for this expedited review of capital cases away from the regional courts of appeals to the U.S. Attorney General, with a review of his decision in the U.S. Circuit Court for the District of Columbia. That court hears no habeas cases; therefore, it has no conflict of interest as the other circuit courts would. This will allow the Federal Government to keep its end of the bargain that it made with the States back in 1996 and will allow States like Arizona to finally take advantage of the streamlined and expedited procedures to which it is entitled.

I will conclude in this fashion. I think that by what I have just said it is clear there are a variety of important provisions in this conference report, this PATRIOT law we are reauthorizing. In some cases we are saying this is now going to be permanent law. We do not need to come back and reauthorize it every 4 years. In other cases, we are saying there are important provisions of other laws that need to be put in the PATRIOT Act and made permanent law. And we have done that. In other cases, as I mentioned, we wrote particular provisions into the PATRIOT Act, and it is important that we reauthorize those provisions. And there were other provisions, in addition to pen registers and trap and trace that I mentioned before, as well as the material support, which were parts of the original act.

We established several crimes as part of the PATRIOT Act that would serve as predicate crimes for further investigation, and these were very important because in the early stages of an investigation into a terrorist you may not have all of the scope of the activity of this individual well in mind. You may know he has been guilty of what you think of one particular crime, but you need to be able to use that as a predicate to expand your investigation into other things he may have done.

So, for example, we establish that violations of the Federal terrorism statutes could serve as a predicate offense allowing the Department of Justice to apply to courts for authorization to intercept wire or oral communications pursuant to title III when investigating such offenses. We establish that the felony violations of the Federal computer crimes statutes, the so-called hacking statutes, might serve as a predicate offense, allowing the Department of Justice to apply to courts for authorization to intercept wire or oral communications pursuant to title III when investigating such offenses.

We provide for the detention, for up to 7 days, of aliens the Attorney General has reasonable grounds to believe were engaged in conduct that threatened the security of the United States or aliens who are inadmissible; that is to say, they are not supposed to be coming into the United States or are deportable from the United States on the grounds of terrorism, espionage, sabotage, or sedition.

There are a variety of other provisions that are included in the PATRIOT Act. The key thing to remember here is, as I said before, our law enforcement and intelligence officials need to have adequate tools to fight terrorism because we provide those tools when we send the military into harm's way. We have an obligation to do that. And they fight important fronts in the war on terror. But so much of this war on terror relates to intelligence gathering and law enforcement activity, investigating potential crimes of these individuals. We have to give them the tools they need to fight these terrorists.

The PATRIOT Act does that. It is one of our tools. The FISA law is another one of those tools, the Surveillance Act. The Foreign Intelligence Surveillance Act is what FISA stands for. We have activities such as the NSA surveillance that is another important tool that deals with al-Qaida terrorists who are calling into or out of a foreign country. There are other mechanisms we are using to fight the terrorists.

But one of the bedrock laws now that we use is the PATRIOT Act. That law passed not long after 9/11 because we understood this world had changed and that it was time to apply to terrorism many of the same kinds of techniques in law enforcement authorities that we already deemed very useful in investigating other kinds of crimes. Our idea was, if it is good enough to investigate money laundering or drug dealing, for example, we sure ought to use those same kinds of techniques to fight terrorists. We have done that.

Today, actually, is a very important day because many of the provisions of the PATRIOT Act go into permanent law. Others are reauthorized for 4 more years. They provide critical support to the people we want to protect us in this war on terror. I am delighted we will be adopting the PATRIOT Act conference report today. My only regret, as I said, is we could not have done it before now. But we can at least celebrate the fact that the Senate has done its duty for the American people to help make them secure in the future.

The PRESIDING OFFICER (Mr. ISAKSON). The majority leader is recognized.

APPOINTMENT OF PENSION CONFEREES

Mr. FRIST. Mr. President, this morning the minority leader came to the floor to once again call into question our good faith efforts on the pensions bill. He now claims our longstanding offer of a 7–5 ratio on the conference committee ''looks suspicious.'' I can't help but feel that what is beginning to look suspicious is this continuing pattern of obstruction on ground that seems to be ever shifting.

We originally considered proposing a 5–3 ratio but, to accommodate his caucus, we ultimately offered a 7–5 ratio. After a 2-month delay, this was rejected. The Democratic leader was unable to make a decision among members of his caucus. I understand those challenges, but that is what leadership is all about. Now he wishes to further delay with an arbitrary dispute over the ratio of conferees and this new, equally disingenuous charge of ''fixing the jury,'' which is absurd.

As the minority leader well knows, I have been working for years to fix the pensions problem. The American people deserve it. People don't understand why these games are being played.

The clock is ticking. People's lives are at stake. The first quarter of the physical year ends on March 31, 31 days from now. Within 2 weeks of that happening, companies have to make contributions to their pension plans. The pensions of millions of hard-working Americans are at stake. That is why these games don't make sense.

We have two committees with an equal stake in this bill. They should have an equal number of conferees on the committee. The conference committee should fairly represent the two committees of jurisdiction. The minority leader knows his proposals won't allow for that. I am for a fair conference but, equally importantly, I am for getting to conference so that we can address these challenges. The American people are waiting.

I know the Democratic leader says he wants to move forward as well. But remember, we passed this bill in November of last year, and we are still trying to do something very simple; that is, to get to conference so that we can pass the legislation.

I am baffled by the minority leader's inability to decide which five Senators from his caucus could join with our seven Senators so that we can appoint a conference and do the Nation's business. I am equally confused about why, in refusing to make that decision, he instead feels that he should decide on his own, unilaterally, the ratio of conferees with no regard for treating the two committees of jurisdiction fairly. If anyone is trying to fix the jury, it appears to be the minority leader by having one committee with more representatives than the other. We go back and forth every day, and that clock is ticking.

The airline provisions of the bill are necessary to keep additional pension obligations from being terminated and left at the doorstep of the Pension Benefit Guaranty Corporation. As Chairman GRASSLEY has suggested, in remarks that I will include in the RECORD, if we cannot make some progress shortly, we may need to look at pulling these provisions out and moving them on some other vehicle. That should not be necessary, but continued obstruction would leave us with no other choice. We are simply running out of time.

I plead with the Democratic leader to put forth his five. We have been ready for the last 2 months to put forth our 7 so we can get to conference and provide answers and a resolution to what millions of Americans are waiting for.

I ask unanimous consent to print in the RECORD the above-referenced document.

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

[From Dow Jones Newswires]

U.S. SENATOR GRASSLEY: SENATOR REID UNDERMINING PENSION TALKS

(By Rob Wells and John Godfrey)

WASHINGTON (Dow Jones).—A top U.S. Senate Republican on Thursday accused Senate Minority Leader Harry Reid, D-Nev, of undermining talks for a final pension overhaul bill, thereby helping the bill's critics.

''It's playing right into the hands of Ford (F) and General Motors (GM), because they negotiated benefits, both health and savings, they can't keep their promise to,'' said Senate Finance Chairman Charles Grassley, R-Iowa, at the National Summit on Retirement Savings, an industry and government seminar.

He said these companies ''don't want these reforms because they're going to have to pay up'' through higher pension contributions.

The bill would change pension funding rules and increase premiums paid by companies to the Pension Benefit Guaranty Corporation. The measure has divided business and labor groups, many of whom argue that it would be too strict.

The Senate has been attempting to name negotiators since December to a House and Senate conference to write a final pension overhaul bill.

Grassley accused Reid of delaying final pension talks by not formally naming Democratic negotiators. Part of the delay, however, stemmed from internal Republican disagreements over who would lead negotiations.

Reid and Senate Majority Leader Bill Frist, R-Tenn., have been in a standoff over the number of Democrats who will be part of the talks.

Grassley, departing from his prepared remarks, sharply criticized Reid for the delay. ''They're being held up because one person in U.S. Senate can't make up his mind which two or three Democrats ought to be on a conference committee,'' Grassley said.

If Congress fails to act on the pension bill, companies will have to begin using the relatively pessimistic benchmark of the 30-year Treasury bond in pension calculations. The 30-year bond rate would begin to apply after April 15, although higher payments wouldn't occur until January 2007. Currently companies are using a blend of corporate bond rates in such calculations.

The airline industry also has a major stake in the bill since the Senate version would give a special break from pension funding rules for underfunded airline pension plans.

Grassley and other bill advocates say it's vital Congress completes work on the bill by the April 15 deadline.

Without action by then, ''it's putting into jeopardy airlines being able to fly'' Grassley said, which would ''ruin the economy if we don't get something done.''

Further delays may force negotiators to move pieces of the bill, such as the airline provision, in separate tax legislation to meet the April 15 deadline, he said.

A telephone call to Reid's office wasn't immediately returned.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DEMINT. I ask unanimous consent to speak for 5 minutes as in morning business and that this time be counted against the Republican time in the debate.

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

PORT SECURITY

Mr. DEMINT. Mr. President, I have had a chance to listen to the debate on the PATRIOT Act in my office. I had not planned to speak. But hearing continued attacks on the President on security issues, particularly port security, while some from the other side seem intent on stopping one of the most important security pieces of legislation we have, the PATRIOT Act, compelled me to come to the floor to straighten out the facts.

It is important that we have an honest and fair debate. I appreciate those on the other side who have participated in the debate in an honest way. But I have heard enough of my colleagues from the other side use information and perhaps take different positions than they did only a year or so ago. I am compelled to point some of these things out.

I will give one example. This week in a Commerce Committee hearing, we were talking about port security. Senator BOXER said:

> Our ports are a soft target. Al Qaida told us that when we found that out through [their] documents. . . . . So you take the Dubai situation plus our lack of action on security. . . . . And I'm going to oppose this deal.

That is fair enough unless we put it in perspective. This week, Senator BOXER actually voted to filibuster the PATRIOT Act, which is dedicated in large part to security in our ports. An entire title of the PATRIOT Act is focused on port security. Originally introduced as the bipartisan Reducing Crime and Terrorism in America's Seaports Act of 2005, title III strengthens criminal sanctions and takes a number of steps to improve our Nation's ability to secure our ports and to thwart terrorism. Yet Senator BOXER voted to filibuster the enactment of this essential port security provision the day after lamenting the vulnerability of American ports.

The truth is, to anyone who has watched this over time, very often our Democratic colleagues, with all due respect, block the very thing they blame Republicans for—in this case, blaming the President. Not only did Senator BOXER vote to filibuster the PATRIOT Act, but after the 9/11 attacks, Senator BOXER was one of four Democratic cosponsors of a bill that would have specifically permitted noncitizens to serve as airport security screeners. Senator BOXER cosponsored legislation to allow noncitizens to do for air travel what essentially the Coast Guard does for port security. Now she wants to block foreign companies from using American workers to manage our port terminals. It is difficult to reconcile the two positions.

Republicans want a fair and nonpartisan 45-day security review and a good but honest debate. It is not fair or honest to take a position this week that was very different than one that had been taken before. To Republicans, port security is not a passing political issue but a cornerstone of our commitment to protect the American people. That is why Republicans are working to pass the PATRIOT Act. We demand a fair and impartial 45-day security review of the proposed acquisition of the P&O Navigation Company of Britain by the Dubai Ports World.

I don't mean to be unfair to Senator BOXER, but it is an example of folks maybe taking a different position, trying to blame the President for something, in fact, that they have blocked in the past.

This is from an editorial in the Los Angeles Times, February 26:

> . . . Now there is a Republican in the White House, and of all the grandstanding surrounding the Dubai Ports World deal, none tops Boxer's performance. She said last week that she would support legislation preventing any foreign firm, state-owned or not, from buying port operations. Memo to Boxer: 13 of the 14 container terminals at the ports of [Los Angeles] and Long Beach, the biggest port complex in the United States, are run by foreign-owned companies. She later told The Times that she meant such deals should get greater scrutiny, not be banned. Still, this is the sort of proposal one would expect from a Senator from a landlocked state like Vermont, not one where international trade plays a vital role in the economy.

The article goes on to talk about the 180-degree switch of opinions. Again, I don't mean to pick on one Senator. My plea to the other side, and my side as well, as we look at this vital issue of security in our country, don't look for political opportunities to blame one side for something we actually created ourselves. On the security issue, there is no better example of colleagues who have blocked security in many ways and now are attempting to suggest the President is not strong on security. President George Bush is the world leader in the war on terror and has probably done more to secure the borders of our homeland than any President or any Member of Congress. It is time we give him that respect.

Mr. President, I thank you for the time, and I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. Mr. President, yesterday, the Senate passed a bill negotiated by the junior Senator from New Hampshire, Mr. SUNUNU, to strengthen civil liberties protections in the PATRIOT Act. In light of the improvements contained in the Sununu bill, I will now vote in favor of the pending conference report.

As I have emphasized many times, Democrats support the basic authorities contained in the PATRIOT Act. We voted for the original act in 2001. We unanimously supported the reauthorization bill that passed the Senate last summer. In recent months, we have been vigilant to ensure that no provision of the act would expire during ongoing negotiations over a long-term extension of the law. But our support for the PATRIOT Act doesn't mean a blank check for the President.

Last December, a bipartisan group of Senators joined together to insist that the reauthorization bill which had been returned from the House-Senate conference be improved. We defeated that conference report, we did it purposefully, and it was done on a bipartisan basis.

I note that some of my ''admirers''—I use that caustically—have run ads in the State of Nevada trying to embarrass me, saying that I and the Democrats are not for the PATRIOT Act. That was raw politics at its worst. What we tried to do, on a bipartisan basis, was to have a better conference report. That is what is happening. Some would say it has not been improved enough. I could argue that, but it has been improved.

Republicans and Democrats declared back then that Congress can provide the Government with the powers it needs to protect Americans and, at the same time, ensure sufficient checks and oversight to prevent abuses of these powers. Security and liberty are neither contradictory nor mutually exclusive.

Our insistence that the PATRIOT Act be improved has borne fruit. We stood up to the White House to demand a more balanced approach to antiterror tactics, and we have succeeded. Some say we didn't improve it enough, but there is no question that we improved it. Thanks to the courageous stand of Senator SUNUNU and a handful of other Republicans, along with the longstanding efforts of Chairman SPECTER, Senator LEAHY, and other Democrats on the Judiciary Committee, the Senate will soon pass a stronger, better PATRIOT Act.

The current bill is far from perfect. It falls short of the unanimously supported Senate bill we passed last summer. I would have preferred additional improvements in the conference report, but the version of the PATRIOT Act we will soon reauthorize is a vast improvement over the law we passed hastily in 2001.

For example, under the original PATRIOT Act, people who received a Government request for business records under section 215 were barred from discussing the request with anyone—their wives, sons, daughters, business partners—no one. But now, for the first time, recipients of such a gag order will be able to challenge it before a judge.

In addition, the new bill will restrict Government access to library records. The bill makes it clear that libraries operating in the traditional role, including providing Internet access, are not subject to national security letters.

Finally, under the Sununu bill we passed yesterday, individuals or businesses that receive a national security letter will not be required to tell the FBI the identity of a lawyer they may consult to obtain advice or assistance. It seems so obvious that it is the right thing to do, but we had to fight for that.

Even before the Sununu improvements, the conference report included a number of crucial provisions to ensure congressional and public oversight of the Government's expansive powers under the PATRIOT Act. We insisted that the House accept 4-year sunsets instead of 7-year sunsets on the most controversial provisions of the act. In the original bill, we set sunsets. It is so important, as we look back and recognize why we did that. It is so important that we did that. Because of that, we were forced to improve this legislation. I again say that maybe it is not to the satisfaction of some, but it is certainly improved.

The conference report also requires extensive congressional public reporting and mandates audits by an independent inspector general. That wasn't there before.

I will continue to work for additional improvements in the act.

I wish to say at this time that Senator RUSS FEINGOLD is a person for whom I have great admiration. We are so fortunate that he is a Senator. Academically, no one in the Senate has a record that is superior to his. He is a Rhodes scholar, someone who stands for principle. I disagree with him on this legislation. I can support this legislation not going with all of the improvements that he, as a matter of principle, has caused the Senate to review.

I believe it is unfortunate that this good man, the Senator from Wisconsin, was not able to offer even two amendments. We asked the majority leader: How about two amendments? Don't fill the tree. He will take 15 minutes on each amendment. We were turned down. That is why I voted against cloture yesterday. That is a bad way, in my opinion, to run this Senate.

So I want the record to be spread with my words that RUSS FEINGOLD is a fine lawyer. I congratulate and applaud him for his work on this issue and other issues.

I will continue to work with him to seek additional improvements to the act. For example, I know he worked hard on an issue that is so important. Let's go back to the Senate-passed version of section 215, under which a Government request for medical records and other sensitive personal information must have a more direct connection to a suspected terrorist or spy.

Second, I remain extremely concerned about the lack of meaningful checks on Government overuse or abuse of national security letters. The Washington Post reported last November that the FBI issues more than 30,000 such letters in a year, with no judicial supervision. So we need more oversight of the Government's power to issue these secret subpoenas—30,000 of them. How many is that a day? How many is that a week? How many is that a month? It is unfortunate that we were unable to get ahold of this and change this.

Third, I still don't believe it was appropriate to include in the conference report sections not included in either the House or Senate bills limiting the right of habeas corpus in cases having nothing to do with terrorism. I will oppose any further weakening of the great writ.

There is a hue and cry out there that we have to do something about earmarks. What they always talk about are appropriations earmarks, which include a fraction of a percentage of the spending of this Government.

I do not back away or apologize for the earmarks I have placed in appropriations bills. I have a responsibility. I know better than some bureaucrat in Washington, DC, how the Forest Service should spend its money on the forests in Nevada. I know better than some bureaucrat from the Bureau of Land Management how money should be spent in Nevada. And 80 percent of the Federal lands controlled by the Bureau of Land Management are in Nevada. I know better than some bureaucrat in Washington, DC, how the money should be spent on roads and highways and bridges and dams in my State.

I believe in the Constitution. I believe the Constitution sets forth three separate but equal branches of Government, and by our folding on this earmark procedure and not doing our jobs, we are caving in and not following the Constitution. There are ways we can improve the way earmarks are placed on bills, and I am happy to work on that. I have worked with the distinguished ranking member of the Appropriations Committee and his staff to make sure this earmarking legislation that will be on the floor is not going to hurt what this body does. But my point is that earmarking is more than the Appropriations Committee. Is this an earmark that they stick in a conference report, where it is not in the House or Senate bill, that changes one of the basic rights Americans have guaranteed by our Constitution—a writ of habeas corpus? Yes. It is wrong. So if you want something about earmarks, let's not just focus on the Appropriations Committee.

I have talked about the flaws, and I am satisfied, in spite of them, that the conference report, as improved by Senator SUNUNU, is a step in the right direction and certainly better than the original PATRIOT Act.

Let me say a word about the relationship between the current debate on the PATRIOT Act and the continuing controversy over unlawful eavesdropping by the National Security Agency. On the same day we voted on the PATRIOT Act conference report last December, when the conference report wasn't allowed to go forward, the New York Times reported that the President had authorized a secret program to eavesdrop on American citizens without warrants required by the Foreign Intelligence Surveillance Act. That story had a clear impact on the vote that day, as it well should have. There was some question why we were even having this protracted debate over the PATRIOT Act, since the President seemed to believe he was free to ignore the laws we enact anyway. But, in fact, no one is above the law—not even the President of the United States. One lesson of the NSA spying scandal is that Congress must stand up to the President and must insist on additional checks on the powers exercised by the executive branch. That is what we are doing today with this PATRIOT Act.

In addition to what we have here with the PATRIOT Act and NSA spying, now we have this Dubai port security, I think, scandal, on which the final decision was made by the Secretary of the Treasury, not the Secretary of Homeland Security. Whenever this administration is faced with a decision that affects the business community or the national security, the homeland security of this country, they always go with business.

Why wasn't the Secretary of Homeland Security the one who signed off on that? These companies control the perimeters of these facilities; they decide who does the background checks. The debate over the PATRIOT Act and over NSA wiretapping and the Dubai port situation is all about checks and balances. That is what this is about. They go to the heart of our system of separation of powers.

Today, we give the Government the tools it needs to help protect our national security, while placing sensible checks on the arbitrary exercise of Executive power.

So today, when this bill passes, I hope everybody will understand that I am saying that I am voting for this conference report because I think it improves the original PATRIOT Act, not because it is perfect. It is far from perfect.

I hope this administration—even though the President is in faraway India—gets the word that what is going on in this country with what I believe are constitutional violations is inappropriate. We need to get back to doing what is right for this country, following the Constitution and reestablishing the legislative branch of Government as a separate and equal branch of Government.

Mr. BYRD. Mr. President, how long am I recognized for?

The PRESIDING OFFICER (Mr. VITTER). The Senator from West Virginia is recognized for up to 35 minutes.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the introduction of S. 2362 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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Mr. TALENT. Mr. President, I rise today to engage the distinguished chairman of the Judiciary Committee, Senator SPECTER, in a colloquy regarding the intent of the Combat Methamphetamine Act of 2005.

Section 701 of the PATRIOT Act of 2005 establishes restrictions on the sales of precursor chemicals used to manufacture methamphetamine. As you know, the methamphetamine abuse and trafficking problem is growing in our country, and this legislation will help to combat the epidemic.

The methamphetamine control provisions of the act are intended to address those precursor chemicals sold without a prescription.

I know that Chairman SPECTER and I agree that exempting pseudoephedrine products provided via a legitimate prescription is critical. Physicians and other health care providers sometimes prescribe pseudoephedrine products in amounts that could violate the daily and monthly limits included in this legislation.

Patients who need more pseudoephedrine than the law would allow need the option of getting pseudoephedrine under a prescription, and Senator SPECTER and I agree that the methamphetamine provisions should not impede the care of legitimate patients. Our new requirements focus on products purchased outside the current prescription process. We are seeking to stop the bad actors from manufacturing and trafficking methamphetamine and have no desire to prevent proper patient care. Many States that have enacted laws to combat the methamphetamine epidemic have also included this type of exemption. It just makes sense.

Mr. SPECTER. Mr. President, I would say to my colleague from Missouri that physicians should not be forced to change what are common and appropriate prescribing patterns in an effort to stop the manufacturing and trafficking of methamphetamine.

The Senator from Missouri is correct. The Combat Methamphetamine Act provisions in the PATRIOT Act are intended to address over-the-counter sales, not pseudoephedrine products provided under a valid prescription. It is my expectation that these new restrictions apply only to pseudoephedrine products provided to consumers without a prescription.

Mr. TALENT. I thank the distinguished chairman for this clarification.

Mr. KERRY. Mr. President, over the course of this week, the Senate has had a series of votes on the PATRIOT Act conference report as well as on a bill amending the conference report introduced by Senators SUNUNU, CRAIG, MURKOWSKI, and HAGEL.

Last December, I voted against cloture on the PATRIOT Act reauthorization conference report. I did not cast that vote because I oppose reauthorizing the PATRIOT Act—I supported the PATRIOT Act then just as I do now. I voted against cloture on the conference report because I believed that it did not adequately protect our civil rights and liberties. Supporters of the conference report believed that you had to choose between two extremes: taking a tough stand on terror and protecting our fundamental constitutional rights. I thought you could accomplish both at the same time.

On February 28, 2006, I voted against cloture on the Sununu compromise bill, S. 2271, vote No. 22, because of procedural measures taken by the majority to prevent Senator FEINGOLD—or any other Senator—from offering amendments. Senator FEINGOLD's four proposed amendments would have improved the Sununu compromise and addressed more of the concerns I had with the conference report. They would have, No. 1, ensured that section 215 orders to produce sensitive library, medical, and other business records would be limited to individuals who had some connection to terrorism; No. 2, ensured that judicial review of section 215 gag orders and National Security Letter, NSL, gag orders is meaningful; No. 3, sunsetted the NSL authorities after 4 years; and No. 4, required notification of sneak-and-peek search warrants within 7 days of the search rather than within 30 days. I believe that each of these amendments would have improved both the Sununu compromise bill and the conference report. Regardless of whether my colleagues agree with me on that, I believe the Senate should have been given the opportunity to vote on them.

On March 1, 2006, the Senate conducted a series of votes, both procedural and substantive on the Sununu compromise bill and the PATRIOT Act conference report. I voted to support the Sununu compromise. I also voted to proceed to the motion to reconsider the conference report, to proceed to the conference report, and to invoke cloture on the conference report because, in my view, the Sununu compromise and the conference report come as a package deal. I support the two taken together, and for that reason, I also voted for the conference report today.

I support the Sununu compromise bill because it makes some important improvements to the PATRIOT Act. First, it allows judicial review of a section 215 nondisclosure order 1 year after its receipt. Section 215 of the PATRIOT Act allows the Government to obtain business records, including library, medical, and gun records among other things. Under the conference report, recipients of these section 215 orders were subject to an automatic permanent nondisclosure order which would have prevented them from bringing any court challenge. Under the compromise, a section 215 nondisclosure order is now subject to judicial review.

Second, the conference report would have required recipients of National Security Letters, NSL, to identify their attorneys to the FBI. NSLs allow the Government to obtain, without a warrant, subscriber records and other data from telephone companies and Internet providers. The compromise removes that requirement so that recipients of NSL orders can seek legal advice without having to inform the FBI.

Third, the compromise clarifies that the Government cannot issue NSLs to libraries unless the libraries provide ''electronic communications services'' as defined by the statute. Thus, libraries functioning in their traditional roles, including providing Internet access, are not covered.

Even though this legislation does not address all of my concerns with the conference report, these compromise provisions are steps in the right direction and will be important components of the PATRIOT Act.

I am proud to support this legislative package and am pleased we have reauthorized and improved the PATRIOT Act. I believe there is still more work to be done and will work with my colleagues; such as Senator FEINGOLD and Senator SPECTER, on further improvements. For example, in a perfect world the PATRIOT Act would provide for more meaningful judicial review of section 215 gag orders as well as NSL gag orders. There is no reason to have a conclusive presumption against recipients—one that can only be overcome by a showing of Government bad faith. Nor is there any reason to prohibit judicial review of those gag orders until a full year has passed. They should be immediately reviewable, and, if there are any presumptions, they should be in favor of the privacy rights being invaded rather than the Government doing the invading.

In a perfect world, the Patriot Act would require the subjects of section 215 business record disclosures to have some link to suspected terrorists. As I mentioned earlier, section 215 is expansive, and it allows the Government to obtain very sensitive, personal records. Simply requiring those records to be relevant to an authorized intelligence investigation, as the conference report does, is simply not enough. This standard will not prevent Government fishing expeditions.

And, in a perfect world, the PATRIOT Act would have required the Government to notify victims of sneak-and-peek searches—unannounced and secret entries into the homes of Americans—within 7 days as the original Senate bill did. The 30- to 60-day timeframe is simply too long. People have a right to know when the Government has been in their house, searching through their things.

Thus, I understand why some of my colleagues are disappointed with the compromise. They say that it does not go as far as the original Senate bill which was passed by unanimous consent, and they are right. But the fact is

that the compromise does improve the original conference report. I believe the compromise was the product of good faith negotiations. It is not a perfect bill, but it is a step in the right direction. And I will continue to work with my colleagues so that we can create a more even balanced PATRIOT Act.

Mr. ROCKEFELLER. Mr. President, I rise to speak in favor of the conference report on the PATRIOT Act Improvement and Reauthorization Act of 2005 and the accompanying measure to amend the Reauthorization Act. I commend the work of Senator SUNUNU and others in addressing several flaws in the measure reported by the conference in December. And I congratulate the hard work of Senators SPECTER and LEAHY in leading the Senate's efforts to extend and improve the PATRIOT Act.

I remain disappointed, however, in the process followed by the House-Senate conference, which not only excluded Democratic Members from key meetings and deliberations but also excluded the public. Sadly, the deficient process of the PATRIOT Act conference is characteristic of the manner in which too many conferences have been conducted in recent years.

Nevertheless, overall, adoption of the conference report, along with the accompanying improvements contained in the Sununu bill, will not only extend the PATRIOT Act but make it a stronger, more balanced tool in our fight against terrorists. I was one of the Senate's 10 conferees: 6 Republicans and 4 Democrats. We were appointed from the leadership and ranks of the Senate Judiciary and Intelligence Committees, the two committees with a direct responsibility for reauthorizing the PATRIOT Act.

The Senate conferees were appointed on July 29, 2005, immediately upon the Senate's passage by unanimous consent of the bill that had been unanimously reported by the Senate Judiciary Committee. I had expected that the conference with the House, which in July had passed a different reauthorization bill, would begin promptly on the return of the Congress at the beginning of this past September from last session's August recess. In fact, the House did not name its conferees until November 9.

The conference met the following day, on November 10, for its one and only meeting. That meeting was devoted exclusively to 5-minute opening statements. In my opening statement to the conference, I stressed the importance of how we did our work. I urged that the conference proceed openly, including by considering amendments in public session. I warned that otherwise the Congress would risk losing an indispensable ally in the long-term effort to defend the Nation; namely, a public that has confidence in the necessity for and the balance of the PATRIOT Act.

Unfortunately, our opening statements turned out to be our closing ones, because we never met again as a conference. The flawed process of the conference produced a flawed result. Because it fell short of what the conference could have achieved, I joined my fellow Senate Democratic conferees in not signing the conference report. We then joined a bipartisan coalition that opposed cutting off debate in December and insisted that there be a further effort to improve the bill. That additional time has been well spent.

From the outset of the PATRIOT Act reauthorization debate, there has been neither division nor doubt in the Congress that we would unite in extending the investigative and information sharing powers that were enacted in the wake of September 11. Over this past year, as we have debated the checks and balances that should be added or strengthened, Republicans and Democrats alike have been prepared throughout to achieve what we have now accomplished, the extension of essential national security authorities.

In most cases, those authorities have been made permanent. For a few, we have decided that a further review in 4 years is appropriate before deciding whether to make these authorities permanent as well. The PATRIOT Act reauthorization agreement now before us establishes or augments some notable checks and balances. We have responded to the concerns of librarians and booksellers by requiring high level F.B.I. approval of applications for orders requiring the production of records. And we also have required that any such applications to librarians and booksellers be reported to the Congress. The holders of other sensitive records B concerning firearm sales, tax returns, education, and medical matters B also have enhanced protection.

The Reauthorization Act also places in the law provisions for the judicial review of orders from the Foreign Intelligence Surveillance Court for the production of records. Similarly, it also places explicitly into law something that the courts have already begun to require; namely, procedures for judicial review of national security letters to businesses from the F.B.I. demanding that they produce records for investigators.

I join others in the Senate and House in wishing that some of these provisions had been written in a more balanced way. Specifically, I am concerned that some of the new judicial review procedures tilt in a one-sided manner toward the Government and may not give the individuals and businesses who may seek relief a fair opportunity to make their cases. If Congress promises citizens judicial review, it ought to deliver fully on that promise. Some of those imbalances may have to be addressed by the courts or in future legislation.

The additional time to reach a PATRIOT Act agreement also gave us the opportunity to change other objectionable provisions of the original conference report. The report had contained a requirement that the recipients of orders for the production of documents from the Foreign Intelligence Surveillance Court or by a national security letter advise the F.B.I., on its request, of the name of any attorney they contacted.

This would have been the first time, to my knowledge, that Congress had empowered the F.B.I. to demand that a citizen, who has been presented with a demand by the Government, inform the F.B.I. that he or she has spoken to an attorney and be required to give the F.B.I. the lawyer's name. I found that this intrusive provision, which we were told that the Department of Justice had insisted upon, to be inconsistent with basic American values. I am especially gratified that Senators SUNUNU, CRAIG, MURKOWSKI, and HAGEL were able to persuade the White House to strike this misguided provision.

Congress has an abiding commitment to provide our law enforcement and intelligence personnel with the tools and authorities they require to protect America. The Foreign Intelligence Surveillance Act and the PATRIOT Act are prime examples of that commitment. And it is a commitment that is not just a one time thing. Congress has returned repeatedly to these statutes to add new authorities or enhance existing ones.

In that process, any of us, as individual legislators, may not achieve all of what we want, but collectively we fulfill our oversight responsibilities by inquiring, debating, voting, and conducting oversight concerning the powerful tools that a President, whomever it may be at the time, believes that our law enforcement and intelligence officials need to protect America.

This process has not been followed, unfortunately, with respect to the NSA warrantless surveillance program inside the United States recently disclosed and acknowledged by the President. The administration continues to withhold important facts about the NSA program and, in turn, has prevented Congress from understanding the program and evaluating whether it is both legally and operationally sound. If a President refuses to deal with the Congress as a co-equal branch of Government, then the Congress cannot fulfill its responsibility on behalf of the people to ensure that the executive branch is acting under the rule of law.

For the PATRIOT Act, this is not the end of the process. We have an obligation to be vigilant in our oversight. And we will be returning to the act no later than 4 years from now when the remaining sunsets expire, in order to consider reauthorization legislation for those authorities.

During this time, the Senate Select Committee on Intelligence, of which I am vice chairman, will continue monitoring how the authorities contained in the PATRIOT Act are used to ensure that we have struck the proper balance

between empowering our counterterrorism efforts while not infringing upon the civil liberties of Americans.

Mr. KENNEDY. Mr. President, for months, we have been ready to roll up our sleeves and get back to work on the PATRIOT Act, but the White House has continued to block bipartisan efforts to improve the original bill and accept oversight of its intrusive surveillance programs. Again, and again, the administration has refused to join in serious negotiations with Republicans and Democrats on matters of national security, including the National Security Agency's warrantless wiretaps and the FBI's use of national security letters. The latest proposal offers improvements and deserves to pass; however, it is unacceptable and undemocratic that further amendments could not even be considered.

We need to implement these improvements quickly given the administration's disregard of congressional oversight. The proposed reauthorization bill requires public reports on the use of two of the most controversial provisions: section 215 and national security letters. It also requires the inspector general to audit their use, and it mandates a report on any data-mining activities by the Justice Department.

Americans deserve national security laws that protect both our security and our constitutional rights, and more changes are clearly needed. One of the most glaring omissions in the proposal is the failure to include a 4-year sunset provision on national security letters, even though it would be consistent with the new reporting and auditing requirements that will take effect.

The latest changes provide some additional protection for libraries, but these safeguards should apply to all of the means used by the Government to obtain sensitive information, including financial documents and library records. We also need a report on the Government's use of computerized searches from all Federal agencies, and we will continue to seek such a requirement as part of efforts toward other reforms.

We have not yet achieved the 9/11 Commission's goal to maintain governmental powers that enhance our national security while ensuring adequate oversight over their use. With so much at stake, the administration's refusal to work with Congress can only weaken our national security and further undermine the public's trust in their Government. So this battle will go on, and I regret we could not accomplish more in this needed legislation.

Mr. BINGAMAN. Mr. President, I rise today to speak in opposition to the PATRIOT Act conference report.

As I have stated in the past, I strongly support giving law enforcement the tools they need to aggressively fight terrorism. But I also believe that we must ensure that we adequately protect constitutional rights and properly balance civil liberties with national security concerns.

I support reauthorizing many of the expiring provisions of the PATRIOT Act, but I believe we need to make some important changes to ensure that Americans' civil liberties are protected. When the Senate debated this issue last July, I supported the bipartisan compromise, which unanimously passed the Senate, to reauthorize the expiring provisions of the PATRIOT Act. Unfortunately, many of the improvements that were made were later removed at the insistence of the White House and the House of Representatives. I cannot in good conscience support a reauthorization bill that is fundamentally flawed and lacks basic safeguards with regard to the rights of Americans.

The final compromise that was worked out, including the conference report and the bill offered by Senator SUNUNU, falls short in several respects. First, it does not address the problems with section 215, which allows the Government to obtain sensitive personal records, such as library, medical, or business records, as long as the Government submits a statement indicating that the documents are relevant to a terrorism investigation. I, along with many other Senators, have pressed to modify this standard to require that the Government show that the documents sought are actually relevant to the activities of a terrorism suspect or the activities of a person in contact with the suspect.

It is reasonable to require that if the Government is going to look at the private records of Americans that the Government demonstrate that the request for records has some actual connection to a terrorist and isn't just part of a fishing expedition. The final compromise does not include any significant improvements with regard to the standard for issuing section 215 orders.

The conference report also falls short with respect to section 215 gag orders. Under the PATRIOT Act, when a section 215 order is issued,the receipt of an order, such as a library or doctor, is automatically prohibited from disclosing that the FBI is seeking the records. In addition, under current law there is no explicit right to petition a court to modify or quash a gag order. The conference report still provides for an automatic gag order and prohibits judicial review, but specifies that a recipient of a section 215 gag order may disclose its existence to an attorney to obtain legal advice.

Although the Sununu bill the Senate passed earlier this week as part of the final compromise technically allows for judicial review of a nondisclosure order and permits a recipient to challenge the gag order before a FISA judge, this is merely an illusionary right and does not provide any meaningful review. A recipient must wait 1 year to challenge the gag order and the judge may overturn the order only if there is no reason to believe the disclosure will endanger national security. However, because the Attorney General may certify that the disclosure may endanger national security and a judge must treat this certification as conclusive unless the Government is found to be acting in bad faith, it would be almost impossible to ever successfully challenge a gag order.

I also have significant concerns with respect to national security letters, or NSLs. National security letters are essentially formal requests made by Federal intelligence investigators to communication providers, financial institutions, and credit bureaus to provide certain consumer information relating to a national security investigation. The issuance of an NSL does not require any judicial oversight. The laws explicitly permitting NSLs were meant to prevent financial institutions from being held liable for disclosing private financial information in contravention of Federal privacy laws. NSLs do not require any court approval, and since 9/11 the Government has increasingly relied on them to obtain information as part of terrorism investigations. Like recipients of section 215 orders, NSL recipients are subject to an automatic gag order. At least two Federal district courts have found that NSL gag order restrictions and the lack of judicial review amount to constitutional violations under the fourth and first amendments.

The conference report attempts to address constitutional problems regarding NSLs by authorizing judicial review of NSLs and providing the ability to challenge a nondisclosure order. However, while recipients are technically given the ability to go to court, the right is essentially meaningless. The conference report does allow an NSL recipient to challenge the validity of an NSL in a district court, but it also stipulates that all of the Government's submissions are secret and cannot be shared with the person challenging the order. In addition, although the gag order can be challenged in court after 1 year, like section 215 challenges, the only way to prevail is to demonstrate that the Government is acting in bad faith because the Government's certification that disclosure would harm national security is conclusive.

The final compromise included in the Sununu bill does not address the significant problems with the NSL process, but rather makes some minor improvements with regard to NSLs. Under the compromise, it would remove the requirement that a person inform the FBI of the identity of an attorney providing advice to a NSL receipt. The compromise also clarifies that libraries are not subject to NSLs. Libraries, however, would remain subject to section 215. I believe the compromise fails to provide meaningful judicial review of NSL orders.

Finally, I also believe we missed an important opportunity to address the so called sneak-and-peek provision, which allows the Government to search

homes without notifying individuals of the search for an extended period of time after the search.

Many of my colleagues have come to the Senate floor and stated that they share the same concerns that I do with regard to the shortcomings of this current compromise. Senator SUNUNU, who has been instrumental in negotiating this compromise with the White House, and Senator SPECTER, the chairman of the Senate Judiciary Committee, have indicated their intention to push legislation aimed at modifying the PATRIOT Act in a manner consistent with the bipartisan bill that the Senate unanimously passed in July.

Although I support these efforts, and I intend to support legislation that would make these modifications, I am under no illusion that the Senate will take up any of these bills in the near future. Having just finished debate on the PATRIOT Act, I do not believe that Congress would have much of an appetite to take up this issue again. We had our opportunity, and, unfortunately, we missed it.

The changes that I would like to see made have the support of the majority of Senators—indeed, they were included in the bill that unanimously passed the Senate. However, because the majority leader knew that these sensible changes would garner wide support, he used procedural maneuvers to prevent any Senator from offering an amendment to fix the bill. Had these amendments been adopted, which I think it is fairly clear they would have, I would have voted for the conference report without hesitation.

While I recognize that this bill will make some slight improvements with respect to the PATRIOT Act, we have missed a critical opportunity to address the primary issues that have concerned the American public. As I have discussed, the Government can still access the library records and medical records of Americans without having to show that the documents sought have some connection to a suspected terrorist or the activities of a terrorist. The conference report simply failed to address the core shortcomings of some of the provisions in the PATRIOT Act.

I supported the improvements in the Sununu bill, but the analogy I would use is this: If you need to fix the broken windows on your house and the repairman comes along and paints your house instead—has your house been improved? I would say yes, but your windows are still broken. It is time for Congress to address the primary problems with the PATRIOT Act, and it is my hope that we can eventually enact commonsense reforms that enable the Government to fight terrorism in a manner consistent with our Nation's historic commitment to upholding basic civil liberties. I truly believe that the American people expect more of Congress with regard to the approach we have taken in ensuring our national security while at the same time protecting the liberties of Americans.

Mr. SALAZAR. Mr. President, I discuss the pending reauthorization of the USA PATRIOT Act.

We are near the end of what has been a very long process. For the past year, Congress has grappled with the need to renew a handful of provisions of the PATRIOT Act. As my colleagues know well, this legislation has embodied the debate over how to balance the needs of law enforcement in the war on terrorism and the paramount importance of protecting Americans' civil liberties.

The greatest Americans have always understood our shared responsibility as citizens of this great country to ensure that we get this balance right. And many times over the course of the debate about the PATRIOT Act, I have thought of Benjamin Franklin's words, ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.'' I have thought about how Daniel Webster reminded us that ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' I believe that it is worth taking pains to be sure that we produce the very best balance, and the very best legislation, we can.

Last week, several Senators with whom I have worked closely over the past year announced that they had reached an agreement with the White House on a proposal to renew these controversial provisions.

Let me say at the outset that I do not believe this agreement is by any means perfect. My colleagues who were involved in negotiating this compromise would be the first to agree with me on that point.

But it does contain a number of critical improvements over the original law. Our ultimate goal was to place reasonable checks on the law enforcement powers provided by the original PATRIOT Act. Although it is not as strong in some areas as I would prefer, the legislation today accomplishes that goal.

This proposal would produce a PATRIOT Act that includes a number of specific improvements over the law that was passed 4 years ago.

Section 215 of the original PATRIOT Act allowed the government to obtain business, library, and a whole host of other personal records simply by claiming the records were related to a terrorism investigation. The current proposal provides greater protection for the most sensitive records, by requiring senior level FBI-approval for orders related to library, book, education, gun, medical or tax records, and by limiting the retention and dissemination of information regarding Americans.

The original law did not provide for judicial review of Section 215 orders, National Security Letters, or for the accompanying gag orders. The current proposal does.

The original law did not allow the recipient of a Section 215 order or a National Security Letter to consult with an attorney. The current proposal does.

The original law allowed delayed notification of property searches—so-called ''sneak-and-peek'' searches—for undefined ''reasonable'' periods. The current proposal establishes hard limits on those delays, while continuing to allow extensions when they are warranted.

The original law allowed the government to target libraries with National Security Letters. The legislation exempts libraries from NSLs unless they meet the statutory definition of an Electronic Communications Service Provider.

The original law allowed the use of ''John Doe'' roving wiretaps, which don't specify the target or the phone or computer. The current proposal imposes limits on the use of such wiretaps.

Finally, the current proposal once again sunsets the Act's most controversial provisions—Section 215 and roving wiretaps—in 4 years, increases public reporting requirements about the use of the powers authorized by the Act, and requires the Inspector General in the Department of Justice to audit the use of Section 215 and National Security Letters.

These safeguards are not simply cosmetic; they make meaningful improvements to the original law, and will go a long way toward protecting Americans' rights and freedoms.

In spite of these safeguards, the proposal before us is not perfect. I would have preferred a stronger standard for obtaining a search order under Section 215. I would have preferred that the expanded authority to issue National Security Letters be sunset. But we will have the opportunity to review these provisions—both with the sunsets contained in this legislation and its increased reporting and auditing requirements. I am committed to taking advantage of those provisions to fight for strong and appropriate civil liberties safeguards, and I know my colleagues are, too.

I joined with colleagues on both sides of the aisle to push for the very best PATRIOT Act we could realistically get. We have come to the point where the very best achievable version of the PATRIOT act is the one before us.

I thank Senators CRAIG, DURBIN, SUNUNU, FEINGOLD, and MURKOWSKI—my fellow SAFE Act cosponsors—for all of their hard work over the past several years on this critical issue. Without their efforts, we would not have the civil liberties protections contained in this proposal. I express my sincere gratitude for allowing me to become involved in these efforts.

The vote on this agreement by no means marks the end of this process. Whether or not we differ on the legislation before us, I know we will continue to work together to provide law enforcement with the tools they need to fight terrorists, and to protect and preserve Americans' basic rights and freedoms.

That has been, and will continue to be, a fight that demands our most vigorous efforts.

Mr. AKAKA. Mr. President, I oppose the conference report for H.R. 3199, the USA PATRIOT Improvement and Reauthorization Act of 2005. This bill does not protect the cherished civil liberties and freedoms of the American people.

I voted for the PATRIOT Act in 2001. I believed then, as I do now, that we must give our Government the tools it needs to fight, detect, and deter terrorist acts. While I had reservations about the PATRIOT Act and the possibility that it would allow the Government to infringe upon our privacy rights and civil liberties, I supported the bill since the more controversial provisions were not made permanent. Granting the Government this time-limited authority allowed Congress an opportunity to review how these broad new grants of power were being used.

Unfortunately, the administration has been less than forthcoming in disclosing how the PATRIOT Act has been used. According to the reports we have received, the Government has used the PATRIOT Act to:

investigate and prosecute crimes that are not terrorism offenses;

investigate individuals without having any cause to believe the person is involved in terrorist activities; and

coerce Internet Service Providers, ISP, to turn over information about email activity and web surfing while preventing the ISP from disclosing this abuse to the public. This information is disturbing and may be indicative of other abuses that the Justice Department has not told us about.

Given these abuses, meaningful checks and balances on the Government's authority to investigate Americans are essential. Last July the Senate agreed by unanimous consent to reauthorize the PATRIOT Act with substantially stronger protections in place. However, the Republican-controlled House of Representatives objected to the Senate bill and tried to pass a conference report lacking the protections that the Senate insisted upon. Last month, a compromise bill was introduced, S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006.

I voted for S. 2271 because it is an improvement over the PATRIOT Act. Any improvement is good. However, S. 2271 does not go far enough to correct the flaws in the PATRIOT Act and convince me that the changes made to the underlying bill will preserve our civil liberties. S. 2271 will make explicit the right to counsel and the right to challenge in court an order from the Federal Bureau of Investigation, FBI, to turn over records sought in an intelligence investigation, called section 215 orders, but it does not correct the underlying standard for issuing these orders. As such, the FBI, after going before the Foreign Intelligence Surveillance Act, FISA, Court, can demand a wide array of personal information—including medical, financial, library, and bookstore and gun purchase records—about an individual without any cause to believe the person is involved in terrorist activities. S. 2271 does provide an express right to challenge the gag order that accompanies a Section 215 order, but only after waiting a year. However, if the Government certifies that the disclosure would harm national security, the gag order cannot be lifted.

S. 2271 would also remove the conference report's language requiring recipients of National Security Letters, NSLs, to inform the FBI of the name of any attorney they consult about the demand for financial or Internet records. NSLs can be issued without FISA Court review. Again the bill still does not require that there be any connection between the records sought by the FBI and a suspected foreign terrorist or person in contact with such a target. This is especially troubling since news reports show that 30,000 NSLs are issued by the Government per year, a hundred-fold annual increase since the PATRIOT Act relaxed requirements on the FBI's use of the power.

In 2003, the State legislature in my home State of Hawaii passed a resolution reaffirming its commitment to civil liberties and called the entire Hawaii congressional delegation to repeal any sections of the PATRIOT Act that limit or violate fundamental rights and liberties protected by the Constitution of the United States. In good conscience I cannot vote to support the PATRIOT Act because I believe that it allows the Government to infringe upon the rights and protections we hold most dear.

I do not believe that the PATRIOT Act makes our Nation safer. It makes our country weaker by eroding the very freedoms that define us. As Thomas Jefferson said, ''The man who would choose security over freedom deserves neither.'' I am afraid that by passing this legislation today we will in fact have neither a more secure nation nor the freedoms for which we are fighting.

Mrs. BOXER. Mr. President, I voted for the conference report because on balance I believe it is necessary legislation to give our law enforcement officials the tools they need to protect the American people from terrorist attacks. Before the Patriot Act, various law enforcement agencies did not have the ability to share information and work together, and this was a vulnerability that needed to be fixed after 9/11.

But this was a difficult decision. The bill had flaws, and two in particular concern me the most the so-called ''sneak and peek'' and library search provisions. Given my concerns about these provisions, I voted for every opportunity to make further improvements to the bill.

But ultimately I believe that by voting for the conference report I will be in a stronger position to help improve the Patriot Act in the future, working with Judiciary Committee Chairman SPECTER, Ranking Member LEAHY and Senators FEINGOLD and SUNUNU.

I also wanted to show my support for Senator DIANNE FEINSTEIN's anti-methamphetamine bill, which was included in the conference report. Meth has become a terrible scourge across our country and Senator FEINSTEIN's bill will go a long way to combat the spread of the drug by restricting access to the ingredients used to make meth.

Mr. DURBIN. Mr. President, I am pleased that this conference agreement includes important provisions which will provide critical new tools and resources to help combat methamphetamine—one of the deadliest, most powerfully addictive, and rapidly spreading drug threats facing our country. Fighting meth requires a comprehensive approach designed to assist States, local law enforcement and prosecutors to crack down on cooks and traffickers of meth while bolstering community education and awareness and expanding treatment options for those addicted to this dangerous drug. As a cosponsor of the underlying Combat Meth Act that was incorporated in this conference agreement, I believe our action today is long overdue.

In my home State of Illinois, the meth scourge, especially in rural areas, is egregious. Like many States, Illinois faces the daunting challenge of trying to stay one step ahead of those who will go to any length to procure the ingredients to make their drugs.

Just a year ago, a law took effect in Illinois which required placing adult-strength cold tablets containing ephedrine or as their only active ingredient behind store counters. The law also limited to two packages per transaction the purchase of adult-strength cold tablets containing ephedrine or pseudoephedrine as the sole active ingredient and tablets with ephedrine or pseudoephedrine in combination with other active ingredients. Additionally, the law required education and training for retail sales personnel. At that time, the Illinois law was among the toughest in the Nation and the strongest law among our border States.

However, after that date, several States passed laws more restrictive than the Illinois law, and reports from law enforcement authorities indicated that meth makers from Missouri, Iowa, Kentucky and nearby States were coming to Illinois to purchase products. Incidents such as these led to enactment in November 2005 of the Methamphetamine Precursor Control Act to impose stricter controls on the display and sale of cold and sinus products containing meth's key ingredient pseudoephedrine. The Attorney General of Illinois, Lisa Madigan, has instituted and operates an aggressive anti-meth program in partnership with law enforcement agencies and multi-country drug task forces.

The facts and figures about the devastating impact of meth in Illinois underscore why our actions today to advance tough new provisions and funding authorization are so vital.

The number of meth labs seized by law enforcement authorities in Illinois grew from 24 labs in 1997, to 403 labs in 2000, to 1,099 labs in 2003. Illinois State Police reported 962 lab seizures in 2004 and nearly 1000 meth labs in 2005, more than double the number uncovered in 2000. Since 1997, the quantity of methamphetamines seized annually by the ISP has increased over tenfold.

The number of methamphetamine submissions to the Illinois State Police crime laboratories increased from 628 in 1998 to 3,250 in 2003—more than a five-fold increase. The number of counties submitting meth also increased during that period, from 73 in 1998 to 96 in 2003. In 2004, Byrne grants helped Illinois cops make almost 1,267 meth-related arrests and seize approximately 348,923 grams of methamphetamines. Local police departments depend on Byrne grant funding to participate in meth task forces which tackle the meth problem by coordinating the enforcement and interdiction efforts of local agencies within regional areas. In fact, over 65 percent of Illinois's Byrne funding in 2004 went to local law enforcement agencies.

The Southern Illinois Enforcement Group pays almost half of its agents with funding from Byrne grants. In 2004, this regional task force was responsible for more than 27 percent of the State's meth lab seizures. In a recent success of Byrne grant funding, Glen Carbon Police coordinated with the Illinois State Police Meth Task Force to discover the largest lab in the village's history. In this incident, local authorities raided a meth lab that proved to be capable of producing up to 6,000 grams of finished methamphetamine. Given examples such as this, it is baffling that this administration seeks to eliminate these critical funds in its budget proposal.

Methamphetamine is the only drug for which rural areas in Illinois have higher rates of drug seizures and treatment admissions than urban areas. Meth use, and the number of people behind bars for possessing, making or selling it, has grown rapidly over the past decade in Illinois. Just 5 years ago, 79 inmates entered State prisons on meth offenses. Last year, that number was 541. In fiscal year 2003, rural counties accounted for the vast majority, 79 percent, of persons sentenced to prison for meth-related offenses. The number of treatment admissions relating to methamphetamine abuse in Illinois jumped from 97 in 1994 to 3,582 in 2003.

Another disturbing implication is the effect on families. In 2004, more than half of the children entering foster care in some areas of rural southeastern Illinois were forced into the program because their caretakers were meth abusers. Officials expect to encounter even more children in homes where meth labs exist in coming years.

When specific regions were examined, findings indicate that rural counties have experienced the greatest impact of methamphetamine. Rural counties have been greatly impacted by the presence and growth of methamphetamine, and are responsible for driving the escalating levels of methamphetamine arrests, drug seizures and submissions, clandestine lab seizures, methamphetamine commitments to Illinois Department of Corrections and methamphetamine treatment admissions.

Illinois Criminal Justice Information Authority statistics show that in 2003, the per capita occurrence of clandestine meth labs in rural counties was over 1700 percent greater than it is in non-rural areas. The per capita presence of meth in rural areas in over 500 percent greater than it is in non-rural areas; more than 73 percent of meth labs found in the State of Illinois were found in rural counties. Of 366 felony arrests in Edgar County, IL, 145 were for methamphetamine.

But urban areas are not immune to the meth crisis. The perception that meth labs are a rural issue ended when a major meth lab was discovered in a Chicago apartment building last September. The challenge we face is overwhelming and our actions today signal a commitment to support a concerted effort to tackle this urgent criminal justice and public health and safety challenge.

I commend the tireless and tenacious leadership of Senators TALENT and FEINSTEIN who have labored long and hard to secure passage of a strong Combat Meth Act. I look forward to working with them to ensure that full funding is provided to implement these new tools and provide the needed resources to localities grappling with this drug crisis.

Mr. LEVIN. Mr President, when the PATRIOT Act reauthorization bill left the Senate last July, we had a bill with provisions that protected both our security and our liberty. What came back to the Senate from the House-Senate conference committee was a bill that raised significant concerns for Senators from both sides of the aisle. As a result, the Senate did not vote to end debate in December, as Senators wanted more time to address those concerns.

The PATRIOT Act conference report which is before us leaves major problems unaddressed. Among the conference report's flaws: Section 215 of the PATRIOT Act permits the Government to seek court orders, to compel the production of any tangible thing, including library, medical and business records, in foreign intelligence investigations, including records of people who are totally innocent even of any allegation of impropriety. The conference report omits language in the Senate-passed bill establishing a reasonable standard for the FBI to obtain these sensitive records with Section 215 orders. And to make matters worse, the conference report permits the FBI to include gag orders that preclude the recipient from telling anyone they even received the order. The conference report does not even permit recipients to challenge those gag orders in court. Also, the conference report requires recipients section 215 orders to tell the FBI, if asked, from whom they have sought legal advice.

Since December, there have been a number of efforts to improve the conference report. Unfortunately, those have met with limited success. The Sununu bill, if it passes the House of Representatives, would make only minimal improvements to the conference report that the Senate considered last December.

The Sununu bill, if it passes the House, would eliminate the requirement that recipients of 215 court orders tell the FBI, if asked, whom they consulted for legal advice. This would be a worthwhile, if minor, improvement. The Sununu bill also provides people the right to challenge gag orders attached to so-called section 215 court orders. But the benefit of that is offset by the fact that the bill severely constrains the court's discretion to modify or set aside those gag orders.

Some argue the conference report is an improvement over the original PATRIOT Act. The bill before us does indeed correct some of the flaws in the original PATRIOT Act. For example, the PATRIOT Act did not require that a roving wiretap order identify a specific target—raising concerns that it could authorize so-called John Doe roving wiretaps. I am pleased that the conference accepted language that I proposed to correct that flaw.

However, too many flaws remain, the most serious of which is the standard of review section 215 court orders.

As I said earlier, section 215 of the PATRIOT Act permits the Government to seek court orders, to compel the production of any tangible thing, including library, medical and business records, in foreign intelligence investigations. No problem there. However, under section 215, the Government need not describe, much less identify, a particular person to whom the records relate, even in general terms, as linked to a terrorist groups or organization. I believe that we ought to apply the same logic to section 215 orders that the conference report applies to roving wiretaps. We ought to require that records sought with section 215 orders have some connection to an alleged terrorist or terrorist organization. Unfortunately, the standard in the conference report does not include that. It fails to narrow the scope of records that the Government can subpoena under section 215 to less than the entire universe of records of people who, for instance, patronize a library or visit a doctor's office. Instead, fishing expeditions are authorized, which could result in invasions of the privacy of large numbers of innocent Americans.

Let's assume the FBI has information that a person, whose identity is not known to the FBI, is using computers at New York public libraries to view certain Web sites.

The FBI only knows that the person has knowledge of the particular Web sites. The person is not suspected of wrongdoing himself. The FBI wants to find out the person's identity as part of a foreign intelligence investigation into those Web sites. The agency believes that they might be able to identify the person if they could review all the computer user records held by public libraries in New York.

The conference report would presumably permit the FBI to obtain a court order compelling the New York Public library to provide the records of all their patrons. That is truly a fishing expedition. The conference report would also allow the FBI to prohibit the library from telling patrons that their names had been handed over to the FBI. While the Sununu bill permits the library to challenge that prohibition in court, it does not permit meaningful court review because, under its terms, if the Attorney General or another specified senior official certifies that disclosure may endanger national security or harm diplomatic relations, the court must find bad faith on the part of the Government in making such certification for the court to modify or set aside the nondisclosure requirement. This virtually eliminates the court's discretion.

Another example. Assume the FBI has information that a person, whose identity is not known to the agency, is sending money to charitable organizations overseas. They know from a credible source that the person is being treated for HIV at a particular AIDS clinic in New York that has 10,000 patients. The FBI wants to find out the person's identity as part of a foreign intelligence investigation into links between unspecified overseas charities and terrorist organizations. The agency believes that they might be able to identify the person if they could review the AIDS clinic's 10,000 patient files.

The conference report would permit the FBI to obtain a court order compelling the AIDS clinic to provide the files of all of its patients. The conference report would allow the FBI to prohibit the AIDS clinic from telling its patients that their names had been handed over to the FBI. While the Sununu bill permits the clinic to challenge that prohibition in court, as I discussed earlier, it does not permit meaningful court review because the Attorney General's unilateral certification would have to be found by the court to have been made in bad faith for the gag order to be lifted.

It is argued in response to the fishing expedition argument that the Government must set forth ''facts'' supporting a section 215 application. But that requirement doesn't fix the fishing expedition flaw. I just set forth facts, in two hypotheticals. If those hypothetical facts would not support a broad search of the library or clinic's records, the supporters should say what language in the conference report would preclude a search.

When this bill left the Senate, it contained protections against fishing expeditions. The Senate bill required a showing that the records sought were not only relevant to an investigation but also either pertained to a foreign power or an agent of a foreign power, which term includes terrorist organizations, or were relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation or pertained to an individual in contact with or known to be a suspected agent. In other words, the order had to be linked to some suspected individual or foreign power. Those important protections are omitted in the bill before us.

Some kind of narrowing language needs to be included in the PATRIOT Act for section 215 orders, just as it was when this bill left the Senate. Without that language and that linkage, the PATRIOT Act authorizes the rankest kind of fishing expedition.

The conference report is also flawed in its treatment of national security letters, or NSLs. NSLs compel phone companies and banks, for example, to turn over certain customer records. The Government can issue an NSL without going to court. And, like section 215 court orders, the Government does not have to show any connection between the records sought and an individual who the Government thinks is a terrorist. And like section 215 orders, the Government can impose a gag order on the recipient of an NSL. Also, in the case of NSLs, the conference report does not permit meaningful judicial review of those gag orders.

Also troubling about the NSL authority is that there is no requirement that the Government destroy records acquired with an NSL that turn out to be irrelevant to the investigation under which they have been gathered. These are records that relate to innocent Americans, and the Government should be required to destroy them if they contain no relevant material.

It is argued that while these protections were in the bill that left the Senate, they are not in current law. That is true. But the reason we put sunset provisions in the law is so we could more reliably make changes if experience indicated the need for change. We understandably acted quickly after 9/11 to fill some holes in our laws that needed to be filled. We added sunset provisions so we could review the law we wrote with the benefit of greater thought, in an atmosphere more conducive to protecting our liberties than understandably was the situation immediately after a horrific, wrenching, deadly attack.

Finally, I must comment on a tactic used in this debate which runs against the very grain of the Senate. The majority leader used a procedural tactic to prevent any Senator from offering any amendment during consideration of the Sununu bill, amendments which could have addressed some of the flaws I just described. That tactic of stifling consideration of any amendment is contrary to the normal procedures of the Senate and reflects poorly on what is sometimes billed as the greatest deliberative body in the world. The rules of the Senate were written with the intent of allowing the consideration of amendments. In this instance, the rules were misused to block any effort to offer amendments. I voted against ending debate on the Sununu bill and against proceeding to debate on the PATRIOT Act conference report because no amendments were allowed to be considered.

This conference report still falls short of what the American people expect Congress to achieve in defending their rights while we are advancing their security. As a result, although I support many of its provisions, I must oppose it.

Mr. KYL. Mr. President, I rise today to comment on the USA PATRIOT Improvement and Reauthorization Act conference report. I support the conference report and, in particular, the conference report's amendments to section 215, the FISA business records provision, because those amendments confirm that investigators may use section 215 to obtain records and other tangible items that are relevant to any authorized national security investigation other than a threat assessment. The conference report appropriately balances privacy concerns and national security needs by amending the method by which investigators can obtain relevant records but not changing or otherwise limiting the scope of records that can be obtained through a section 215 order. For example, where appropriate, investigators may still obtain sensitive records such as library or bookstore, medical, or tax return records, but they must obtain very high-level sign-off internally before asking the court to order those records' production. Similarly, the conference report imposes an obligation on the Attorney General to develop minimization guidelines for the retention and dissemination of U.S. person information obtained through a section 215 order, but leaves the Department with flexibility in obtaining the information in the first instance and in structuring those minimization procedures.

My support for the conference report turns on my understanding that it codifies our intent not to limit the scope of items and records that can be obtained through section 215. This stands in contrast to the so-called ''three-part test'' that passed the Senate last year, which really did run the risk of limiting our investigators' ability to obtain records relevant to authorized national security investigations. The conference report is clear: we are continuing to provide our investigators with the tools they need. Along with two of my fellow conferees, Senators ROBERTS and SESSIONS, I sent a letter to Chairman SPECTER on the eve of the conference vigorously objecting to the Senate's proposed three-

part test. As the three of us expressed in that letter, we believed that requiring use of the three-part test to show relevance would have been a serious mistake. I am pleased to see that the final conference report does not mandate the use of that test. I will have that letter added to the RECORD following my remarks.

I support the conference report, including its amendments to section 206 of the USA PATRIOT Act, which authorizes ''roving'' wiretap orders under FISA because I believe that the amendments to section 206 do not hamper investigators' ability to use this critical tool. In this day and age of sophisticated terrorists and spies who are trained to thwart surveillance, allowing investigators to seek a wiretap that follows a specified target—rather than a particular cell phone—is critical. The conference report explicitly preserves this ability, while clarifying the level of detail necessary for investigators to obtain this type of wiretap. Similarly, I support the conference report's amendments to section 206 because they recognize that there may be some situations where it will not be practicable for investigators to return to court within 10 days of directing surveillance at a new phone or place. The conference report wisely affords the FISA Court judges discretion to extend the period of time investigators will have to keep the court apprised of how roving wiretaps are being used.

I support the conference report, and I support the amendments set out in S. 2271, because I think they set out the proper standard for judicial review of nondisclosure orders accompanying section 215 FISA business records orders and national security letters. We all recognize the need for secrecy in national security investigations—both to avoid tipping off targets in a particular case, and to avoid giving our enemies a better picture of how we conduct our investigations. Our enemies are sophisticated and devote enormous time and energy to understanding how we operate, all in service of allowing their agents to evade our investigations. The conference report recognizes the need for secrecy when the Government obtains a section 215 order from a court or serves an NSL on a business. But it also responds to concerns raised that recipients should have an explicit right to judicial review of nondisclosure orders.

The standard in the conference report is the appropriate one, both constitutionally and practically, as it recognizes that sensitive national security and diplomatic relations judgments are particularly within the Executive's expertise. The Constitution has vested these determinations with the Executive, and courts have long recognized that judges are ill-suited to be second-guessing the Executive's national security and diplomatic affairs judgments. Disclosures that seem innocuous to a judge who quite naturally must view those disclosures without being fully aware of the many other data points known to our enemies—may nonetheless be quite damaging. The conference report's standard is therefore the correct one. It will be the exceedingly rare case in which a judge will find, contrary to a certification by an executive branch official, that there is no reason to believe that the nondisclosure order should remain in place. It will be even rarer for a judge to find that one of the Senate-confirmed officials designated in the conference report has acted in bad faith.

I could not have supported the conference report or the explicit judicial review of nondisclosure orders if I thought that they would give judges the power to second-guess the informed national security and diplomatic relations judgments of our high-level executive branch officials. The conference report makes clear that judges will not have such discretion, which is why I am voting for this report.

Another provision in particular that I support is the new public reporting obligations for the FBI's use of national security letters. That reporting will allow Congress to better perform our oversight obligations without endangering national security. The reporting requirement is focused on what is the most relevant number to Congress and the public—the aggregate number of different U.S., persons about whom information is requested. The reporting requirement does not require the FBI to break down the aggregate numbers in its report by the different authorities that allowed the national security letters, which is critical to preventing our enemies from gaining too much information about the way we investigate threats to the national security. And the reporting obligation is limited to information about U.S. persons. I support this limited public reporting because I think it will provide valuable information for our public debate—but without revealing too much information about the FBI's use of this valuable tool and thus compromising its use.

I ask unanimous consent that the November 3 letter to Chairman SPECTER 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, November 3, 2005.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN SPECTER: We are writing to express our concern about legislative language that we understand that you are considering adding to section 215 of the USA Patriot Act, the business-records provision of the Foreign Intelligence Surveillance Act. We have learned that you have discussed with Chairman Sensenbrenner the possibility of adopting in the final bill a modified version of the three-part test for ''relevance'' that was added to the Senate bill when it was marked up in the Judiciary Committee.

We believe that adding the three-part test to the final bill would be a serious mistake. We are deeply troubled by the complications that this language might cause for future anti-terrorism investigations. Given the continuing grave nature of the terrorist threat to the United States, and the complete absence of any verified abuses under the Patriot Act since it was enacted, we believe that congress should be strengthening, not diluting, the investigative powers given to United States intelligence agents. We would have great difficulty supporting a conference report that adds the three-part test to section 215.

As you know, §215 of the Patriot Act allows the FBI to seek an order from the FISA court for ''the production of tangible things (including books, records, papers, documents, and other items) for an investigation to obtain foreign intelligence information.'' FISA defines ''foreign intelligence'' as information relating to foreign espionage, foreign sabotage, or international terrorism, or information respecting a foreign power that relates to U.S. national security or foreign policy.

Section 215 is basically a form of subpoena authority, albeit one whose use requires pre-approval by a judge. As then-Deputy Attorney General Comey noted, ''orders for records under [§215] are more closely scrutinized and more difficult to obtain than ordinary grand jury subpoenas, which can require production of the very same records, but without judicial approval.'' Similarly, the Washington Post has noted in an editorial regarding §215 that similar authority ''existed prior to the Patriot Act; the law extends it to national security investigations, which isn't unreasonable.''

Some critics of the Patriot Act have noted that it currently does not require a finding that a §215 order be relevant to a foreign-intelligence investigation. The Justice Department has conceded in litigation that a subpoena must be relevant to a legitimate investigation, and both the Senate and House bills add an explicit relevance requirement to the Patriot Act.

The final Senate bill goes further, however. The night before the committee mark up of the bill, a set of additional changes to the bill was proposed in order to address continuing Justice Department concerns and to appease the Democrats, who had filed in excess of 80 amendments to the bill. This final managers' amendment included, among other things, a three-part test for determining whether a §215 subpoena is, in fact, relevant to a foreign-intelligence investigation.

We appreciate the need to move this bill expeditiously and to avoid an extended debate over amendments in the Judiciary Committee. It had been our understanding, however, that the last-minute changes that were made to the bill in order to speed legislative progress would be re-evaluated in conference. And we believe that the three-part test that was added to §215 is unsound.

The three-part test, as we understand its latest iteration, would require the FBI to show, before a §215 subpoena may issue, that there are reasonable grounds to believe that the records that are sought either pertain to, are relevant to the activities of, or pertain to an individual in contact with or known to a suspected agent of a foreign power.

We have several questions about the language of the three-part test. To begin with the first part, what does it mean for information to ''pertain'' to a foreign power or its agent? How is this standard different from the traditional relevance test? Obviously, all foreign-intelligence information in some way relates to a foreign power—FISA expressly defines ''foreign intelligence'' in terms of foreign powers and their activities. Does all information that is relevant to a foreign-intelligence investigation therefore also ''pertain'' to a foreign power? If it does, what is

the purpose of the three-part test? And if the two standards are not co-extensive, what investigations are blocked by the three-part test, and are these investigations something that we want to block?

Similarly, what is the scope of the ''activities'' of a suspected agent of a foreign power? Does it include activities in which one suspects that a foreign agent might generally be involved, without regard to a specific subset of dates, times, and locations? Also, has the FBI ever subpoenaed records in the course of an intelligence investigation that did not relate to the activities of a suspected foreign agent, but which nevertheless were relevant to a foreign-intelligence investigation? Also, are there likely scenarios that would meet the relevance test but that do not relate to the activities of a foreign power? If so, we should inform ourselves about these past cases and scenarios, and ask whether we would want to preclude an FBI investigation in those circumstances.

Finally, what does it mean for a person to be ''in contact with'' or ''known to'' a suspected foreign agent? Does ''contact'' require a showing of communication between the two, or mere association? If association is sufficient, must it be recurring? And if a single instance of association is sufficient, how long must that association last? Also, what is the purpose of the language requiring that the ultimate target of the subpoena be ''known to'' an agent of a foreign power? This language appears to preclude a subpoena if the FBI can show only that the foreign agent is known to the target, but not that the target is known to the foreign agent. Is this distinction intentional? Also, this part appears to bar investigations of targets who are seeking to make contact with a foreign power but have not yet consummated that contact. Do we want to bar the use of §215 in such circumstances?

Although we would hope that the three-part test would be construed broadly by the FISA court, we would expect that court to conclude that the test significantly retracts the permissible scope of FISA subpoenas. First, the court inevitably would assume that congress added the three-part test to the statute because it perceived a need to restrict the use §215. Further, the canon of statutory of construction that each part of a statute should be interpreted so that it has independent meaning also recommends a narrow interpretation of the three-part test. If each part of the three-part test is to have independent meaning, it must restrict investigations to a greater extent than does the relevance test. It thus seems to us inevitable that if we adopt the three-part test, that test will bar some significant subset of investigations that otherwise would be permitted by current law and the relevance test.

Just as important as the substantive limits created by the three-part test, however, are the bureaucratic burdens that it certainly will entail. One of the consistent lessons taught by all of the investigations of the failures that led the 9/11 attacks is that seemingly small or technical barriers can make a critical difference to the success of a terrorism investigation.

In two separate instances that we now know of, federal investigators were in close pursuit of 9/11 conspirators prior to the attacks and might have been able to uncover or even disrupt the plot. In each instance, however, these investigations were seriously—perhaps critically—undermined by bureaucratic barriers that few would have thought significant before 9/11. Several weeks before the attacks, federal agents in Minneapolis had arrested Zacarias Moussaoui and sought a FISA warrant to search his belongings, which we now know included the names of two 9/11 hijackers and a high-level organizer of the attacks who later was captured in Pakistan. The FBI was unable to obtain that warrant, however, because at the time FISA required that the target of the warrant be an agent of a foreign power—apparent lone-wolf terrorists such as Moussaoui, even when believed to be involved in international terrorism, could not be the target of a FISA warrant. Similarly, two weeks before the 9/11 attacks, federal agents learned that Khalid Al-Midhar, one of the eventual suicide pilots, was in the United States. Based on his past Al Qaeda associations, these agents understood that Al-Midhar was dangerous and they immediately initiated a search for him. These intelligence agents were barred from seeking assistance from the FBI's Criminal Division, however, because of the legal wall that at that time barred cooperation between intelligence and criminal investigators.

We understand that you and Chairman Sensenbrenner are considering adopting the three-part test as a permissive presumption, and that you would also allow the issuance of §215 orders that meet the relevance test but not the three-part test so long as those orders are subject to minimization procedures. Though such a system apparently would eventually allow any relevant investigation to go forward, its ultimate effect would be to greatly complicate the process of obtaining a §215 order. Current law simply requires a showing of relevance to an intelligence investigation. The proposed system, in addition to its alternative procedures and presumptions, introduces a host of legal issues discussed earlier. These issues not only will generate litigation, but will also produce considerable legal and operational aversion to the use of §215.

We think that it is inevitable that in some cases, agents will be dissuaded from or delayed in seeking a §215 subpoena by the burdens created by this proposed system. The risk may appear insignificant that these additional burdens would fatally undermine a critical anti-terrorism investigation. But again, the legal and technical barriers that seriously undercut the pre–9/11 Moussaoui and Al-Midhar investigations also must have seemed minor at that time. When agents are investigating a particular suspect, they typically will have no way of knowing if he is a lead to discovering a major terrorist conspiracy. Even the Moussaoui and Al-Midhar investigators could not have known the importance of their efforts. Thus even when a bureaucratic barrier can be overcome, it is easy to envision how it might cause investigators to abandon pursuit of one target in favor of competing targets, or to give that target a lower priority.

We appreciate that §215 has become controversial in the debate over the Patriot Act—that it is one of the few provisions specifically attacked by so-called civil liberties groups and in newspaper editorials. We understand the appeal of doing something that would appease these parties. Nevertheless, we believe that higher priorities must be given precedence in this case. Absent real evidence of abuse, we should not legislate on the basis of hypothetical scenarios. Our national-security investigators abide by the rules governing their conduct. We should provide them with all of the tools to do their jobs that are constitutionally available—especially when those tools already are available to agents conducting ordinary criminal investigations.

Few things would cause us greater regret than if another major terrorist attack were to occur on United States soil, and we were later to discover that procedural roadblocks that we had adopted in this conference report substantially impeded an investigation that might have prevented that attack. Again, we strongly urge you to oppose adding the proposed three-part test to §215 of the Patriot Act, and we note that we would have great difficulty supporting a conference report that includes such a provision.

Sincerely,

JON KYL,
U.S. Senator.
PAT ROBERTS,
U.S. Senator.
JEFF SESSIONS,
U.S. Senator.

Mr. CHAMBLISS. Mr. President, once again, I want to congratulate Chairman SPECTER and Chairman ROBERTS for their extraordinary work in forging a conference report on the reauthorization of the USA PATRIOT Act. I have previously expressed disappointment that many concessions were made during this process which I believe have resulted in a bill far weaker than the original PATRIOT Act which passed overwhelmingly in response to the terrorist attacks of 9–11 and which represented long-overdue modernization of our intelligence and criminal investigative techniques. Similarly, this bill is far weaker than that agreed to after the hard work of the House-Senate conferees.

Nevertheless, our failure to pass this important extension would once again relegate America's intelligence and criminal professionals to the dark ages of investigative techniques, shackle them with outdated constraints, and prevent them from finding and stopping those who are intent on murder, terror, and the ultimate annihilation of Western civilization.

Arguments against the PATRIOT Act have been largely, if not wholly, without factual basis. They are premised upon a misperception of what protects our liberties. For the last 5 years, it has been the PATRIOT Act which has, at once, helped to keep us safe and to protect our Constitutional rights and liberties. Those liberties have not been jeopardized by expanded governmental authority, but by violent attacks against our way of life by terrorists. Those who have systematically worked to weaken this important bill, and who, even now oppose it, have, in my view, lost site of that reality, whether intentionally or not.

The PATRIOT Act represented long-overdue reforms of both our criminal and intelligence investigative laws. It modernized outmoded and antiquated law enforcement provisions and provided for commonsense law enforcement at its best. The provisions of the PATRIOT Act have been responsibly and appropriately utilized by the dedicated men and women of Federal law enforcement and the intelligence community to accomplish amazing victories in the war on terrorism.

In my earlier statement in support of the conference report on December 19, 2005, I outlined in detail case after case in which provisions of the PATRIOT Act had been utilized to identify and successfully prosecute terror-criminals and to thwart terrorist plots designed to harm Americans. I will not recount

those cases again here, but suffice it to say that the PATRIOT Act has, in very tangible ways kept us safe and free.

I therefore urge my colleagues to vote for this reauthorization, even as we work to remove the burdensome restrictions on law enforcement and intelligence professionals which have been imposed on them during this renewal process. We owe that much to them and to the future generations of the free peoples of the world. We must not shrink from that solemn obligation.

Ms. CANTWELL. Mr. President, I rise today to speak about the PATRIOT Act.

Like many of my colleagues, I am confronted with a very difficult decision. There are rarely easy answers in the Senate and today is no exception. The healthy debate we have had in this body over the last few days has been vigorous and valuable.

Today, we have a solemn obligation to protect our Nation from those who may bring terror into our homes. At the same time, we have a responsibility to respect our rights and honor our privacy. These principles are not mutually exclusive: we can and must achieve both.

This is one of the most significant pieces of legislation shaping our ability to resist and eliminate terrorist activity on our home front. Our actions today will have tremendous consequences in the lives of all Americans in months, years, and decades ahead.

I am proud that in the rush and passions surrounding this bill, I have worked with my colleagues to insist on a serious, patient, and transparent debate in the Senate as we strive to find the right balance between protecting our civil liberties and fighting terrorism.

Despite my reservations and after great deliberation, I support reauthorization today.

I believe that we must not allow the PATRIOT Act to expire. With new provisions and improved meaningful oversight secured at last, empower our national leaders and policy makers with the accountability, wisdom, and prudence to use this legislation's powers in a way that does not undermine the freedoms we seek to protect.

Under provisions of this conference report, the Federal Government must now provide public information on its use of intelligence gathering tools like national security letters and FISA warrants. What is more, this legislation provides for formal audits of these programs. We must play close attention in order to learn lessons of the past and prevent abuse in the future.

I will join my colleagues in strongly pursuing additional sunset provisions I believe should have been included in this bill, to give Congress the opportunity to reassess whether these tools are yielding the intended results in the war on terror.

We have already made some critical reforms to implement meaningful oversight. We have managed to get some of the most controversial provisions to sunset in another 4 years, despite the administration's desire to make them permanent. We have started with sunsets on the roving wiretaps and record requests from businesses and libraries. They are not enough, but they are a start.

Because of an important vote we took yesterday, we have removed America's libraries from the purview of national security letters. We're allowing recipients of records requests to challenge the gag orders on the requests and have removed disclosure requirements for the names of attorneys assisting with those challenges. We are seeing improvements on disclosure for ''sneak and peek'' warrants.

But I want to be clear, new powers must not be allowed to chip away at traditional privacy rights. We must closely watch how law enforcement uses these tools and be prepared to confront all abuses.

I believe that many provisions of the bill, particularly those sections dealing with electronic eavesdropping and computer trespass, remain seriously flawed and may infringe on civil liberties. And that is why I will continue our work to improve these protections even as we implement them.

At a time when we are making permanent broad powers for our law enforcement and intelligence communities without the full traditional safeguards of judicial review and congressional oversight my concerns have been exacerbated, truthfully, by the administration's explicit attempts to go around both the courts and the Congress with their wiretapping and secret listening posts.

So as the FBI and other agencies continue to expand and evolve, so will their powers. We will continue to ask who should be watching the watchers in oversight.

There is clearly more work to be done—Chairman ARLEN SPECTER and Ranking Member PAT LEAHY have worked together and are introducing legislation that addresses many of my outstanding concerns. I will be on that bill—we have made meaningful reforms.

I also want to thank Senator FEINGOLD for his continued dogged support for reform of this bill. I want him to know that I stand with him in the battle to gain further reforms.

Also included in this conference report is some good news for port security. Sadly, there is not the funding that we have repeatedly asked for from this administration—but at least new criminal penalties for smuggling goods through ports. There are tools to help crackdown further on money laundering overseas by terrorist organizations.

Finally, I am very pleased that the conference report includes essential and long overdue resources to combat our Nation's surging methamphetamine epidemic.

Meth, as a problem in our communities, will not simply disappear on its own. We must make it a top priority and work to end it together. That's why I had introduced similar legislation to address meth use, manufacture, and sale, and create a law regulating the commercially available products used to make meth, such as pseudoephedrine.

And that's why I am so glad to see the Combat Meth Act included in today's legislation. I was proud to cosponsor this legislation when Senators TALENT and FEINSTEIN introduced it, and I am pleased that it will be signed into law, providing comprehensive reforms and critical resources. The legislation enforces strict regulations and keeps records so that meth producers can't get their hands on those key ingredients. When a similar type of law was enacted in Oklahoma, it reduced meth lab busts in the state by 80 percent.

This legislation also provides valuable resources to State and local governments for law enforcement officials investigating and shutting down labs, investigating violent meth-related crimes, educating the public, and caring for children affected by the drug's scourge. The bill also confronts international meth trafficking new reporting and certification procedures.

My State, Washington, is sixth in the country in meth production. In 2004, 1337 meth lab sites were discovered in Washington State. That same year, 220 fatalities were linked to the drug. And we are first in the country, when it comes to the number of children found on raided sites. It is clear this is neither a small problem not an isolated one.

But these aren't just numbers. They are parents and children, individual people with terrible stories of struggle and addiction. Acting here and now, to fight this epidemic, we can provide the resources to and protect our Nation's families and communities.

The events of September 11 have changed our country and its people forever. We were attacked on our own soil. Thousands have died; thousands were injured. Very simply, we must do all that we can to stop terrorism by finding and ending terrorist activities here and abroad. Our challenge is to do this without compromising the values that make Americans so unique. They are the same values that have allowed our Nation to become great: respect for personal autonomy and the rights of the individual; and tolerance of all regardless of race or religion.

They are the values that have always guided our Nation's leaders. It was Benjamin Franklin who said essentially:

> Make sure we have our liberties. Make sure we protect the people from ourselves. Those who would give up their essential liberties for security deserve neither and get neither.

We must defend both.

We must maintain and take full advantage of meaningful oversight to ensure power is never abused. While I will

vote for this bill, I will also continue to work to improve this bill. I will continue to be vigilant and urge those working defend and secure our Nation to use these powers wisely and with great deliberation.

Mr. KYL. Mr. President, I rise today to comment on section 507 of the USA PATRIOT Improvement and Reauthorization Act conference report. This section originates in a bill that I introduced earlier in this year, S. 1088, the Streamlined Procedures Act. Section 507 is based on subsections (b) through (e) of section 9 of S. 1088. My Arizona colleague, Representative FLAKE, took an interest in this matter and sought to offer this provision as an amendment to a court security and police-officer protection bill last November. Mr. FLAKE's version of the provision is printed in House Report 109–279; it made a number of improvements to the original version in section 9 of my bill. Section 507 of the present conference report reflects most of Mr. FLAKE's improvements, such as the simplification of the chapter 154 qualification standard, which obviates the need for separate standards for those States that make direct and collateral review into separate vehicles and those States with unitary procedures, and Mr. FLAKE's enhanced retroactivity provisions.

Mr. FLAKE already has commented on section 507 in an extension of remarks, at 151 CONG. REC. E2639–40, December 22, 2005. I will not repeat what he said there and will simply associate myself with his remarks. Instead, I would like to focus today on why section 507 is necessary.

Section 507 expands and improves the special expedited habeas-corpus procedures authorized in chapter 154 of the U.S. Code. These procedures are available to States that establish a system for providing legal representation to capital defendants on State habeas review. Chapter 154 sets strict time limits on Federal court action, bars consideration of claims that were not adjudicated in State court, and sharply curtails amendments to petitions. The benefits that chapter 154 offers to States that opt in to its standards are substantial. Currently, however, the court that decides whether a State is eligible for chapter 154 is the same court that would be subject to its time limits. Unsurprisingly, these courts have proven resistant to chapter 154. Section 507 places the eligibility decision in the hands of a neutral party—the U.S. Attorney General, with review of his decision in the U.S. Court of Appeals for the District of Columbia Circuit, which does not hear habeas petitions. Section 507 also makes chapter 154's deadlines more practical by extending the time for a district court to review and rule on a chapter 154 petition from 6 months to 15 months.

As I mentioned earlier, section 507 of the present conference report is based on section 9 of the Streamlined Procedures Act. The SPA and habeas reform have been the subject of multiple hearings in both the House and Senate during this Congress. In answers to written questions following their testimony at a July 13 hearing before the Senate Judiciary Committee, Arizona prosecutors John Todd and Kent Cattani provided detailed evidence of systematic delays in Federal habeas corpus review of State capital cases. Among the information that they provided was a comprehensive study undertaken by the Arizona Attorney General's Office of all capital cases in the State. This study examined the appeals of all prisoners currently on Arizona's death row—over 100 prisoners. Mr. Todd summarized the findings in his answers to written questions:

> [S]tatistical information based on Arizona's current capital cases in Federal court, and anecdotal information derived from Arizona's current and former capital cases substantiate the significant problem of delay and lack of finality for victims. The AEDPA has not solved this problem.
>
> There are 76 Arizona capital cases pending in Federal court. This represents over two thirds of Arizona's pending capital cases. Although some cases were filed within the last few months, over half of the cases have been pending in Federal court five years or more. Of those, thirteen cases have been pending for seven years. Ten cases have been pending for eight years. Five cases have been pending for more than fifteen years.
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> The AEDPA was a major step in making Federal habeas review more reliable and speedy. However, the Supreme Court's reversals of the Ninth Circuit exemplify the unwillingness of some court cultures to obey this Congress' directives if there is any ambiguity in the law.

Mr. Todd also gave a summary of the extreme delays experienced by the State of Arizona on Federal habeas review:

> Only one of the 63 [Arizona death-penalty] cases filed under the AEDPA has moved from the Federal District Court to the Ninth Circuit. That case has been in the Ninth Circuit for over 5 years. Twenty-eight of Arizona's capital cases have been pending in District Court for between six and eight years.
>
> [One Arizona death penalty case] has been on Federal habeas review for over 19 years. Two of those cases have been on Federal habeas review for over 18 years, one for over 16 years, another for over 14 years, still another for over 12 years. These cases alone establish a pattern of unreasonable delay. The [Arizona Attorney General's] report shows that these cases are not simply strange aberrations in an otherwise smooth functioning system of habeas review.

Mr. Todd concluded: ''there is a serious problem of delay and lack of finality currently in Federal habeas review of state-court judgments, even after Congress' enactment of the AEDPA almost a decade ago. . . . Based on the attached review of the Arizona capital cases since enactment of the AEDPA, delay has not been eliminated or even reduced, rather it has been prolonged.''

Similarly, in his answers to written questions, Kent Cattani, the Chief Counsel of the Capital Litigation Section of the Arizona Attorney General's Office, reviewed the Arizona Attorney General's study of Arizona capital cases and concluded as follows: ''Federal habeas reform is necessary. After 9 years under the Anti-Terrorism and Effective Death Penalty Act of 1996 (''AEDPA''), it is clear that the Act did not eliminate or even reduce the problem of delay in the Federal habeas process.''

Interestingly, although the Judicial Conference of the United States has uniformly opposed all Federal habeas reform—it even objected in writing to SPA Section 8(a)'s requirement that circuit courts decide habeas cases within 300 days after briefing is completed—in its September 26, 2005 letter to Chairman SPECTER regarding the SPA, the Conference itself provides substantial evidence of a growing backlog and delays in resolution of capital habeas petitions. The September 26 letter notes the following facts: From 1998 to 2002, the number of State capital habeas cases pending in the Federal district courts increased from 446 to 721. During the same period, the percentage of State capital habeas cases pending in the Federal district courts for more than 3 years rose from 20.2 percent to 46.2 percent; in the Federal courts of appeals, the number of pending State capital habeas cases rose from 185 to 284; and the median time from filing of a notice of appeal to disposition for State capital habeas cases increased from 10 months to 15 months.

It is noteworthy that all of these increases in backlog and delay have taken place after the enactment of the AEDPA in 1996—a law that some critics of habeas reform assert has solved all of the problems with Federal habeas.

At the most recent hearing on the Streamlined Procedures Act, before the Senate Judiciary Committee on November 16, Ron Eisenberg, Deputy District Attorney for Philadelphia, summarized the problems and delays with Federal habeas review that he encounters in the course of his work. He stated:

> I have served as a prosecutor for 24 years. I am the supervisor of the Law Division of the Philadelphia District Attorney's Office, a group of 60 lawyers. Many of those lawyers handle regular appeals in the Pennsylvania appellate courts. But more and more of our attorneys must devote themselves full time to Federal habeas corpus litigation. In the last decade, the number of lawyers employed exclusively on habeas work has increased 400%. Despite the limits supposedly imposed by law, the only certain limit on the Federal habeas process as it is currently administered is the expiration of the defendant's sentence.
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> But that leaves ample opportunity and motivation for litigation, because the cases that reach Federal habeas review involve the most dangerous criminals, who receive the most serious sentences—not just death penalties, but non-capital murders, rape, violent robberies and burglaries, brutal beatings, and shootings.
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> Too often, discussion of the proper scope of Federal habeas corpus review is really just a debate about the value of the death penalty, and the justness of imprisonment and punishment generally. To be sure, many Federal courts seem flatly unwilling to affirm capital sentences. In Pennsylvania, for example, almost every single contested death sentence litigated on habeas—over 20 cases in the last

decade—has been thrown out by Federal judges; only one has been upheld.

But the primary problem is one of process, not results. The truth is that, whether or not they end up reversing a conviction, Federal habeas courts drag out litigation for years of utterly unjustifiable delay, creating exorbitant costs for the state and endless pain for the victims.

This data and testimony confirm what many capital litigators and judges have told me is, in their view, an obvious and uncontestable fact: the problems with Federal habeas corpus are systematic, they are severe, and they and are growing worse. Yet even this information does not really tell us why this problem matters—why ordinary people, rather than just civil servants and judges, should be concerned about the functioning of the Federal habeas system. For that information, it is necessary to look at the impact of the current habeas system on the surviving victims of violent crimes. The current system and the delays that it engenders, particularly in capital cases, often are grossly cruel to these individuals. The perpetual litigation of Federal habeas cases denies the surviving family of a murder victim closure—it forces them to continually relive the crime, rather than be able to put the terrible events behind them.

Two parents of murder victims testified at hearings in this Congress about how they have been treated by the Federal habeas system. Their testimony makes a compelling case that this system is broken and in need of reform. And it highlights why we should all be concerned. What these individuals and their families—people who had already suffered so much—have experienced at the hands of the Federal courts should offend every American.

The first witness to testify was Carol Fornoff, who addressed the House Judiciary Committee's Crime Subcommittee on June 7 of last year. Mrs. Fornoff's 13-year-old daughter, Christy Ann, was murdered in 1984. Almost every Arizonan who lived in the State at the time knows the name Christy Ann Fornoff. Christy's murder was an event that shattered people's sense of security, that made them afraid to let their children play outside or go out of their sight. I remember the case vividly. And I was stunned when I learned last year that the man who killed Christy, although sentenced to death by the State of Arizona, still is litigating his conviction and sentence in Federal court. His Federal proceedings began in 1992—14 years ago. Just think about how long ago 1992 is. President Bush's father was the President at the time. Bill Clinton was the Governor of Arkansas. Saddam Hussein's invasion of Kuwait is closer in time to that date than the U.S. invasion of Iraq is to today. And yet the case of Christy's killer remains in Federal court.

Mrs. Fornoff made a powerful case for why we should find this unacceptable. She described the suffering of her family, how this decades-long litigation has denied them closure. I do not think that anyone who heard Mrs. Fornoff's testimony would assert that there are no problems with the present system. Allow me to quote the main portion of Mrs. Fornoff's statement to the House Crime Subcommittee:

My husband Roger and I are here today to tell you about our daughter, Christy Ann Fornoff. Christy was our youngest daughter. She was a loving child, very gentle. She often seemed to make friends with the kids at school who weren't so popular. She was very dear to us.

In 1984, our family was living in Tempe, Arizona, and Christy was 13 years old. Christy and her brother Jason both held jobs as newscarriers for the Phoenix Gazette, a local newspaper. Roger and I believed that jobs like this would teach our children responsibility, while also helping them earn a little money.

After dinner on Wednesday evening, May 9, 1984, both Christy and Jason had been invited to go jumping on trampolines. Jason went, but Christy had just had a cast removed from her ankle. Instead, she went to collect on newspaper subscriptions at an apartment complex near our house.

Christy delivered papers at this complex every day, it was just two short blocks from our house. Nevertheless, it was getting dusk, so I went with Christy; she rode her brother's bike while I walked alongside with our little dog.

At the first apartment that Christy visited, I was stopped by a neighbor who wanted to talk about our cute dog. Christy went on to the next apartment alone, and I followed a few minutes later. When I got there, the bike was outside, but there was no Christy. I started calling her name, but there was no answer. Our dog started to get nervous. After a few minutes, I ran home, and came back with my daughter's boyfriend. I asked the people at the apartment that Christy had gone to if they had seen her, and they said yes, ten minutes ago, and that she had left. I knew that Christy wouldn't just leave her brother's bike there.

I ran home again. My husband had just arrived at home and I told him that Christy was missing. He immediately called the police, and then he went to the apartment complex and began knocking on doors. Outside of one apartment, people standing nearby told us don't bother knocking on that door, that is the maintenance man, and he is looking for Christy. Shortly after, the maintenance man joined Roger in the search for Christy.

That night, police helicopters with searchlights examined every corner of our neighborhood. Our son drove up and down every alley in the area on his motorcycle. Christy's newspaper-collections book was found over a fence near the apartment complex. But no one found Christy.

Two days later, a policeman knocked at our door. Christy's body had been discovered wrapped in a sheet, lying behind a trash dumpster in the apartment complex. We were absolutely devasted. We had been hoping against hope, and couldn't believe that our beautiful daughter was dead.

Christy's body was taken to a morgue so that an autopsy could be performed. On Sunday, which was Mother's day, we were finally able to view Christy's body at the funeral home. Mother's Day has never been the same for me since.

Ten days after Christy's body was found, the maintenance man at the apartment complex—the same man who supposedly had been looking for her the night that she disappeared—was arrested for her murder. Christy had been sexually assaulted and suffocated. There was blood, semen, and hair on Christy's body that was consistent with that of the maintenance man. Vomit on Christy's face matched vomit in the maintenance man's closet. Fibers on Christy's body matched the carpet and a blanket in the maintenance man's apartment. And police found Christy's hair inside of the apartment. We knew who had killed our daughter.

In 1985, the maintenance man was convicted of Christy's murder and sentenced to death. The conviction was upheld in a lengthy opinion by the Arizona Supreme Court. The killer raised many more challenges, but his last state appeals were finally rejected in 1992. By that time, we already felt like the case had been going on a long time—it had been seven years. We couldn't imagine that the killer would have any more challenges to argue.

But in 1992, the killer filed another challenge to his conviction in the United States District Court. That challenge then remained in that one court for another 7 years! Finally, in November of 1999, the district court dismissed the case. But then a few years later, the Federal Court of Appeals for the Ninth Circuit sent the case back to the district court for more hearings. Today, the case remains before that same Federal district court.

It has now been over 21 years since Christy was murdered. By this fall, the case will have been in the Federal courts for longer than Christy was ever alive.

I cannot describe to you how painful our experience with the court system has been. I cannot believe that just one court took over 7 years to decide our case.

Some might ask why we can't just move on, and forget about the killer's appeals. But it doesn't work that way. She was our daughter, our beautiful little girl, and he took her away. We want to know if he was properly convicted. We want to know, will his conviction be thrown out? Will there be another trial? I cannot imagine testifying at a trial again. And would they even be able to convict this man again? It has been 21 years. How many witnesses are still here, is all of the evidence even still available? Could this man one day be released? Could I run into him on the street, a free man—the man who assaulted and killed our little daughter? The courts have turned this case into an open wound for our family—a wound that has not been allowed to heal for 21 years.

I understand that the Federal government has the right to create such a system. It can let the Federal courts hear any challenge to a state conviction, at any time, with no limits. My question to you, Mr. Chairman, is why would we want such a system? Why would we want a system that forces someone like me to relive my daughter's murder, again and again and again? My daughter's killer already litigated all of the challenges to his case in the state courts. Why should we let him bring all of the same legal claims again, for another round of lawsuits, in the Federal courts? Why should this killer get a second chance? My daughter never had a second chance.

I understand that people are concerned about innocent people being behind bars, but that is not what my daughter's killer is suing about. Right now, the issue that is being litigated in the Federal courts is whether the trial court made a mistake by allowing the jury to hear that he told a prison counselor that he ''didn't mean to kill the little Fornoff girl.'' He claims that the counselor was like his doctor, and that the statement is private, even though he said it in front of other prisoners. Earlier this year, a Federal court held a hearing on whether the killer had a right to prevent the jury from hearing about this statement. But the statement is irrelevant. Whether or not he said it, the evidence of his guilt—the hairs, the fibers, the bodily fluids—is overwhelming. The

issue that the killer is suing about was already resolved before by the Arizona Supreme Court—over 17 years ago. Yet here we are, 21 years after my daughter died, arguing about the same legal technicalities.

People might say that it is worth the cost to let the killer sue over every issue like this again and again. I don't think that it is worth the cost. When you and your colleagues are writing laws, Mr. Chairman, please think about people like me. Please think about the fact that every time that there is another appeal, another ruling, another hearing, I am forced to think about my daughter's death. Every time, I am forced to wonder, if only Christy hadn't had the cast on her ankle—if only she could have gone on the trampoline that evening, she would still be alive today. Every time that I hear a helicopter, I am terrified—I think of the police helicopters searching for Christy on the night that she disappeared. Every time that I hear a motorcycle, I think of my son, searching for Christy. Every time that the courts reopen this case, I am forced to wonder, why didn't I follow Christy to that second apartment—why did I let that neighbor stop me to talk? Every time, I am forced to think about how scared my little girl must have been when she died.

I urge you, Mr. Chairman, to do what you can to fix this system. My family and I have forgiven our daughter's murderer. But we cannot forgive a justice system that would treat us this way.

Another witness who testified before Congress last year on the need for Federal habeas reform is Mary Ann Hughes of Chino Hills, CA. Mrs. Hughes's son Christopher, then 11 years old, was murdered in 1983. As in the Fornoff case, the killer was captured, convicted, and sentenced to death—and is still litigating his case in Federal court today. Mrs. Hughes testified before the House Judiciary Committee's Crime Subcommittee on November 10, 2005. This is what she said:

Christopher was a beautiful little boy. He had just completed the fifth grade at a local Catholic school. His classmates later planted a tree in his memory at the school. Chris swam on the swim team and dreamed of swimming for the University of Southern California and being in the Olympics. He loved his younger brother, and in typical brotherly fashion would tease him one minute and be his best friend the next. Chris' younger brother is now 28-years-old. He has missed Chris every day since he was murdered. Our younger son was not yet born when Chris was murdered. I was pregnant during part of Cooper's trial with our third son. When he was born we gave him the middle name Christopher after the brother he never knew. Both boys have only in the last few years been able to face what happened to their brother. As the years have passed, we are reminded that Chris never got to finish grammar school, go to a prom, marry, have children of his own, or pursue his dreams.

On Saturday, June 4, 1983, Chris asked me for permission to spend the night at the home of his friend, Josh Ryen. We lived in what was then a very rural neighborhood. Josh was the only boy nearby who was really close to Chris' age and so they formed a bond. We were good friends with Josh's parents, Doug and Peggy Ryen. The Ryens lived just up the road from our home with their 10-year-old daughter Jessica and eight-year-old Josh. The last time I saw Chris alive he and Josh were riding off on their bicycles toward Josh's house. They were excitedly waving because they were so happy I had given Chris permission to spend that night with Josh. The only thing Chris had to remember was to be home Sunday in time for church. The next time I saw Chris was in a photograph on an autopsy table during Cooper's preliminary hearing.

Unbeknownst to anyone, Cooper had been hiding in a house in Chino Hills just 126 yards from the Ryen's home. He had escaped two days earlier from a minimum security facility at a nearby prison. When Cooper was arrested for burglary in Los Angeles he used a false identity. His identity and criminal past should have caught up with him before he was wrongly assigned to the minimum security portion of the prison. The prison, however, mishandled the processing of an outstanding warrant for Cooper for escape from custody in Pennsylvania. He was being held pending trial for the kidnap and rape of a teenage girl who interrupted him while he was burglarizing a home. While staying at the hide-out house near the Ryens, Cooper had been calling former girlfriends, trying to get them to help him get out of the area. A manhunt was under way for Cooper, but the rural community surrounding the prison was never notified of the escape.

The failure of the California prison-system to protect the surrounding community from a dangerous felon marked the beginning of our family and community's being let down by our government. Within a few hours of Cooper's escape, prison officials realized who Cooper was and how dangerous he was. Nevertheless, they still failed to alert the community that he was at large. Our frustration and disappointment with our government's failings has only grown since that time as Cooper's case continues to wind its way down a seemingly endless path through our judicial system.

The morning following the murders, I remember being mad at Chris because he had not arrived home on time as promised so we could attend church. Then my anger turned to worry. I sent my husband Bill up to the Ryen home. He saw that the horses had not been fed, and that the Ryen station wagon was gone.

Uncharacteristically, the kitchen door was locked, so my husband walked around the house. He looked inside the sliding glass door of the Ryen's master bedroom. He saw blood everywhere. Peggy and Chris were lying on the ground and Josh was lying next to them, showing signs of life but unable to move. My husband could not open the sliding glass door, so he ran and kicked open the kitchen door. As he went into the master bedroom, he found 10-year-old Jessica lying on the floor in fetal position in the doorway, dead. He saw Doug and Peggy nude, bloodied, and lifeless. When he went to our son Chris, he was cold to the touch. Bill then knew that Christopher was dead.

My husband then forced himself to have enough presence of mind to get help for Josh, who miraculously survived despite having his throat slit from ear to ear. Josh, only eight years old, lay next to his dead, naked mother throughout the night, knowing from the silence and from the smell of blood that everyone else was dead. He placed his fingers into his throat, which kept him from bleeding to death during the 12 hours before my husband rescued him.

Everyone inside the home had been repeatedly struck by a hatchet and attacked with a knife. Christopher had 25 identifiable wounds made by a hatchet and a knife. Many of them were on his hands, which he must have put against his head to protect himself from Kevin Cooper's blows. Some were made after he was already dead. No one should know this kind of horror. That it happened to a child makes it even worse.

The killer had lifted Jessica's nightgown and carved on her chest after she died. The killer also helped himself to a beer from the Ryen's refrigerator. We wondered what kind of monster would attack a father, mother, and three children with a hatchet, and then go have a beer. That question has long since been answered, but 22 years later we are still waiting for justice.

The escaped prisoner who committed this crime was caught 2 months later. He admitted that he had stayed in the house next door but denied any involvement in the murders. According to the California Supreme Court, however, the evidence of defendant's guilt was ''overwhelming.'' Not only had the defendant stayed at the vacant house right next door at the time of the murders; the hatchet used in the murders was taken from the vacant house; shoe prints in the Ryen house matched those in the vacant house and were from a type of shoe issued to prisoners; bloody items, including a prison-issue button, were found in the vacant house; prison-issue tobacco was found in the Ryen station wagon, which was recovered in Long Beach; and the defendant's blood type and hair matched that found in the Ryen house. The defendant was convicted of the murders and sentenced to death in 1985, and the California Supreme Court upheld the defendant's conviction and sentence in 1991.

The defendant's Federal habeas proceedings began shortly thereafter, and they continue to this day—23 years after the murders. In 2000, the defendant asked the courts for DNA testing of a blood spot in the Ryen house, a t-shirt near the crime scene, and the tobacco found in the car. Despite the overwhelming evidence of his guilt, the courts allowed more testing. All three tests found that the blood and saliva matched the defendant, to a degree of certainty of 1 in 310 billion. Blood on the t-shirt matched both the defendant and one of the victims.

Mrs. Hughes went on to describe, in her November 10 testimony, the impact of this crime and the attenuated legal proceedings on her family:

''While I know that Cooper is the one who murdered my son, I will always bear the guilt of having given Chris permission to spend the night at the Ryen's house. I will always feel responsible for sending my husband to find the bodies of our son and the Ryen family. It is a guilt similar to the guilt that Josh feels to this day because he had begged me to let Chris spend the night. He thinks that Chris would still be alive if he had not spent the night. Of course, Cooper is responsible for all the pain and suffering that he inflicted that night and the continued pain that has followed, but it does not help stop the pain and guilt. Kevin Cooper is still here over 22 years later—still proclaiming his innocence and complaining about our judicial system.

As Josh explained when he finally got a chance to speak to the Judge about how he has been affected by Cooper's crimes: Cooper never shuts up. We continually get to hear more bogus claims and more comments from Cooper and his attorneys. Over the years I have learned to know when something has happened in Cooper's never-ending legal case: the calls from the media start up again, or, at times, the media trucks just park in

front of our house. We have no opportunity to put this behind us—to heal or to try to find peace—because everything is about Cooper. Our system is so grotesquely skewed to Cooper's benefit and seemingly incapable of letting California carry out its judgment against him.

[The] judicial system so out of balance in favor of the convicted that it literally enables them to victimize their victims and their families all over again through the Federal judicial system. We understood the rights of an accused and that Cooper's rights took precedence over ours as he stood trial. His trial was moved to another County because of the publicity surrounding the horrendous crimes. I had to drive a long distance to another County to watch the trial as it could not take place in our County. Cooper's defense attorney spent an entire year preparing to defend Cooper at trial. Everything was about Cooper's rights and none of our sensibilities or concerns could be dignified because Cooper had to have a fair trial. We understood and we waited for justice. In California, Cooper's appeal was automatic because he had received the death penalty for his crimes. The appeal took six years to conclude. We understood the need for a thorough appeal and we waited for justice.

By 1991, Cooper had received a fair trial and his appeal had been concluded. The California Supreme Court aptly observed that the evidence against Cooper, both in volume and consistency, was ''overwhelming''. Since then, we have waited and watched as the United States Supreme Court has denied Cooper's eight petitions for writ of certiorari and two petitions for writ of habeas corpus, and the California Supreme Court has denied Cooper's seven habeas corpus petitions and three motions to reopen Cooper's appeal. The Ninth Circuit affirmed the denial of Cooper's first Federal habeas petition, and denied him permission to file a successive petition in 2001, and again in 2003. But then, on Friday night, February 6, 2004, Cooper's attorneys filed an application with the Ninth Circuit requesting permission to file a successive habeas petition.

A three-judge panel of the Ninth Circuit denied Cooper's application to file a successive petition on Sunday, February 8, 2004. Cooper was scheduled to be executed at one minute after midnight on Tuesday, February 10, 2004. On Monday, February 9, 2004, my husband and I made the trip to Northern California from our home in Southern California. Relatives of the extended Ryen family flew in from all over the Country. Josh Ryen, now 30, left for dead at the age of eight, his entire immediate family murdered, drove hundreds of miles to reach the prison to witness the execution of Cooper. We all expected that finally, this case would be brought to a close.

Mrs. Hughes went on to describe, however, how on the eve of the execution, the en banc Ninth Circuit Court of Appeals sua sponte reviewed the denial of the petitioner's successive petition application and reversed the three-judge panel. The en banc decision stayed the killer's execution and permitted him to pursue a second round of Federal habeas-corpus litigation. This second round still is going on today—15 years after the California Supreme Court affirmed the conviction and sentence, and 23 years after the murders.

Section 2244(b)(3)(E) of title 28 states that ''[t]he grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.'' To us lesser lawyers, this provision might seem like it means that there shall be no en banc review of the three-judge panel's denial of the application. But the enlightened jurists of the Ninth Circuit have discovered that although subparagraph (E) bars the habeas petitioner from appealing the denial, the en banc court remains free to sua sponte grant review. Some might find it strange that Congress would have intended to bar the en banc courts of appeals from considering a case on the basis of a party's appeal and adversarial briefing, but intended to allow the same courts to hear the same case without a request for review and with no briefing. Typically, briefing is regarded as aiding a court's consideration of a case. Of course, the losing habeas petitioner typically does seek en banc review of the denial of the successive-petition application and file a brief in support of his request. I suppose that we are to trust that the en banc court of appeals does not read that brief, or that if it does so, it puts the brief out of its collective mind so that it might act ''sua sponte'' when it votes on whether to go en banc, lest its actions otherwise appear to violate subparagraph (E)'s clear command that the denial of the application is not ''appealable.''

In this case, I am prepared to believe that the judges did not read the briefs. Despite DNA evidence that linked the habeas petitioner to the murder scene to a degree of certainty of 1 in 310 billion, the en banc Ninth Circuit determined that the petitioner met section 2244's requirement that he present ''clear and convincing evidence that . . . no reasonable factfinder would have found [him] guilty of the underlying offense.'' The Ninth Circuit's theory was that the police might have planted the blood evidence. As Mrs. Hughes noted in her November 10 testimony, however:

Of course, Cooper could not explain how or why police would plant a minute amount of blood on the t-shirt only to never use it as evidence against him at trial. Moreover, this evidence had been in police custody since 1984. Apparently, these supposed rogue police officers also anticipated the development of the Nobel Prize-winning science that would enable Cooper to have the blood tested for DNA. Cooper also could not explain how the police could have planted his blood at the crime scene within a few hours of discovering the bodies, while he was still at large.

The Ninth Circuit first granted sua sponte en banc review of the denial of a successive-petition application in the case of *Thompson* v. *Calderon*, 120 F.3d 1045, 9th Cir. 1997, a decision with other procedural irregularities so glaring that the Supreme Court did not even notice this aspect of the decision when it took it up and reversed, *Calderon* v. *Thompson*, 523 U.S. 538, 1998. The Sixth Circuit subsequently copied Thompson, thus allowing the Ninth Circuit to attribute this practice to other circuits when it again applied it in the case of the killer of Mary Ann Hughes's son. Section 8(b) of the Streamlined Procedures Act would prevent the Ninth Circuit from doing this in the future. Unfortunately, I was unable to have that provision included in this conference report. I will try again in the future.

This year, it will have been 23 years since Christopher Hughes and Doug, Peggy, and Jessica Ryen were murdered. In 2004, after the Ninth Circuit authorized another round of litigation, a local newspaper described the impact of this crime and the ensuing years of appeals on the surviving family of the victims:

For nearly 20 years, since convicted murderer Kevin Cooper was sentenced to death for the 1983 slayings of a Chino Hills family and their young houseguest, families of the victims have waited silently for the day the hand of justice would grant them peace.

For those families, the last two decades have seemed like an eternity.

I lived through a nightmare,'' said Herbert Ryen, whose brother Douglas Ryen was among those killed, along with Douglas' wife Peggy, their 11-year-old daughter Jessica, and her 10-year-old friend Christopher Hughes.

[O]n the morning of Feb. 9, [2004,] the day of Cooper's scheduled death by lethal injection, word came down that the 9th U.S. Circuit Court of Appeals had decided to block the execution.

[T]o the Ryen and Hughes families, the stay just hours before Cooper's scheduled execution at San Quentin State Prison was nearly incomprehensible. The indefinite delay has left them in a sort of emotional limbo, questioning whether the legal system had abandoned them.

The bottom line is that this whole issue is not about Kevin Cooper . . . it is about the death penalty,'' said Mary Ann Hughes, the mother of Christoper Hughes. ''We're so mad—mad because we feel as though the courts turned their back on my son.''

They (Court of Appeals) are holding us hostage,'' Hughes said.

For Herbert Ryen and his wife Sue, waiting for justice has taken an equally destructive toll on their lives. The torment their family experienced following the murders, and the subsequent years lost to depression, could never be replaced, he said from his home in Arizona.

Mary Ann Hughes said the pain her family suffers is only amplified by the seemingly continuous bombardment of celebrities campaigning against Cooper's execution. She wonders who will cry out in anger for the victims.

One former television star and anti-death penalty activist, Mike Farrell of the popular series MASH, spoke of the case on a recent news program.

''He claimed that we must feel relieved since the stay of execution was granted,'' Hughes said. ''How can (Farrell) have the audacity to say he knows what we are feeling?''

Farrell could not be reached for comment.

Since Christopher's death, the Hughes family has chosen to remain out of the media spotlight. And until recently, their efforts were successful, due largely to the support of their surviving children, family members and a strong network of close friends, Hughes said.

The court's decision Feb. 9 has re-opened the case, forcing the families to re-live the nightmare they have fought so hard to leave behind, they say.

Mary Ann Hughes is left wondering about other families who have had loved ones taken from them, about the legal battles they have had to endure in their own quests for justice.

She thinks of the parents of Samantha Runion, the 5-year-old Orange County girl who was murdered in 2003, and of what her family could face in the next 20 years.

For Bill Hughes, the anguish is intensified—he will forever know the pain of walking into the Ryens' home the morning after the murders, and finding his son, dead and covered in blood near the Ryens' bedroom door. He was also the first to discover Joshua Ryen, also drenched in blood, clinging to life.

''It is a memory he will always have to live with,'' Mary Ann Hughes said.

Indeed, time has been no friend to the victims' families, as California's recent appellate court ruling has further denied them closure, she added.

''What this decision has done to our legal system in California is unthinkable,'' she said. ''Somewhere along the line, the courts have got to uphold the law, and we will wait it out until they do.'' (Sara Carter, ''Families of Murder Victims Wait for Justice in Cooper Case,'' Inland Valley Daily Bulletin, February 24, 2004.)

The impact of this litigation on Mary and Bill Hughes and Herbert and Sue Ryen alone makes the handling of this case indefensible. No one, however, has borne the weight of our system of Federal collateral review more heavily in this case than has the one surviving victim of the June 4, 1983 attack. Josh Ryen was 8 years old when he was stabbed in his parents' bedroom and his parents and sister were murdered. He had been Christopher Hughes's neighbor and best friend. As of last year, however, Mary and Bill Hughes had not seen Josh since he was airlifted by helicopter from the scene of the murders to Loma Linda University hospital. Then on April 22, 2005, Josh Ryen appeared at the latest Federal habeas corpus hearing for the man who killed his family. He is now 30 years old. Pursuant to the recently enacted Crime Victims' Rights Act, he gave a brief statement before the court. I will quote Josh Ryen's statement in its entirety:

The first time I met Kevin Cooper I was 8 years old and he slit my throat. He hit me with a hatchet and put a hole in my skull. He stabbed me twice, which broke my ribs and collapsed one lung. I lived only because I stuck four fingers in my neck to slow the bleeding, but I was too weak to move. I laid there 11 hours looking at my mother who was right beside me.

I know now he came through the sliding glass door and attacked my dad first. He was lying on the bed and was struck in the dark without warning with the hatchet and knife. He was hit many times because there is a lot of blood on the wall on his side of the bed.

My mother screamed and Cooper came around the bed and started hitting her. Somehow my dad was able to struggle between the bed and the closet but Cooper bludgeoned my father to death with the knife and hatchet, stabbing him 26 times and axing him 11. One of the blows severed his finger and it landed in the closet.

My mother tried to get away but he caught her at the bottom of the bed and he stabbed her 25 times and axed her 7.

All of us kids were drawn to the room by mom's screams. Jessica was killed in the doorway with 5 ax blows and 46 stabs. I won't say how many times my best friend Chris was stabbed and axed, not because it isn't important, but because I don't want to hurt his family in any way, and they are here.

After Cooper killed everyone, and thought he had killed me, he went over to my sister and lifted her shirt and drew things on her stomach with the knife. Then he walked down the hallway, opened the refrigerator, and had a beer. I guess killing so many people can make a man thirsty.

I don't want to be here. I came because I owe it to my family, who can't speak for themselves. But by coming I am acknowledging and validating the existence of Kevin Cooper, who should have been blotted from the face of the earth a long time ago. By coming here it shows that he still controls me. I will be free, my life will start, the day Kevin Cooper dies. I want to be rid of him, but he won't go away.

I've been trying to get away from him since I was 8 years and I can't escape. He haunts me and follows me. For over 20 years all I've heard is Kevin Cooper this and Kevin Cooper that. Kevin Cooper says he is innocent, Kevin Cooper says he was framed, Kevin Cooper says DNA will clear him, Kevin Cooper says blood was planted, Kevin Cooper says the tennis shoes aren't his, Kevin Cooper says three guys did it, Kevin Cooper says police planted evidence, Kevin Cooper gets another stay from another court and sends everyone off on another wild goose chase.

The courts say there isn't any harm when Kevin Cooper gets another stay and another hearing. This just shows they don't care about me, because every time he gets another delay I am harmed and have to relive the murders all over again. Every time Kevin Cooper opens his mouth everyone wants to know what I think, what I have to say, how I'm feeling, and the whole nightmare floods all over me again: the barbecue, me begging to let Chris spend the night, me in my bed and him on the floor beside me, my mother's screams, Chris gone, dark house, hallway, bushy hair, everything black, mom cut to pieces saturated in blood, the nauseating smell of blood, eleven hours unable to move, light filtering in, Chris' father at the window, the horror of his face, sound of the front door splintering, my pajamas being cut off, people trying to save me, the whap whap of the helicopter blades, shouted questions, everything fading to black.

Every time Cooper claims he's innocent and sends people scurrying off on another wild goose chase, I have to relive the murders all over again. It runs like a horror movie, over and over again and never stops because he never shuts up. He puts PR people on national television who say outrageous things and then the press wants to know what I think. What I think is that I would like to be rid of Kevin Cooper. I would like for him to go away. I would like to never hear from Kevin Cooper again. I would like Kevin Cooper to pay for what he did.

I dread happy times like Christmas and Thanksgiving. If I go to a friend's house on holidays I look at all the mothers and fathers and children and grandchildren and get sad because I have no one. Kevin Cooper took them from me.

I get terrified when I go into any place dark, like a house before the lights are on. I hear screams and see flashbacks and shadows. Even with lights on I see terrible things. After I was stabbed and axed I was too weak to move and stared at my mother all night. I smelled this overpowering smell of fresh blood and knew everyone had been slaughtered.

Every day when I comb my hair I feel the hole where he buried the hatchet in my head, and when I look in the mirror I see the scar where he cut my throat from ear to ear and I put four fingers in it to stop the bleeding which, they say, saved my life. Every year I lose hearing in my left ear where he buried the knife.

Helicopters give me flashbacks of life flight and my Incredible Hulks being cut off by paramedics. Bushy hair reminds me of the killer. Silence reminds me of the quiet before the screams. Cooper is everywhere. There is no escape from him.

I feel very guilty and responsible to the Hughes family because I begged them to let Chris spend the night. If I hadn't done that he wouldn't have died. I apologize to them and especially to Mr. Hughes for having to find us and see his son cut and stabbed to death.

I thank the judge who gave my grandma custody of me because she took good care of me and loves me very much.

I'm grateful to the ocean for giving me peace because when I go there I know my mother and father and sister's ashes are sprinkled there.

Kevin Cooper has movie stars and Jesse Jackson holding rallies for him, people carrying signs, lighting candles, saying prayers. To them and you I say:

I was 8 when he slit my throat,
It was dark and I couldn't see.
Through the night and day I laid there, trying to get up and flee.
He killed my mother, father, sister, friend,
And started stalking me.
I try to run and flee from him but cannot get away,
While he demands petitions and claims, some fresh absurdity.
Justice has no ear for me nor cares about my plight, while crowds pray for the killer and light candles in the night.
To those who long for justice and love truth which sets men free, When you pray your prayers tonight, please remember me.

Even those who oppose capital punishment—who would like to see it abolished—should not support a system that treats the victims of violent crimes in this way. Creating a fair, efficient, and expeditious system of Federal habeas review should be a bipartisan cause. Indeed, it was President Clinton who noted after the enactment of the 1996 AEDPA reforms that ''it should not take eight or nine years and three trips to the Supreme Court to finalize whether a person in fact was properly convicted or not.''

I believe that section 507 of the PATRIOT Reauthorization Act, by extending the benefits of chapter 154 to States that provide counsel to capital defendants on postconviction review, will help to achieve that goal. In *Murray* v. *Giarratano*, 492 U.S. 1, 1989, the Supreme Court held that States are not constitutionally required to provide counsel in State postconviction proceedings, even in capital cases. In AEDPA, Congress added chapter 154 to title 28 of the United States Code, offering the States an incentive to provide qualified counsel in such proceedings. Among the incentives was an expedited process, with time limits on both the district courts and the courts of appeals.

AEDPA left the decision of whether a State qualified for the incentive to the same courts that were impacted by the time limits. This has proved to be a mistake. Chapter 154 has received an extremely cramped interpretation, denying the benefits of qualification to States that do provide qualified counsel and eliminating the incentive for other States to provide counsel. In

Ashmus v. *Woodford*, 202 F.3d 1160, 2000, the Ninth Circuit held that California did not qualify because its competency standards were in the State's Standards of Judicial Administration rather than its Rules of Court, a hypertechnical reading of the statute. In *Spears* v. *Stewart*, 283 F.3d 992, 1018, 2001, the Ninth Circuit held that even though Arizona had established a qualifying system and even though the State court had appointed counsel under that system, the Federal court could still deny the State the benefit of qualification because of a delay in appointing counsel.

Section 507 of this bill abrogates both of these holdings and removes the qualification decision to a neutral forum. Under new section 2265, the Attorney General of the United States will decide if a State has established a qualifying mechanism, and that decision will be reviewed by the D.C. Circuit, the only Federal circuit that does not handle State-prisoner habeas cases and therefore is not impacted by the qualification decision. The requirements for certification are removed from section 2261(b) and placed in the new section 2265(a). The ''statute or rule of court'' language construed so severely by Ashmus is removed, allowing the States flexibility on how to establish the mechanism within the State's judicial structure. There is no longer any requirement, express or implied, that any particular organ of government establish the mechanism for appointing and paying counsel or providing standards of competency—States may act through their legislatures, their courts, through agencies such as judicial councils, or even through local governments.

Once a State is certified as having a qualifying mechanism, chapter 154 applies to all cases in which counsel was appointed pursuant to that mechanism, and to cases where counsel was not appointed because the defendant waived counsel, retained his own, or had the means to retain his own. ''Pursuant'' is intended to mean only that the State's qualifying mechanism was invoked to appoint counsel, not to empower the Federal courts to supervise the State courts' administration of their appointment systems. Paragraph (a)(3) of new section 2265 forbids creation of additional requirements not expressly stated in the chapter, as was done in the Spears case.

When section 507 was being finalized, I and others were presented with arguments that some mechanism should be created for ''decertifying'' a State that has opted in to chapter 154 but that allegedly has fallen out of compliance with its standards. I ultimately concluded that such a mechanism was unnecessary, and that it would likely impose substantial litigation burdens on the opt-in States that would outweigh any justification for the further review. The States are entitled to a presumption that once they have been certified as chapter-154 compliant, they will substantially maintain their counsel mechanisms. After all, to this day, both California and Arizona have kept up their postconviction counsel mechanisms and standards since the late 1980s and the mid–1990s, respectively, even though neither State has ever received any benefits under chapter 154. This history alone suggests that it is unnecessary to provide a mechanism for ''decertification'' of States that have opted in. Moreover, if such a means of post-opt-in review were created, it inevitably would be overused and abused. In my home State of Arizona, defense attorneys in the past have boycotted the 154 system. The Ninth Circuit later used the delays in appointing chapter 154 counsel stemming from this boycott as grounds for denying Arizona the benefits of chapter 154 in the Spears case. In light of this history, I thought it best to create a system of one-time certification, with no avenues to challenge or attempt to repeal the State's continuing chapter-154 eligibility. The consequences of opting in to chapter 154 should not be perpetual litigation over the State's continuing eligibility. Even if defense lawyers in Arizona do boycott the State's system again, the resultant delays in appointing counsel are unlikely to prejudice their clients, who typically want delay in the resolution of their cases. And the occasional case where such delay might prejudice a petitioner simply is not worth the cost of creating opportunities to force the State to continually litigate its chapter 154 eligibility. Therefore, under section 507, once a State is certified for chapter 154, that certification is final. There is no provision for ''decertification'' or ''compliance review'' after the State has been made subject to chapter 154.

The incentive for a State to try to satisfy chapter 154's counsel requirement is the array of procedural benefits that 154 provides to States defending capital convictions and sentences on Federal habeas. Section 2266 applies a series of deadlines for court action on chapter 154 applications: district courts will be required to rule on such applications 15 months after they are filed.

Allow me as an aside to describe some of the back history of this particular deadline. Current pre-conference-report law gives district courts only 180 days to rule on a 154 petition. This probably is not enough time for district courts to rule on these cases, even with the streamlining provided by the rest of chapter 154. Nor was this reality obscure to Congress in 1996. I worked on developing this provision in my first year in the Senate, in cooperation with the Arizona Attorney General's Office and then-California Attorney General Dan Lungren, among others. The bill's managers initially adopted a 180-day deadline as a bargaining position, but had always intended to extend this limit to 1 year. Unfortunately, at a certain point in the legislative process, other participants decided that they would object to making any change whatsoever to the AEDPA, even to correct scrivener's or grammatical errors—or to liberalize this deadline. Thus we ended up with 180 days. In order to avoid imposing impossible burdens on the district courts, I proposed extending this deadline to 15 months in the SPA, and this extension has been included in section 507. I likely would receive a cool reception from Chief Judge McNamee upon my next visit to the Phoenix Federal courthouse had section 507 given Arizona access to chapter 154 without at least somewhat liberalizing this particular deadline.

Other relevant deadlines imposed by section 2263 are that the court of appeals must rule on a case 120 days after briefing has been completed. That court also must rule on a petition for rehearing and suggestion for rehearing en banc within 30 days of the filing of the petition and any reply. And if the court grants rehearing or goes en banc, it must decide the case within 120 days of doing so.

These deadlines are created by chapter 154 for a reason. In too many cases, Federal courts' resolution of capital habeas petitions has been unreasonably slow. In the Fornoff case, for example, the petition remained before the Federal district court from 1992 to 1999, and that court did not even hold an evidentiary hearing in the case during that time. And this is far from the most extreme example of habeas delay. At the end of her written testimony before the House Crime Subcommittee, Mrs. Fornoff included several examples of other cases involving habeas petitioners who had murdered children and whose Federal habeas proceedings have been unconscionably delayed. All of these examples involved delays in the district courts much longer than the 7-year delay in the case of the man who killed Christy Ann Fornoff: the several cases that Mrs. Fornoff described had remained before one Federal district court for periods of 10 years, 12 years, 13 years, and in one case, for 15 years. I quote the portion of Mrs. Fornoff's testimony describing these cases:

> Benjamin Brenneman [was] 12 years old [when he was killed in] 1981. This case is surprisingly similar to my daughter's case. Benjamin also was a newspaper carrier, and also was kidnaped, sexually assaulted, and killed while delivering newspapers at an apartment complex. Benjamin's killer tied him up in a way that strangled him when he moved. Police began by questioning a man in the building who was a prior sex offender. They found Benjamin's special orthopedic sandals in his apartment. When they interviewed him, he admitted that he kidnaped Benjamin, but claimed that ''he was alive when I left him.'' Police found Benjamin's body in a nearby rural area the next day. (More information about the case is available in the court opinion for the State appeal, *People* v. *Thompson*, 785 P.2d 857.)
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> Benjamin's killer was convicted and sentenced to death. After the State courts finished their review of the case, the killer filed a habeas corpus petition in the Federal District Court in 1990. Today, 15 years later, the

case is still before that same court. In 15 years, the district court still has not ruled on the case! To put the matter in perspective, so far, and with no end in sight, the litigation before that one district court has outlived Benjamin by three years. This is simply unconscionable.

Michelle and Melissa Davis [were] ages 7 and 2 [when they were murdered in] 1982. An ex-boyfriend of the sister of Kathy Davis took revenge on the sister for breaking off their relationship by killing Kathy's husband and her two young daughters, Michelle and Melissa. The killer confessed to the crime. The State courts finished their review of the case in 1991. (*People* v. *Deere*, 808 P.2d 1181.) The next year, the defendant went to the Federal District Court. He remained there for the rest of the decade, until 2001. When he lost there, he appealed, and in 2003, the Federal Court of Appeals for the Ninth Circuit sent the case back to the district court for another hearing. Today, 14 years after State appeals were completed, and 23 years after Michelle and Melissa were taken from their mother, the case remains before the same district court.

Vanessa Iberri [was] 12 years old [when she was killed in] 1981. Vanessa and her friend Kelly, also 12 years old, were both shot in the head while walking through a campground in 1981. Kelly survived, but Vanessa did not. The killer did not dispute that he shot the two girls. (The case is described in *People* v. *Edwards*, 819 P.2d 436.) The State courts finished their review of the case in 1991—already a long time. The killer then went to Federal court in 1993. The Federal District Court finally held an evidentiary hearing in December 2004, and dismissed the case in March of this year. Just now, 12 years after the case entered the Federal courts, and 24 years after the murders occurred, the appeal to the Federal Court of Appeals is just beginning.

Michelle Melander [was] 5 months old [when she was murdered in] 1981. Michelle, who was just a five-month-old baby, and her brother Michael, then 5 years old, were kidnaped in Parker, Arizona, in July 1981. The killer dropped off Michael along the road. Michelle's body was discovered six days later at a garbage dump several miles down the same road. She had been severely beaten and sexually mutilated. The State court opinion describes the many injuries that this helpless baby suffered. The man who committed this horrific crime later attempted to kidnap and rape a 10-year-old girl.

State courts finished their review of his case in 1991. (*People* v. *Pensinger*, 805 P.2d 899.) The case then went to Federal District Court in 1992. The defendant raised new claims that he had never argued in state court, so the Federal court sent the case back to state court. Five years later, the case returned to Federal court. Today, the case remains before the same Federal District Court where the Federal appeals began in 1992. Baby Michelle would be 24 years old now if she had lived, and there is no end in sight for her killer's appeals.

Other examples of extreme delays on Federal habeas have been provided to me by State prosecutors. Clarence Ray Allen, who was executed by the State of California earlier this year, had begun his Federal habeas proceedings in 1988—they lasted for over 17 years. Lawrence Bittaker was convicted of four murders, four kidnappings, and nine rapes by the State of California in 1981. He filed a habeas petition in the Federal district court in 1991. That petition still is pending before the same Federal district court today. Alejandro Ruiz was convicted and sentenced to death for three murders in 1980. He initiated Federal habeas proceedings in 1989. Those proceedings still are pending before the same Federal district court today.

I do not mean to single out the Federal district courts for criticism. Inexplicable delays in Federal habeas review of State convictions appear throughout the Federal system. Section 2263's deadlines for issuing court-of-appeals decisions and resolving appellate rehearing petitions also are manifestly necessary. In *Morales* v. *Woodford*, 336 F.3d 1136, 9th Cir. 2003, for example, the Ninth Circuit took 3 years to decide the case after briefing was completed. And after issuing its decision, the court took another 16 months to reject a petition for rehearing. Similarly, in *Williams* v. *Woodford*, 306 F.3d 665, 9th Cir. 2002, the court waited 25 months to decide the case after briefing was finished—and then waited another 27 months to reject a petition for rehearing, for a total delay of almost 4½ years after appellate briefing had been completed. Section 2263 would have sharply reduced these delays.

Chapter 154 also creates uniform, clear rules for addressing defaulted and unexhausted claims. It bars all review of any claim that has not been addressed on the merits when the Federal petition is filed, unless the claim meets one of three narrow exceptions. Section 2264, by not extending the chapter 153 exhaustion requirement to chapter 154, allows Federal courts to treat defaulted and unexhausted claims the same way, rather than distinguishing between them and only dismissing the former unless they meet an exception, but returning the latter to State court for further exhaustion. Chapter 154 eliminates the need to ever send a claim to State court for further exhaustion.

As those familiar with the history of chapter 154 are aware, the chapter has its origins in the 1989 Powell Committee Report. See Judicial Conference of the United States, Ad Hoc Committee on Federal Habeas Corpus in Capital Cases, Committee Report and Proposal, August 23, 1989. Then-Chief Justice Rehnquist had appointed former Justice Lewis Powell to chair this committee, which was charged with studying problems with Federal habeas corpus review of capital cases. The report identified a lack of finality and unnecessary delays in Federal collateral review of State capital cases, and recommended specific reforms. With a few significant changes, such as a more restrictive standard for holding evidentiary hearings and accommodation of the rule of Teague v. Lane, not to mention the changes that are about to be made by section 507, the Powell Committee Report's recommendations are what is now chapter 154. The Powell Report is thus a very useful guide to understanding chapter 154.

The Powell Committee Report explains, for example, why section 2264 eliminates the exhaustion rule and treats unexhausted claims the same way as defaulted claims. As the Report notes:

> The Committee identified serious problems with the present system of collateral review. These may be broadly characterized under the heading of unnecessary delay and repetition. The lack of coordination between the Federal and state legal systems often results in inefficient and unnecessary steps in the course of litigation. Prisoners, for example, often spend significant time moving back and forth between the Federal and state systems in the process of exhausting state remedies.

The Powell Committee Report then describes its proposed approach to unexhausted claims:

> Federal habeas proceedings under the proposal will encompass only claims that have been exhausted in state court. With the counsel provided by the statute, there should be no excuse for failure to raise claims in state court. The statute departs from current statutory exhaustion practice by allowing for immediate presentation of new claims in Federal court in extraordinary circumstances.

The Powell Committee Report further elaborates on this change to the exhaustion requirement in its comment following the presentation of the language that became section 2264:

> If a petitioner asserts a claim not previously presented to the state courts, the district court can consider the claim only if one of three exceptions to the general rule listed in [section 2264(a)] is applicable. . . .
>
> As far as new or ''unexhausted'' claims are concerned, section [2264] represents a change in the exhaustion doctrine as articulated in *Rose* v. *Lundy*, 455 U.S. 509 (1982). Section [2264] bars such claims from consideration unless one of the [subsection (a)] exceptions is applicable. The prisoner cannot return to state court to exhaust even if he would like to do so. On the other hand, if a [subsection (a)] exception is applicable, the district court is directed to conduct an evidentiary hearing [note that this aspect of the Powell Committee recommendation is superseded by section 2254(e)] and to rule on the new claim without first exhausting state remedies as Rose v. Lundy now requires. Because of the existence of state procedural default rules, exhaustion is futile in the great majority of cases. It serves the state interest of comity in theory, but in practice it results in delay and undermines the state interest in the finality of its criminal convictions. The Committee believes that the States would prefer to see post-conviction litigation go forward in capital cases, even if that entails a minor subordination of their interest in comity as it is expressed in the exhaustion doctrine.

Section 2264 implemented the Powell Committee's approach by limiting Federal habeas review under chapter 154 to ''claims that have been raised and decided on merits in the State courts,'' and, in subsection (b), by declining to extend the exhaustion principles of section 2254(b) and (c) to chapter 154. This system shifts the focus away from and eliminates the need to exhaust State remedies for every claim. Section 2264 does not require exhaustion, but, rather, adjudication on the merits in State court or satisfaction of one of subsection (a)'s exceptions. If an unexhausted or otherwise not-adjudicated-on-the-merits claim can meet

one of those subsection (a) exceptions, then it can go forward, because the exhaustion requirement does not apply. And in any event, even if a chapter 154 prisoner, for whatever reason, still wanted to exhaust State remedies for a new claim after he has filed his Federal petition, he would not be able to do so and then return to Federal court: unlike chapter 153, chapter 154 sharply curtails amendments to petitions and thus would make it all but impossible to amend the newly exhausted claim back into the Federal petition. Under chapter 153's stay-and-abey regime, ''a district court may, in its discretion, allow a petitioner to amend a mixed petition by deleting the unexhausted claims, hold the exhausted petition claims in abeyance until the unexhausted claims are exhausted, and then allow the petitioner to amend the stayed petition to add the now-exhausted claims.'' *James* v. *Pliler*, 269 F.3d 1124, 9th Cir. 2001. As the courts have explained, chapter-153 habeas petitioners are permitted to ''stay and abey'' and then come back to Federal court because chapter 153 petitions are subject to the relatively liberal amendment standards of Federal Rule of Civil Procedure 15. See *Anthony* v. *Cambra*, 263 F.3d 568, 576–578 (9th Cir. 2000). This system would not be possible under chapter 154's section 2266(b)(3)(B), however. That subparagraph would bar the post-exhaustion amendment that restores the newly exhausted claims unless the amendment could meet the exacting standards of the successive-petition bar.

Instead of staying and abeying and further exhausting, the chapter 154 petitioner will go forward: his claims in the Federal petition will have either been raised and adjudicated on the merits in State court, they will satisfy one of the section 2264(a) exceptions, or they will be dismissed, and Federal adjudication of the merits of the claims that remain before the court will commence immediately. This streamlined approach is what makes chapter 154's deadlines for district court adjudication possible. Obviously, if applicants were expected to use the stay-and-abeyance system, and proceedings were put on hold so that another round of State-court review could be completed, district courts would not be able to resolve chapter 154 petitions within 15-month limit, much less the 180 days required prior to 2006, that is imposed by section 2266.

Section 2264's abolition of stay-and-abey would have made a real difference in some of the cases that I have described. For example, in the case of the man who killed Mary Ann Hughes's son, eliminating the need to return to State court to exhaust new claims would have reduced the delay in the Federal proceedings by nearly 3 years. And in the case of Michelle Melander, the baby girl who was killed in 1981 whose case is described in Carol Fornoff's testimony, the section 2264 system would have eliminated 5 years of delay from the ongoing Federal proceedings in that case.

By requiring that chapter 154 courts only consider claims adjudicated on the merits in the State courts, and limiting the exceptions to that rule to those enumerated in section 2264(a), chapter 154 also effectively eliminates use of several other exceptions to the procedural-default doctrine that I believe have proven problematic. The chapter 153 procedural-default doctrine derives from the Supreme Court's own rules for allowing review of a State court judgment when respondent asserts the presence of an adequate and independent State bar to review of the Federal question. These exceptions are numerous, complex, and in some cases they are overly broad and simply do not provide an adequate justification for ignoring State procedural rules. It generally is not a significant burden on the States that the U.S. Supreme Court has granted itself such broad and amorphous authority to override State procedural requirements. The Supreme Court only decides a limited number of cases every year. But on Federal habeas, where every State criminal conviction effectively is subject to ''appeal of right'' in Federal court, application of the full panoply of the U.S. Supreme Court's exceptions to the adequate-and-independent State grounds rule has become burdensome and unwieldy.

One exception to the adequate-and-independent State grounds doctrine that has proved particularly problematic in the habeas context is the rule that a State procedural bar is not adequate to preclude further Federal review if the procedural requirement is ''inconsistently applied'' by the State courts. Viewed literally and without regard to the policies underlying the procedural default doctrine, the ''inconsistently applied'' standard can have a disturbingly broad sweep. This standard can be understood to void any State procedural rule that has been altered in any way or that is not strictly enforced in absolutely every case.

Unfortunately, some lower Federal courts have adopted this draconian interpretation. For example, the Ninth Circuit has held that if a State's highest court clarifies a State procedural rule or reconciles competing interpretations of that rule, then that rule was ''inconsistently applied'' prior to such clarification. As a result, the Ninth Circuit deems the State rule ''inadequate'' to be enforced on Federal habeas review prior to that point.

Another problematic area of chapter-153 procedural-default jurisprudence is particular Federal courts' interpretation of the ''independence'' requirement. A State procedural decision cannot serve as a bar to further review on the merits if it is not truly procedural—i.e., if it is in reality a decision on the merits of the Federal claim. Many State courts have incorporated into their procedural rules—particularly their deadlines for filing claims—an ''ends of justice,'' ''plain error,'' or ''manifest injustice'' exception that allows State courts to hear the occasional egregious but untimely or otherwise improper claim. Presumably, in applying such an exception, these State courts perform at least a cursory review of the merits of every petition, even those that clearly are untimely. Technically, because these State courts conduct such review, their deadlines are not purely ''procedural''—they involve some review, however fleeting, of the merits—and therefore these deadlines are not ''adequate'' for habeas purposes. The Ninth Circuit has adopted this rather extreme interpretation of the adequacy requirement.

It is difficult to understate the perverse consequences of the more extreme interpretations of the exceptions to the chapter-153 procedural default doctrine. By punishing State courts for ever departing from or even clarifying their procedural rules, or for exercising discretion to hear egregious cases, these interpretations deter State courts from making the kind of commonsense decisions that are essential to preventing a miscarriage of justice. No system of procedure will ever be perfect; every system will always require some exceptions in order to operate fairly and efficiently. Yet under some Federal courts' interpretations of procedural default, unless the State court adopts a zero-tolerance approach to all untimely claims, no matter how worthy of an exception, the State procedural rule is at risk of being voided for all Federal habeas cases.

In Arizona, litigants have seen the inevitable consequences of the Ninth Circuit's no-good-deed-goes-unpunished rule: when liberality towards criminal defendants is held against the State on Federal habeas, the State will outlaw such liberality. In his August 19, 2005, answers to written questions submitted to him by Senator LEAHY, Arizona prosecutor John Todd described the effect of the Ninth Circuit's application of an extreme ''independence'' requirement:

> as a result of Federal court rulings, the Arizona Legislature repealed the requirement that all criminal cases be reviewed by the state appellate courts for fundamental error. When an appellate court in Arizona reviewed the entire record for fundamental error, it did not matter that the defendant procedurally defaulted the issue. If the error were serious enough, even if it was only an error of state law, a defendant would receive relief in state court through this fundamental error review. Fearing that the Ninth Circuit's decision in *Beam* v. *Paskett*, 3 F.3d 1301, 1305 (9th Cir. 1993), would open Arizona criminal cases to endless litigation, the Arizona Legislature repealed Ariz. Rev. Stat. Ann. §13–4035 in 1995.

This is not a result that anyone should want. States should not be discouraged from affording broad review to a prisoner's claims in State court or exercising flexibility in their application of procedural rules. Yet in the Ninth Circuit, State executives would be ill advised to adopt any procedural rule that affords courts any discretion

or includes any plain-error type exceptions.

The Ninth Circuit has accounted for a disproportionate share of all Federal court of appeals decisions identifying exceptions to the chapter-153 procedural default doctrine, and has issued several particularly extreme interpretations of the doctrine. The States in that circuit effectively are subject to a different habeas regime. The Ninth Circuit has now voided State procedural rules in six of the States under its jurisdiction. It has found State procedures either inadequate or insufficiently independent to limit Federal review in California, Oregon, Arizona, Washington, Idaho, and Nevada.

Section 2264 eliminates these problems. Rather than incorporating the procedural-default doctrine and all of its baggage, it starts fresh; it bars all claims not raised and decided on the merits unless one of three narrow exceptions applies. It does not matter under chapter 154 that a Federal court thinks that the State's rules are not ''adequate'' or are not sufficiently ''independent,'' because the adequacy and independence of the State rule no longer are the basis for barring review of the claim in Federal court. Under chapter 154, that basis will be section 2264, which employs its own standard and exceptions. And under that section, no longer will the labyrinthine body of caselaw governing the Supreme Court's certiorari jurisdiction over cases decided on State-law grounds be applied to every State capital conviction on Federal collateral review.

Section 2264 also eliminates the overused ''ineffective assistance gateway'' that is a frequent feature of chapter 153 litigation. Under chapter 153, litigants often seek to recast claims that they know are defaulted as claims of ineffective assistance of counsel. They argue that the default should be excused because State trial or appellate counsel was ineffective. Chapter 154 does not include this exception. If a claim of ineffective assistance of trial or appellate counsel itself was raised and decided on the merits in State court, that same claim can be raised in Federal court. But otherwise, chapter 154 charges petitioners with the acts of their attorneys. The whole point of chapter 154 is to persuade States to establish mechanisms for providing defendants with qualified postconviction counsel. If a State has opted in to chapter 154, the petitioner presumptively received qualified counsel at all stages of his State proceedings, and opportunities to litigate issues of counsel competency should be scaled back. If the factual predicate of a claim could have been discovered through the exercise of due diligence, then per paragraph (3) of section 2264(a), regardless of what the attorney did or did not do, that claim does not qualify for an exception to the main rule of 2264(a) and it cannot be raised in Federal court.

It also bears mention that section 507 includes a retroactivity provision that my Arizona colleague, Congressman FLAKE, thought particularly important. New section 2265(a)(2) provides that the date that a State established the mechanism by which it qualifies for chapter 154 ''shall be the effective date of the certification under this subsection.'' This was intended to ensure that if a State established a mechanism for providing qualified counsel to capital defendants on postconviction review prior to the formal designation of a State as chapter-154 eligible—or even prior to the enactment of chapter 154—then all capital defendants who received counsel after the establishment of that mechanism shall be subject to chapter 154, even if they filed a Federal petition before the State is certified as chapter-154 eligible.

I had originally thought this provision sufficient to ensure that a State would receive the full benefits of chapter 154 even for Federal petitions filed before the State is certified as chapter-154 compliant. But questions of retroactivity often prove more complicated than they first appear. Representative FLAKE raised with me the question of whether even if a Federal petition filed precertification is deemed subject to chapter 154, Federal courts could still find that the procedural benefits of chapter 154 only apply to that case on a going-forward basis. In other words, the effective-date provision guarantees that even a prefiling petition is now governed by chapter 154, but chapter 154's procedural restrictions might be construed to not apply to what is already in that petition. For States such as Arizona, this would mean—assuming, of course, that I am correct in predicting that the U.S. Attorney General will find Arizona 154-eligible—that section 507 does not completely undo the damage done by the Spears case. It is possible, for example, that in Spears itself or in subsequent cases that should have been subject to chapter 154, additional claims have been amended into the petition that would not satisfy 2266(b)(3)(B), or unexhausted claims already may have been returned to State court for further exhaustion and the Federal petition stayed.

Given that stay-and-abey sometimes adds 5 years to the time that it takes to address a Federal petition, Mr. Flake and I decided that it should be made clear that the whole petition would be subject to chapter 154, not just new claims and amendments added after the State is certified as 154 eligible. To that end, subsection (d) was inserted into the middle of section 507 to ensure that the 154 changes—including the effective-date provision—would operate against pending cases. In effect, this provision guarantees the even for a pending case, the effective date provision applies retroactively and the case is regarded as always having been subject to chapter 154. Thus once a State is certified as 154-eligible and a particular petition falls within that chapter's sweep, the courts should review the whole petition and treat it as if chapter 154 had been applicable since before the petition was filed. Claims added via post-answer amendments should be reviewed for consistency with section 2266(b)(3)(B). If they do not qualify, they should be struck, just as they would have been if the petition had been governed by chapter 154 at the time when the amendment was filed. And most importantly, no unexhausted claim in a chapter-154 petition may be permitted to serve as a basis for ''stay and abey.'' Either that claim will satisfy one of the 2264(a) exceptions, and review of that claim and ''raised and decided'' claims in the petition will go forward immediately, or the claim will not meet the exception, it will be dismissed, and review of the rest of the proper claims in that petition will go forward immediately. In either event, review of all Federal petitions made subject to chapter 154 will go forward immediately, though the petitioner may, of course, continue to simultaneously pursue State review of the unexhausted claim, and the chapter 154 time deadlines will start running. Per paragraph (d)(2), that deadline does not run until section 507 is enacted with regard to a particular State—meaning that it does not run until the State is certified as chapter-154 eligible pursuant to section 507. Under section 507, once a petition is made subject to chapter 154, it can no longer be held in abeyance so that the petitioner can pursue State exhaustion of unexhausted claims.

Finally, I would like to thank those individuals who have been important to the enactment of section 507. This group includes Mike O'Neill and Brett Tolman of Chairman SPECTER's staff, Mike Volkov of Chairman SENSENBRENNER's staff, and Brian Clifford of Congressman FLAKE's staff. I also thank Kent Scheidegger of the Criminal Justice Legal Foundation, who came up with the idea that became section 507. Finally, I also thank Chairman SPECTER, who was willing to accommodate me on a matter of importance to prosecutors and crime victims in the State of Arizona by including section 507 in this conference report.

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

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

Mr. FEINGOLD. Mr. President, in a few minutes, the Senate will conclude a process that began over a year ago by reauthorizing the PATRIOT Act. I will have a few closing remarks, but first I want to take this opportunity to thank the extraordinary staff who have worked on this bill for so long. These men and women, on both sides of the aisle, have worked extremely hard, and

they deserve to be recognized. Before I yield the floor, I will recognize the staff by name.

Mr. President, beginning in November, when we first saw a draft of the conference report, I have spoken at length about the substance of this bill. I hoped that when we started the task of reauthorizing the PATRIOT Act at the beginning of last year, the end product would be something the whole Senate could support. We had a real chance to pass a bill that would both reauthorize the tools to prevent terrorism and fix the provisions that threaten the rights and freedoms of innocent Americans.

This conference report, even as amended by the bill incorporating the White House deal that we passed yesterday, falls well short of that goal. And so, of course, I will vote no.

Protecting the country from terrorism while also protecting our rights is a challenge for every one of us, particularly in the current political climate, and it is a challenge we all take seriously. I know many Senators who will vote for this reauthorization bill in a few minutes would have preferred to enact the bill we actually passed, without a single objection, in the Senate in July of last year.

I appreciate that so many of my colleagues came to recognize the need to take the opportunity presented by the sunset provisions included in the original PATRIOT Act to make changes that would better protect civil liberties than did the law we enacted in haste in October 2001. Nevertheless, I am deeply disappointed we have largely wasted this opportunity to fix the obvious problems with the PATRIOT Act.

The reason I spent so much time in the past few days talking about how the public views the PATRIOT Act was to make it clear that this fight was not about one Senator arguing about the details of the law. This fight was about trying to restore the public's trust in our Government. That trust has been severely shaken as the public learned more and more about the PATRIOT Act which we passed with so little debate in 2001 and as the administration resisted congressional oversight efforts and repeatedly politicized the reauthorization process. The revelations about secret, warrantless surveillance last year only confirmed the suspicions of many in our country that the Government is, unfortunately, willing to trample the rule of law and constitutional guarantees in the fight against terrorism.

The truth is, the negative reaction to the PATRIOT Act has been overwhelming. Over 400 State and local government bodies passed resolutions pleading with Congress to change the law. Citizens have signed petitions, library associations and campus groups have organized to petition the Congress to act. Numerous editorials have been written urging Congress not to reauthorize the law without adequate protections for civil liberties.

These things occurred because Americans across the country recognize that the PATRIOT Act includes provisions that pose a threat to their privacy and to their liberty. These are values—values—that are at the very core of what this country represents and of who we are as a people.

In 2001, we were viciously attacked by terrorists who care nothing for American freedoms and American values. We, as a people, came together to fight back, and we are prepared to make great sacrifices to defeat those who would destroy us. But what we will not do, and what we cannot do, is destroy our own freedoms in the process.

Without freedom, we are not America. If we do not preserve our liberties, we cannot win this war, no matter how many terrorists we capture or kill. That is why the several Senators who have said, at one time or another during this debate, things such as, ''Civil liberties do not mean much when you are dead,'' are wrong about America at the most basic level. It seems they do not understand what America is all about. Theirs is a vision that the Founders of this Nation, who risked everything for freedom, would categorically reject, and so do the American people.

Americans want to defeat terrorism, and they want the basic character of this country to survive and prosper. They want to empower the Government to protect the Nation from terrorists, and they want protections against Government overreaching and Government overreacting. They know it might not be easy, but they expect the Congress to figure out how to do it. They do not want defeatism—defeatism—on either score. They want both security and liberty. And unless we give them both—and we can, if we try—then we have failed.

This fight is not over. The vote today will not assuage the deep and legitimate concerns the public has about the PATRIOT Act. I am convinced that in the end the Government will respond to the people, as it should. We will defeat the terrorists, and we will preserve the freedom and liberty that make this the greatest country on the face of the Earth.

It has been a particular privilege to work for so long and so closely with the bipartisan group that developed the SAFE Act. Each Senator is supported by dedicated and talented staff, and let me mention a few of them now. For Senator SUNUNU, Dave Cuzzi. Joe Zogby for Senator DURBIN; Brooke Roberts and Lisa McGrath for Senator CRAIG; Sam Mitchell with Senator SALAZAR; and Isaac Edwards with Senator MURKOWSKI. Let me also recognize Bruce Cohen, Julie Katzman, and Tara Magner with Senator LEAHY; and Chairman SPECTER's hardworking team—Mike O'Neill, Brett Tolman, and Nick Rossi. Other key staff on the Judiciary Committee include Joe Matal with Senator KYL; Christine Leonard with Senator KENNEDY; Steve Cash for Senator FEINSTEIN; Paul Thompson with Senator DEWINE; Reed O'Connor with Senator CORNYN; and Bruce Artim with Senator HATCH; Cindy Hayden with Senator SESSIONS; Preet Bharara with Senator SCHUMER; Chad Groover with Senator GRASSLEY; Eric Rosen with Senator BIDEN; Ajit Pai with Senator BROWNBACK; Mary Chesser with Senator COBURN; Nate Jones with Senator KOHL; and James Galyean with Senator GRAHAM.

Staff for a number of Senators not on the committee worked very hard on this bill as well. Let me recognize Brandon Milhorn and Jack Livingston for Senator ROBERTS; Mike Davidson, who works for Senator ROCKEFELLER; Joe Bryan with Senator LEVIN; Alex Perkins and John Dickas with Senator WYDEN; Steve Taylor with Senator HAGEL; Ruchi Bhowmik with Senator OBAMA; Mirah Horowitz with Senator KERRY; Caryn Compton with Senator BYRD; Eric Buehlmann with Senator JEFFORDS; and Alan Hicks with Senator FRIST. And thanks also to Senator REID's staffers, Ron Weich and Serena Hoy, and to our Democratic floor staff—Marty Paone, Lula Davis, Gary Myrick, Chris Kang, and Mike Spahn for their help over the past several weeks of this debate.

Finally, let me sincerely thank my own tireless and dedicated staff: Mary Irvine, Paul Weinberger, Sumner Slichter, Chuck Stertz, Bob Schiff, Lara Flint, Farhana Khera, Alex Busansky, Sarah Preis, Margaret Whiting, Molly Askin, John Haffner, Bharat Ramamurti, Avery Wentzel, Tracy Jacobson, and Molly McNab.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. The time is yielded back.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I yield myself such time as I may need.

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

Mr. HATCH. In more than 4 years since the September 11, 2001, attack on the United States, the PATRIOT Act has helped to protect our homeland from subsequent terrorist attack. Reauthorizing this effective piece of legislation is an important victory in the

continued war on terror. The PATRIOT Act safeguards freedoms of American citizens while aggressively curtailing the opportunities terrorists have to strike. We have added many provisions designed to ensure that our civil liberties remain unaffected despite the fact that civil libertarians were completely unable to point to one incident or provide any example of abuses under the original PATRIOT Act.

As everybody knows, that act was negotiated in the Judiciary Committee when I was chairman, and I had a lot to do with it, along with Senator LEAHY and others. We found that the original PATRIOT Act functioned very well in the protection of our country.

The PATRIOT Act has enjoyed robust public support in Utah since its inception. According to Dan Jones and Associates, our leading pollster in Utah, every time the firm has polled Utahns in the last 4 years, 60 percent or more have voiced approval of the antiterrorism measure. A poll of U.S. citizens reported that more than 60 percent of Americans believed that the Government should do more to protect this country from attack. Reauthorizing this act is definitely the right thing to do for our country at a time when we tend to forget that there are people and governments out there and in here that are committed to wiping the United States of America off the face of the Earth. I, for one, will stand up and say: Not on my watch.

We have held hearing after hearing listening to all sides' robust debate about how to change the PATRIOT Act. We have had some ridiculous suggestions, we have had some good suggestions, and we have had some that we have had to take on this bill that really are not very good. My prayer is that the terrorists will be foiled by our intelligence and law enforcement agencies before another attack. But we have to give those agencies the tools to do that. I have a lot of faith in the ability of law enforcement men and women to do the job effectively. My hope is that those who have agreed that we can take away some of the tools afforded these men and women are wrong, that we can prevent another attack and reduce the ability of law enforcement to prevent those attacks at the same time.

The additional language that has been demanded in this bill does exactly that. It has reduced our ability to be able to protect the Nation under the guise that we had to protect civil liberties that were never infringed upon in the 4 years that the PATRIOT Act has been in existence. I particularly commend Senators SPECTER and LEAHY for the work they have done, Congressman SENSENBRENNER in the House, and other members of the Judiciary Committee in the House. They have worked long and hard. There have been some provisions that we had to take in order to get this bill reauthorized to protect the American people that we wish we didn't have to take. I just hope this bill will work as well as the original PATRIOT Act which has done so well in keeping us free of terror ever since 9/11.

I don't think anybody can doubt that. We held some 24 hearings over the years when I was chairman on the PATRIOT Act. I demanded that every hearing show us where the act has not acted properly, show us where there has been a violation, show us where there has been a violation of civil liberties, show us where somebody who is a noncriminal has been hurt by the PATRIOT Act. The fact is, not one time in all those hearings have they been able to come up with one illustration that people's civil liberties have been interfered with.

We passed a bill that was the Hatch-Dole bill back in, I believe it was 1996. It was the antiterrorism effective death penalty bill. That bill took care of domestic terrorism, but our laws were not up to speed with regard to international terrorism. So the PATRIOT Act was the way that we got our laws up to speed so that we could work against international terrorism. All of these provisions in the original PATRIOT Act we basically have in our anticrime laws. So what we did is, we had these laws that would enable law enforcement to do a lot of things to protect us against the Mafia, against child molesters, against pornographers. We brought the PATRIOT Act up to the level of those law enforcement tools. That is what the original PATRIOT Act did. That wasn't good enough for some of our colleagues. So there has been a lot of screaming and shouting about the PATRIOT Act, even though not one illustration has been given in the last, really, 5 years that would indicate that the original PATRIOT Act had interfered with anybody's just civil liberties.

We need to pass this bill such as it is. We need to pass it and enact it into law and give our law enforcement the tools they need to be able to protect us. I just wish we could have reenacted the original PATRIOT Act. But be that as it may, I compliment the chairman of the Judiciary Committee and the distinguished ranking member, Senator LEAHY, for the work they have done. I don't think it could have happened without them and without Chairman SENSENBRENNER and others in the House. I express my regard for them and my regard for this bill and hope everybody will vote for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know some time has been specifically retained to the Senator from Vermont. Would the Chair be good enough to tell me how much time that is?

The PRESIDING OFFICER. Fourteen and a half minutes.

Mr. LEAHY. I thank my good friend.

Today's vote marks another stage in reauthorizing the USA PATRIOT Act. Our goal has always been to mend the PATRIOT Act, not to end it. To that end we passed a bipartisan bill with better provisions last July after it was unanimously reported by the Judiciary Committee. I appreciate the kind words of the Senator from Utah. He voted for that bill. I voted for that bill. The distinguished chairman of the committee, Senator SPECTER, voted for the bill. We have all been chairman of that committee. The bill came here to the floor of the Senate, and the Senate voted it out unanimously. That was a good bill.

Then the House-Senate conference was hijacked. Democratic conferees were excluded at the request of the Bush-Cheney administration, and congressional Republicans wrote the bill. I worked to get that process and the bill back on track and, working with Chairman SPECTER, we were able to make some progress and get some helpful additions and changes. But the conference report that was insisted upon by the Bush-Cheney administration and passed by Republican leaders through the House was still flawed.

Last December, I worked with a bipartisan coalition of Senators to oppose final passage of that conference report and create some additional opportunities for improvements. That led to the Sununu bill which is in essence an amendment to the conference report. I supported Senator SUNUNU's efforts and praised him for it and those who worked with him. I voted for that bill. It contained some of the improvements I had pushed for. Our efforts to protect libraries from national security letters was very important to me. That is why I supported Senator SUNUNU's bill in spite of the worsening of the gag rule provisions insisted upon by the Bush-Cheney administration.

Now we turn to the conference report. Even with the Sununu bill, which I support, the conference report has not been improved sufficiently for me to support it. Just as I opposed it last December, I continue to oppose it. The bill that the Senate will adopt today falls far too short and impinges too greatly on the liberties of Americans.

The Founders made a profound choice when they framed the fourth amendment to our Constitution as a measure to ensure the right of the people to be secure. The word they used was ''secure.'' The fourth amendment is, of course, about guaranteeing our privacy rights and the requirement of the judicial check on the Government invading our homes, our papers, and our effects. The Founders saw that as the right to be secure. As the Constitution and the Bill of Rights were written so carefully, every single word holds meaning. They saw a right to be secure, and so do I. I believe that Americans' security includes our national security, our security from terrorism, and also our right to be secure as Americans. That means exercising the liberties and rights and freedoms that define us across the world uniquely as Americans.

I do not believe this bill achieves the balance that we could have and should

have achieved. The final product would have been better had the Bush-Cheney administration and congressional Republicans not insisted on locking Democrats out of the negotiations throughout the process.

Still this bill, through our efforts, in some ways represents an improvement. It has better sunshine and reporting provisions. I worked hard to include these new provisions because sunshine, coupled with sunset provisions, adds up to more accountability in the use of these Government powers. But some key provisions remain significantly flawed.

I respect those who conclude that on balance the bill's virtues outweigh its vices. And it has both. But I believe we can and should do better. I believe America can do better.

I am one who worked diligently on the original PATRIOT Act in the days following the attacks of 9/11. I was chairman of the Judiciary Committee. We moved it through in record time. I also voted to reauthorize and improve a bipartisan version of the act back in July of 2005. I joined with Senator SUNUNU in leading the effort to ensure that the provisions did not expire when we reached an impasse last fall.

In the PATRIOT Act, we provided important and valuable tools for the protection of Americans from terrorism, and I have worked and voted to preserve them. But I am disappointed that this conference report represents a missed opportunity to get it right, to recalibrate the balance better, to respect the liberties and rights of Americans while protecting us from those who threaten harm.

I am concerned, as all Americans are, with our security. The Presiding Officer and I and thousands of others come to work every day in a building that was targeted for destruction by al-Qaida. I cannot think of anything I will do in my life that makes me more proud than to be in the Senate and come in this building every day. But I want this building secure for you, for me, and for everybody who works here. I know what it means to be targeted. I was a target of a letter laced with deadly anthrax. I was supposed to open it. A couple of innocent postal workers who touched the outside of the envelope died before it reached me, and it was stopped before it got to my desk. It doesn't hit much closer to home than that.

Many of us recall Benjamin Franklin's wise counsel. He was a man involved in a revolution against King George III. Had that revolution failed, he and his compatriots would have been hanged. When he was working to form a government that would respect liberty and protect people, he cautioned that those who would give up essential liberties for temporary security deserve neither liberty or security.

More than 200 years later, we should listen to Benjamin Franklin. We have to preserve our essential liberties or we do not preserve what makes us Americans.

The seriously bad parts of this bill are made unacceptable because we currently have an administration that does not believe in checks and balances and prefers to do so many things in secret. We now see the Bush-Cheney administration seeking to twist the authorization for use of military force against al-Qaida into a justification for the secret, warrantless wiretapping of Americans' e-mails and telephone calls. We see them claiming that they need not fulfill their constitutional responsibility to faithfully execute the laws but can pick and choose among the laws they decide to recognize. Even the Attorney General writes to the Judiciary Committee saying their position on the law evolves. I did not realize there were such legislative Darwinists in this administration that they believe so strongly in evolution when it suits their purpose.

Legislative action should be the clear and unambiguous legal footing for any Government powers. These matters should be governed by law, not by whim or some shifting conception of the President's inherent authority that is exercised in secret. Confronted with this administration's unique claims of inherent and unchecked powers, I do not believe the restraints we have been able to include in this reauthorization of the PATRIOT Act are sufficient.

I will continue to work to provide the tools that we need to protect the American people. I trust that Vermonters will understand that while I have repeatedly voted to extend and reauthorize the PATRIOT Act, this permanent measure falls short of what they deserve.

I will continue to work to provide the oversight and checks needed on the use of Government power. I know the Senate is going to adopt this measure now, but it is a pale shadow of what it could have been had the administration not stepped in and told the leadership in the House and the Senate that they had to get in line and do what the administration wanted, not what an independent Congress should do. It is not the best that the greatest democracy on Earth deserves. I will keep fighting for us to do better.

I will continue to work to improve the PATRIOT Act, and I will work to provide better oversight over the use of national security letters and to remove the un-American restraints on meaningful judicial review. I will seek to monitor how sensitive personal information from medical files, gun stores, and libraries is obtained and used. I will join Senators SPECTER, SUNUNU, CRAIG, and others in introducing a bill to improve the PATRIOT Act and reauthorization legislation in several important respects. Much is left to be done.

If Senators work together, much can be accomplished. We will be a more secure Nation if we do, and also our liberties will be more secure. Certainly, we owe that to the next generation, to protect the liberties so many other generations have fought to provide for us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, in a few moments, we will be passing the PATRIOT Act. By passing it, we will make America safer, while safeguarding our civil liberties and privacy. America will be safer because law enforcement will have the tools to track suspected terrorists and break up terrorist cells before harm is done to innocent Americans. America will be safer because the conference report goes beyond the original PATRIOT Act to combat terrorist financing and money laundering, protect our mass-transportation systems and the railways, secure our seaports, and fight methamphetamine drug abuse—what has grown to become the No. 1 drug problem in America—and it does so by restricting access to the ingredients that make that poisonous drug.

Today we are making a statement that we cannot return to a pre-9/11 structure that could cost innocent Americans their lives. We will not return to the days of the pre-9/11 bureaucratic wall that blocked information sharing between law enforcement and intelligence. We cannot go back. We must go forward.

Due to persistent delays and obstruction by some of my friends on the other side of the aisle, it has taken far too long to get to today's vote. By remaining focused on our goals, focused on governing with meaningful solutions, to act on principles and to make America safer and security our No. 1 priority, we will prevail today.

I am proud to cast my vote to support the PATRIOT Act, and I urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. COLEMAN). Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to vote on the adoption of the conference report to accompany H.R. 3199.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—89

Alexander	Dole	Menendez
Allard	Domenici	Mikulski
Allen	Dorgan	Murkowski
Baucus	Durbin	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Obama
Biden	Feinstein	Pryor
Bond	Frist	Reed
Boxer	Graham	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Salazar
Burr	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Isakson	Sessions
Chambliss	Johnson	Shelby
Clinton	Kennedy	Smith
Coburn	Kerry	Snowe
Cochran	Kohl	Specter
Coleman	Kyl	Stabenow
Collins	Landrieu	Stevens
Conrad	Lautenberg	Sununu
Cornyn	Lieberman	Talent
Craig	Lincoln	Thomas
Crapo	Lott	Thune
Dayton	Lugar	Vitter
DeMint	Martinez	Voinovich
DeWine	McCain	Warner
Dodd	McConnell	

NAYS—10

Akaka	Harkin	Murray
Bingaman	Jeffords	Wyden
Byrd	Leahy	
Feingold	Levin	

NOT VOTING—1

Inouye

The conference report was agreed to.

UNANIMOUS CONSENT AGREEMENT—S. 2320

Mr. FRIST. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 2320, the LIHEAP bill, be vitiated.

I further ask consent that immediately after the consent, the Senate proceed to the consideration of the bill, provided further that Senator ENSIGN or his designee be immediately recognized in order to make a Budget Act point of order and that Senator SNOWE or her designee be recognized in order to move to waive. I further ask that there then be one-half hour of debate, equally divided, prior to a vote on the motion to waive.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Under the previous order, the cloture motion is vitiated.

Mr. FRIST. Mr. President, we will be having a vote in 30 minutes. In all likelihood, that will be the last vote of the day.

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006 and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is to be recognized. The Senate will be in order.

Mr. COBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the pending bill, S. 2320, offered by the Senator from Maine, increases direct spending in excess of the allocation to the Health, Education, Labor, and Pensions Committee. Therefore, I raise a point of order against the bill, pursuant to section 302(f) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive the applicable points of order. I move to waive the point of order under the applicable provisions of the rules and statutes.

The PRESIDING OFFICER. The motion to waive is debatable. There is 30 minutes equally divided.

Who yields time? The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to ask the Senate to do the right thing and to oppose this budget point of order brought up against this legislation that will provide emergency funding for the Low Income Home Energy Assistance Program.

I thank the majority leader for his assistance in advancing this legislation. It is the culmination of his considerable efforts over the last few months to bring forward this legislation. I thank the minority leader as well for recognizing the importance and vitality of this issue, and promoting this amendment forward as well.

Mr. President, I know you are sitting in the chair, but you have been one of the leaders on this issue, trying to get additional commitment for funding for low-income fuel assistance, particularly for this winter, along with my colleague, Senator COLLINS of Maine. This legislation addresses a nationwide crisis by bipartisan consensus and fiscal responsibility. This legislation shifts the fiscal year for LIHEAP funding into the Deficit Reduction Act of 2005, which was already signed into law, from 2007 to 2006. This will provide an additional $1 billion for all those Americans who simply cannot wait any longer for relief from home heating fuel costs that have skyrocketed over last year's heating bill.

The vote we will be taking this afternoon is on the budget point of order against this bill. I would like to elaborate on why this legislation is absolutely vital to increasing the funding for low-income fuel assistance for all parts of the country that depend upon this program.

There has been a lot of misinformation with respect to exactly what this bill is all about. First of all, it is budget neutral. Don't take my word for it; it is the conclusion of the Congressional Budget Office. All of the funds under this bill have already been appropriated and accounted for within the budget. All this measure will do is shift the funds from fiscal year 2007 to 2006. There is no additional, there is no new spending.

This approach is not only fiscally sound and budget neutral, but, critically, it will allow States the flexibility to allocate funds to the residents who are struggling to pay for energy bills this year. The White House and our Senate leadership recognize this is the fiscally responsible solution to resolve this crisis.

I know some have said essentially we believe the LIHEAP program should be funded through contingency measures such as this legislation. That is what this legislation does, it utilizes the existing formula. It is not only cold weather States but also warm weather States that will benefit under this legislation.

I regret some of the misinformation that has been circulated with respect to LIHEAP as to who will benefit, which States will benefit under this legislation. I submit that in a year of high energy costs—and it has been a year of high energy costs, anywhere from 30 percent to 50 percent—it has devastated our State of Maine, Minnesota, and all parts of the country that have had to rely on home heating oil or natural gas or whatever the alternative. But the fact remains, the prices have increased 30 percent to 50 percent over last year's, and last year's prices went up 20 percent to 30 percent. That factor is not in dispute.

The additional factor is that we are using the same distribution formula. I believe that needs to be understood because I have seen some of the papers distributed as to which States will benefit. It is totally inaccurate. Nothing has changed with respect to that formula.

On the issues that are important to know about this increase in LIHEAP funding, No. 1, it is budget neutral; No. 2, it will not increase spending; and No. 3, the distribution formula remains the same. I regret that we have seen so much misinformation and mischaracterization with respect to the funding formula under this legislation.

Finally, we have heard: Well, it is a mild winter. I would like you to come to Maine, if you think it is a mild winter, and you ask all those people about the 30 percent to 50 percent increases. The current low-income fuel assistance program has not had an increase in real dollar terms since 1983. I happened to be in the House of Representatives when we created this program. It has not increased in real terms. If anything, it has been reduced. I regret that we have reached this point in time with respect to this vital program that so many low-income individuals depend upon who can barely make ends meet given the extent of the costs this winter with respect to home heating oil.

We are now talking about a program that has not increased in net terms

since 1983, when oil was $29 a barrel. Today it is more than $60 a barrel. Eighty-four percent of the people qualified for LIHEAP funds—and 80 percent of my State—are dependent upon home heating oil. It is a crushing financial burden.

Let there be no mistake about the fact that this program is vital. It is significant. It is essential to so many of the families in my State and across the country. The urgency of this legislation has escalated to an emergency. Last year, Americans struggled because of the high cost of energy. This year, they continue to struggle. We know the personal terms in which people have been devastated by the increased costs of energy.

I hope the Senate would waive the budget point of order because this amendment, this legislation, is budget neutral, and it does depend upon the existing distribution formula. Both cold weather States and warm weather States stand to benefit. There has also been a mischaracterization and misinterpretation about the distribution of this funding under this legislation. In fact, it was the agreement that we reached before Christmas. That was essentially the agreement we reached before Christmas. The very distribution formula we agreed to, the one which has been the status quo, the one which we agreed to with those who represent warm weather States, is exactly what this legislation before us is all about. Nothing has changed. I deeply regret to see what has been distributed and circulated that would suggest otherwise because it simply is not true.

Mr. President, I reserve the remainder of my time.

Ms. LANDRIEU. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. The Senator from Maine has made a very passionate plea and one with which I tend to agree. I am a supporter of this program and a supporter of making the formula even more fair for the Southern States that have very high energy costs as well—different but high. But would the Senator agree that another way to bring down prices of oil and gas would be to increase the supply of oil and gas into our country? Would the Senator at least acknowledge that is another way to help people?

Ms. SNOWE. Mr. President, I would like to reclaim my time because I don't think we ought to debate the question here today. I don't think there is any question about that.

But in the meantime, we have to address an emergency, and that emergency exists in my State and many other States across the country, including the Senator's State. I think it is a matter of fairness and it is a matter of equity and it is a matter of balance.

I think indisputable about why we need this legislation and why we need this funding now. I hope Members of the Senate will recognize that. This is fairly distributed for warm and cold weather States. I hope we can increase the supply. But right now we have to deal with the emergency that is presented in my State and many other States across the country.

I reserve the remainder of my time.

Ms. LANDRIEU. I thank the Senator. I don't want to take any more time. I am going to support bringing this bill up because I believe, as the Senator outlined, it is an emergency and something we need to do.

But I want to say for the Record that there are other ways we can lower the price. Louisiana and the gulf coast is prepared to do that. I hope, as we move on with this debate, we can get to that issue as well.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, first of all, I was in the meeting with Senator SNOWE before Christmas. This is not the formula that we had agreed on in those meetings.

Second of all, the formula that she says will benefit the warmer States is not accurate. It is not historically accurate. It is not accurate with regards to the contingency funding. Contingency funds were released in January. There are 29 States that will be worse off under the Snowe proposal, if this money is put through the regular formula, the warmer States benefit. The whole formula was set up so that mostly colder States would benefit from the first dollars, and then if dollars are added, the warmer States would benefit.

But the way this amendment is set up that is, in fact, not what happens.

We have a budget point of order. People have to know that we are not voting on cloture on the bill or cloture on a motion to proceed to the bill, but we are actually voting on a budget point of order.

This has been described as a mild winter. There is plenty of evidence for that, especially on the east coast. I think the only two States that could arguably say it has been a harsher winter than normal are Oregon and Washington. And most of the rest of the country has had a fairly mild winter.

The point that somehow the Northeast needs this more because they have more higher heating expenses isn't true. Electricity in most of the country now is generated by natural gas. Because of the environmental concerns plants have switched over to natural gas. Air conditioning in the Southern States is just as critical as heat in Northern States. When it gets hot enough, people die from heat.

The LIHEAP formula was set up to be able to help warmer States and help low-income people in those warmer States. Frankly, this proposal does not do that. It does not do that fairly. If this money were all put through the regular formula this would be a fair proposal.

That is why the Senator from Louisiana's State would lose around $18 million if this formula were done differently, as she would like to see it done, versus the way Senator SNOWE has this drafted.

I didn't think this is the time for us to be waiving budget points of order. We are facing difficult fiscal times, and we need to show some fiscal restraint around here. Hopefully, we can sustain this budget point of order.

I reserve the remainder of our time.

Mr. INHOFE. Mr. President, I say to the Senator from Nevada, frankly, I think the Senator from Louisiana made a very good point coming up and saying this makes sense. I had an amendment that would allow us to go into BLM lands to extract natural gas and for LNG plants. That was taken out in the highway bill up in Massachusetts.

It doesn't seem at all reasonable to me that you would support something such as this for electricity and at the same time turn around and oppose every effort we have to try to get more natural gas to bring to these homes.

I certainly agree. I had an amendment to do that. It doesn't look like there will be an opportunity to entertain that amendment. Without that, I think it is unreasonable to expect that we would be able to do this.

Mr. ENSIGN. Mr. President, there is no question that one of the reasons this was even in the bill—in the Defense bill—was because ANWR was in there to help pay for extra money for LIHEAP. One of the reasons they say this is paid for is because they are taking money out of 2007 and moving it into 2006. We know this is a phony argument. We have seen it done around here time and time again. They are budget games that are played so they can say things are budget neutral. How do you spend $1 billion and call it budget neutral? You are not taking something else and cutting spending someplace else. You are only shifting to the next year.

This budget point of order is real, and this budget point of order I think should be sustained.

Ms. SNOWE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Maine has 5 minutes 48 seconds.

Ms. SNOWE. I yield to my colleague, Senator COLLINS, 2 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I commend you and Senator SNOWE for working so hard on this very vital issue.

I want my colleagues to understand exactly what is at stake here.

Early Tuesday morning, my State suffered a terrible tragedy—three people, including a woman and her 10-year-old son, died when their house caught fire and burned to the ground. There was the most deadly fire in Maine in 6 years. They lived in Limestone, ME, a town in northern Maine. On the night of the fire, temperatures were below zero. The family had run out of heating

oil, and as a result, was using wood stoves to provide the heat. According to the firefighters, the fire started near one of the wood stoves in the kitchen.

This is literally a matter of life and death.

At Christmastime, when I was home in my hometown of Caribou, ME, two elderly women were hospitalized with hypothermia.

This is not theoretical. It is not theoretical when there is ice in the toilet and when our elderly and low-income are at risk of illness, disease, and, yes, even death because they cannot afford the high cost of home heating oil.

The least we can do in a country as wealthy as ours is to provide some modest assistance. And those who say that the winter is almost over, come to where I am from in northern Maine. Believe me, there is a lot more winter to come.

Maine has run out of its LIHEAP funding. It is time for us to provide this modest help.

Thank you, Mr. President. I thank my colleague from Maine.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 20 minutes 43 seconds.

Mr. COBURN. Mr. President, I agree with both Senators from Maine. Our goal is not to have additional LIHEAP funding. Our goal is to make sure we don't steal it from our grandchildren, robbing from the unborn and the young in this country to do something in the name of good. It is not moral at all.

What we are saying is pay for it. To say it is paid for, to say you are paying for it, there is $1 billion allocated for next year, we are going to take that away and that is going to have to be paid for by somebody. You know who is going to pay for it? Our grandchildren.

If we want to help the people of Maine, there are a couple of things we can do. No. 1, you can use your TANF money for LIHEAP right now. That is allowed under Federal law. There is no reason anybody in Maine doesn't have the LIHEAP funds. You have money in your TANF account right now that you can transfer to solve that problem in terms of the acute problem.

The second thing you ought to know is that there is $11.2 billion in unobligated funds in Health and Human Services right now that the administration could release for LIHEAP. We don't have to be doing this. If it truly is an emergency, the administration has the money right now to send to Maine to do that. Your Governor has the ability to take TANF money right now and support LIHEAP in Maine.

But it is unconscionable for us to steal from the next generation and steal from the next budget cycle saying that we have paid for it. We haven't paid for anything. What we are doing is sacrificing the standard of living for future generations in this country through this type of process.

If you want to bring the bill to the floor, which we have offered the Senator from Maine, come to the floor, offer to spend $1 billion and give us the cuts to pay for it. Let us make the hard decisions that we were charged with to make among priorities in this country.

The other point I would make is there was an offer by the chairman of the Budget Committee last year to put an additional $1 billion in this fund. The Senator from New Hampshire offered to put another $1 billion by taking a small percentage across the board from Health and Human Services. This body voted that down. This body said we don't want to take a little bit from everybody else to pay for additional LIHEAP. We wouldn't even vote for it.

Now, when we are going to steal it from our children—the people who can't defend themselves, the future taxpayers of this country—then we are going to say it is OK, I believe it is morally wrong.

The people who need help today can get it. They can get it from the TANF funds in the State of Maine and the Northeast. They can get it from Health and Human Services, unallocated and unspent money that is sitting there right now.

We are not for not helping people, and it is not true to characterize it that way. We want to help anybody who truly needs our help.

The distribution under this formula, if you were to divide the money by everybody who could be eligible under LIHEAP, comes to $35 a house.

The other point I would make, since LIHEAP started, we have averaged $160 million a year in weatherization. That is $3.2 billion in weatherization. There are some people who would suggest that multiple homes have been winterized multiple times. There has been no oversight on weatherization. There has been no oversight on how the money has been spent. We have not done our job in terms of oversight to make sure the money that goes for LIHEAP is spent in the proper way.

I believe it very noble that the Senators from Maine want to help their constituency. Let us help you help your constituency but let us not steal it from the next generation.

I reserve the remainder of our time.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Maine.

Ms. SNOWE. Madam President, how much time remains?

The PRESIDING OFFICER. There is 3 minutes 36 seconds.

Ms. SNOWE. Madam President, I ask unanimous consent to have an additional 10 minutes on each side so we can make sure that everyone who wants to speak has a chance to speak on this issue.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Madam President, reserving the right to object, we have a lot of requests from folks who are trying to get out. I guess there are planes leaving. How about 2 minutes for each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. SNOWE. Madam President, I yield 2 minutes to the Senator from Minnesota.

Mr. COLEMAN. Madam President, I want to add my voice to this. This is not about theoretical discussions. I understand we have debates about oversight.

I held a hearing on this in Minnesota a couple of months ago.

By the way, winter is still there. And it is not just a matter of winter still being there. In Minnesota, we have some programs that allow heat not to be turned off and people have to pay that back through the course of the summer.

I had a mom come forward who has three kids, who is working and going to school, who is talking about having to give up going to school so she can pay the heating bill. I had a senior woman come forward who is paying 50 percent of her income for heat and medicine.

This is not a theoretical debate. This is about life and death. This is about suffering.

Clearly, we have an opportunity and an obligation. I hope we do it and simply do the right thing. This is a rich country. Those who need to be heard, those who are raising their voices and asking us to do the right thing in a way that is being paid for, we can debate that all we want. But the bottom line is we have the opportunity to do what is right.

I urge my colleagues to do the right thing and support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. Madam President, I want to reiterate a little about what Senator COBURN talked about, whether this bill is paid for; if people want to truly pay for this legislation then we must cut other areas of spending. This is about priorities. If this is a priority—and a lot of people think it is, the Senator from Minnesota and the Senators from Maine and others from around the country believe it is a priority—then other sacrifices must be made to meet this priority. We need to set priorities in this country.

There are those of us who believe that deficits are real. They are absolutely real. People get up and talk about them all the time. But when it comes right down to whether you are willing to make tough choices instead of just increasing the spending and passing that debt on to the next generation, they aren't willing to offer other spending cuts so that we are not increasing the deficit.

That is the point that Senator COBURN and myself are trying to make. It is time to start being fiscally responsible around here instead of just passing this debt on to the next generation.

I reserve the remainder of our time.

The PRESIDING OFFICER (Mr. CHAFEE). Who yields time?

The Senator from Maine.

Ms. SNOWE. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, we are here because people are suffering throughout the country, most particularly the coldest States.

Americans throughout this country—in the southland and in the northwest—understand that in Maine in the winter and in Washington State in the winter, people are freezing.

Senator COLLINS' very poignant and very telling story about what happens when people are desperately cold should be remembered by all of us.

I think it is astounding that we talk about poor people, trying to help them with a little bit of money for their heat and suggest that we take it from other poor people who use TANF money to feed their children so the other people can have heat. We talk of being responsible and say: Now we have to cut the deficit. I didn't hear that message weeks ago when we were talking about huge tax cuts to benefit the wealthiest Americans. That was not being responsible.

We have a chance to help people, a last chance to help people this year who are literally freezing. It we do not take it, shame on us.

Mr. COBURN. How much time remains?

The PRESIDING OFFICER. The Senator from Maine has 3 minutes, and the Senator from Oklahoma has 7 minutes 20 seconds.

Mr. COBURN. I yield 2 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, the budget point of order is not a technical budget point of order. It was a technical point of order with regard to the asbestos bill. This bill would provide $1 billion more in 2006 than the budget authorized. If we are going to spend $1 billion more than the budget authorized, how can that not be in violation of the budget?

There are two aspects: first, you say it is paid for in the future. That is irrelevant to whether the Budget Act is violated, even if it were paid for. Second, we have been around here long enough to know we are not going to cut LIHEAP next year by $1 billion. We know that.

As much as we would like to accommodate this spending—I can understand the desire of the Senators to do so—we should not do it because it violates the budget in a very fundamental way.

It clearly is an unfair allocation of funds compared to my State, which receives $17 million less if it were distributed according to the discretionary plan, as opposed to the fundamental formula.

I yield back my remaining time.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE. Mr. President, I yield 1 minute to the Senator from Connecticut.

Mr. DODD. I ask unanimous consent to be added as a cosponsor.

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

Mr. DODD. Mr. President, let me add to the words spoken by others. With all due respect, we hear people talking about deficit financing, and I could not agree more. Twenty years ago I offered a pay-as-you-go bill that got 12 votes in the Senate. We ought to be doing that.

With all due respect, we have people in deep trouble, people not in a position to have resources to take care of themselves. Those here who live in the Northeast or the Midwest and the upper tier States understand this problem.

I cannot say how many times I have voted when matters affected the South or the West or when other parts of the country were devastated. I do so proudly. I tell my constituents in Connecticut that they are Americans, they are hurting, they need our help, and I give them my vote when they are in trouble.

I find it astounding when I listen to Members who say my constituents cannot get help in their time of need. That is what we are asking. It is cold where we live. We have a month and a half of winter left.

The Senators from Maine are asking for little consideration. The next time some Senator from some part of the country says they have a problem in the gulf States, we will not hear the Senators from Maine saying: I am sorry, we cannot deficit finance that. We will take care of our people.

That is what we are asking you to do today: Help us take care of our people. Support this, please.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. I yield 2 minutes to the Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Oklahoma for yielding.

Mr. President, I have sort of a long history with this program. Years ago on my watch we started this temporary program, this emergency program called LIHEAP, energy assistance. Well, here we are, 10 years later, almost 10, it is still here, and it is growing.

I guess one thing that shocked me, and this is an admission against my interests, when I realized it went from being ''heating'' assistance to being ''heating and air-conditioning'' assistance, I began to think: How far will this go?

I was in the ninth grade before we had air-conditioning, and we survived. We did not suffocate. It was damn hot down there on the Mississippi gulf coast. You could not open your windows because mosquitos would come in because we did not have screens on the windows.

So, now, millions is going into air-conditioning. And then we have heat. What is it we are not going to give people for free? Is there any limit? Is there any limit to the amount of money? I thought we were having global warming. I thought it was a mild winter.

Yes, my bills have gone up. Mine have gone up astronomically in my State because of the disaster.

I thank the Senators from Maine, particularly Senator SNOWE, for this not being connected to the flood insurance proposal. Flood insurance is a completely different issue, and because people paid for this coverage, it has already been paid for, they paid the Government for their flood insurance, and now they are going to say: Gee, because the Senate once again does not do its job and is playing games with us, we are not going to get the checks for the coverage we already paid for? I don't understand that.

Second, Senator COBURN and others who are opposed to this LIHEAP proposal have acted responsibly. They could have been obstructionist, the way they have been on other bills around here, to insist on a vote on a motion to proceed. The Senators from Maine are going to make their case. Those who are opposed to it will make our case. We will have a vote. One side or the other will win, and then I recommend we go forward at that point.

I do think if we are going to have this program, we at least need a formula that is a national formula. I do not like the program. I would prefer not a nickel of it go to my State, but I would not be doing my job if I did not insist on a formula that is fair to all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Just to make a few final points because, again, there has been a lot of misunderstanding, mischaracterizations, misinterpretations of the facts. The facts are, this program has not grown. That is indisputable.

Look at this chart and see where we are. The level of funding for LIHEAP is equivalent to 1983 buying power, when oil per barrel costs were at $29. Today it is more than $60. The buying power for any household that depends on low-income fuel assistance has decreased from 50 percent in 2001 down to 19.5 percent. Look at the cost of home heating oil. That is where we are today.

I go unchallenged when it comes to matching fiscal responsibility. There are a number of issues I have offered in the Senate to accomplish that. That has not occurred. I agree we have to do much more. But the fact is, this $1 billion was included in the Deficit Reduction Act that most Members voted for in this Senate last year that included this funding and included this formula. Those are the facts. The $1 billion and the formula were already included in the Deficit Reduction Act. This is not increasing spending. It is budget neutral. It is the same funding formula that everyone agreed to that would help both cold weather and warm weather States. That is indisputable.

I hope at least we could debate the true and accurate facts. That is what this is all about.

This is a national issue. It is not a regional issue, it is a national issue. It is a national crisis. I hope the Senate will vote to waive the budget point of order so we can provide the $1 billion that was allocated in 2007 and advance it to 2006.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. COBURN. Mr. President, first of all, the Senator from Connecticut makes a great point. This is not about regionalization. This is about paying for something.

The Senator from Maine is absolutely right. It was in the act we passed this last fall. But it was in there for next year. It was advance funding so we would pay for the money for next year.

So if in fact we take this money now and move it out of next year, we are going to have to come up with another $1 billion. You can play the games with the numbers all you want, but the fact is, we are going to have to come up with another $1 billion.

The other thing I point out, we are not in great financial shape. We added half a trillion dollars. I was one of the few Republicans who did not vote with the rest of my side in terms of the tax cuts this last time through. I have been straightforward in addressing the financial problems our country had.

I ask Members to look at this chart put out by NOAA that says, in fact, for every area seeking today, they are either above normal or much above normal in terms of their temperatures this year. My poor State, Oklahoma, is red hot. It was 92 degrees yesterday in Oklahoma. We set an all-time record. We had 20 or 30 days over 100 this past summer.

I am not debating whether we should help people. I am debating can we help people without killing our children. The offer was made several times to the people offering this amendment: We will help you find offsets to pay for this so we do not take it from future generations. That was rejected, straightforward.

The fact is, we have to be responsible. We are going to have to come to a point in time where we will have to make a hard choice. If we do not, here is what will happen. The international financial community is going to do it for us. Interest rates are going to go sky high. The value of the dollar will fall through the floor. Talk about leaving a heritage to our children. We will leave a heritage of poverty to our children.

It is time for us to make the hard decision. Let's support this point of order because it is right. If we do not support this point of order, the budget does not mean anything, nor do the budget rules mean anything, nor do the appropriations categories mean anything.

I yield back the remainder of our time, and I call for a vote.

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

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

The yeas and nays resulted—yeas 66, nays 31, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—66

Akaka	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Feingold	Obama
Bennett	Frist	Pryor
Biden	Grassley	Reed
Bingaman	Harkin	Reid
Burns	Hatch	Rockefeller
Burr	Jeffords	Salazar
Byrd	Johnson	Santorum
Cantwell	Kennedy	Sarbanes
Carper	Kerry	Schumer
Chafee	Kohl	Smith
Clinton	Landrieu	Snowe
Cochran	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lieberman	Sununu
Dayton	Lincoln	Talent
DeWine	Lugar	Thune
Dodd	Menendez	Voinovich
Dole	Mikulski	Warner
Domenici	Murkowski	Wyden

NAYS—31

Alexander	DeMint	Martinez
Allard	Ensign	McCain
Allen	Enzi	McConnell
Bond	Feinstein	Nelson (NE)
Brownback	Graham	Roberts
Bunning	Gregg	Sessions
Chambliss	Hagel	Shelby
Coburn	Inhofe	Thomas
Cornyn	Isakson	Vitter
Craig	Kyl	
Crapo	Lott	

NOT VOTING—3

Boxer	Hutchison	Inouye

The PRESIDING OFFICER. On this vote the ayes are 66, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to, and the point of order falls.

The Senator from Arizona.

AMENDMENT NO. 2899

Mr. KYL. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. ENSIGN, proposes an amendment numbered 2899.

Mr. KYL. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make available funds included in the Deficit Reduction Act of 2005 for allotments to States for the Low-Income Home Energy Assistance Program for fiscal year 2006)

Strike all after the first word and insert the following:

1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking ''for a 1-time only obligation and expenditure—'' and all that follows through ''2007'' the first place it appears and inserting ''$1,000,000,000 for fiscal year 2006'';

(B) by striking ''; and''; and

(C) by striking paragraph (2);

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9)).''; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking ''September 30, 2007'' and inserting ''September 30, 2006''.

Mr. KYL. Mr. President, let me briefly describe what the amendment does. I appreciate the fact that most of my colleagues are leaving, and we will have to have the debate next week. Since the budget point of order was not sustained, we are going to proceed to the consideration of the addition of $1 billion to the LIHEAP funding for low-income energy assistance. Of course, in the colder States, that generally takes the form of assistance in the heating oil bills to heat their homes. We have, however, in other States a crisis in the middle of the summer when it is so hot that folks have a hard time paying the air conditioner bills. The issue is essentially the same.

It has been pointed out by one individual that more people actually die as a result of heat than cold. In any event, we are pleased to see $2 billion already having been spent for the low-income energy assistance program in those colder States.

What we are talking about here is the addition of another $1 billion. We are saying, as to this other $1 billion, it should be spent pursuant to the formula in the law. What our amendment does is to say take this additional $1 billion, spend it pursuant to the formula under the law.

That formula is broken into two parts. The first is $250 million and the second is $750 million. The formula for the first $250 million disburses it a certain way, and for the last $750 million, it disburses it somewhat differently. That formula actually ends up getting money to all of the States but in a different mix than the first $2 billion, which is so-called contingency funding, which was almost all given to support folks in the Northeast part of the United States, in the colder part of the country.

The problem is that by the time we get to the summertime, almost all of the money is used, and anybody who

needs it for air-conditioning assistance, of course, has nowhere to turn. Last summer, when we had the record-high temperatures in Arizona, we found that there was no money. We finally located about $183 million, if memory serves me, and by the time we located that funding, it was virtually too late to do very much good.

That is the reason, at this point in the year, if we are going to spend an additional billion dollars, we need to spend it pursuant to a formula under which all States can receive funding, that it is distributed fairly and spread out evenly so that the States that have air-conditioning problems will receive the benefit from it just as those States that have problems with the cold.

Mr. President, I suspect there is little point to further debating this amendment at this time. I hope that when Members return, we will be able to vote on this amendment. If we are going to add the additional billion dollars, at least let's do it in a way that is more fair. I think something like 38 States lose under the proposal of the Senator from Maine, and they would actually be made more whole if my amendment is adopted. I hope at that time we will act favorably on this amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I rise in support of the proposal Senator KYL has offered. I do believe it represents a step toward fairness. But I do reiterate that I believe the budget point of order should not have been waived, and that we actually spent, under this proposal that has been cleared so far, another billion dollars this year than we had within our budget. That is a bad thing. It is those kinds of steps that get us into real trouble in spending.

We have my colleagues who say they care about spending; oh, they care about spending. But time and time again, when a vote comes up that actually has something to do with our deficit, they are AWOL. I thought it was amusing that not long ago, a Senator referred to a vote he cast 15 years ago as if that is going to prove he is frugal. We have a vote right now. This was the vote. This was a clear vote. It had to do with whether we had any intention to be disciplined in the way we handle money. They say: Well, we need this money. But the truth is we have had the warmest January on record. This has been a very mild winter. For that, we can be most thankful.

Is this an emergency? Well, what happens next year if it really is an average or cold year and we don't have this billion dollars? It has already been spent this year. And they say the heating oil prices don't fall, they go up. They say the heating oil prices will go up again next year. Where are we going to come up with that billion dollars? We don't even have a proposal here to offset it.

With regard to the funding formula we have seen, if we can fund this billion dollars in the way that has been proposed, my State, which suffers from a lot of hot days—and in small houses and in mobile homes that are not cooled, people do die. That is a tough time. If we are going to have this fund, it is only fair that the poor people in my State have a chance to participate in it, not just a select group.

So I just return to the fundamental principle. We are indeed moving a piece of legislation that spends $1 billion more this year than we authorized in spending. The fact that it came from next year's money doesn't answer the question. We are spending a billion dollars more than we were authorized to spend under our budget. What good is a budget if we don't adhere to it?

What we have is some tax-and-spend people here. They vote against tax cut extensions, they vote to raise taxes, and they vote to raise spending. That is what it is about. They say they are frugal. They say they are responsible. Those of us who are trying to contain spending and maintain a low tax rate for the American people, they say somehow we don't care about our people. That is not correct.

We are at a point in time when our Federal budget is allowing for an increase in spending every year, and we will see again this year a very sizable increase. We will have before the Budget Committee an effort to contain just a little bit the growth of entitlements. Do you know what I am hearing, Mr. President? I am hearing we don't have the votes in the Budget Committee to even have a modest containment of spending on entitlement programs, which is where the growth is—about $870 billion for discretionary spending and $1.2 trillion for entitlements. The discretionary budget this year will come in almost flat this year, with little increase. But entitlement spending is going up at about a rate of 7 percent or so. It is just driving our deficits. We cannot even begin to discuss that, apparently, because people want to raise taxes and spend. They want to tax and spend. It is not the right way to go. That is not what this country was founded on.

When you look at the Europeans who have done tax and spend—look at Germany, with 11.5 percent unemployment, and France has 9.5 percent unemployment. That is what the statist Socialist economies produce. How did they get there? Because their congresses could not resist the demand to fund every feel-good program that comes along the pike. That is why. Then when you meet with a businessman from Germany, he says: I know we have to do something, Senator. Maybe we can cut back on this, but people are so dependent on these government programs, so used to them in Germany, that we cannot quite get the votes to stop it. We know if we don't do it, it can wreck our economy, but we cannot get the votes because people become addicted to it, they like it. They feel like anything they once received, if it is not received the next year, the demagogues say it is a big cut and you have been denied something you are entitled to.

So I just say that if I seem a bit frustrated, you can know that I am. We have had a lot of good discussion about how to contain the growth of entitlements—and I am not a bit sure that is going to bear fruit this year—just to maintain the current tax level and keep taxes from being increased next year. Now we come along on top of a generous LIHEAP program and add $1 billion more, in violation of the budget agreement. We just voted to waive the Budget Act and do it anyway with 66 votes. I am telling you, this is not the way to get spending under control in this country. It is the way to move our country to a statist economy. That is not our strength.

Our unemployment is not 11.5. Our unemployment is not 9.5. Ours is 4.7. In my State of Alabama, it is 3.5. We didn't get there by taxing and spending; we got there by reducing the burden of government on the private sector and allowing the private sector to flourish. Tax revenues are up in every city in the State, I do believe. I traveled 26 counties last week. Every mayor and county commissioner I talked to is seeing increases in sales tax revenues. Many are telling me they have a 14-, 15-, to 18-percent increase in taxes. Why? Because the economy is booming. Companies are hiring people. They are bidding up the wages. They cannot find people, and they have to pay higher wages. People are making more money, and they pay taxes on that. So revenue to the Federal Government is up. Yes, we have a deficit, but revenue is up.

People don't pay taxes to Uncle Sam if they don't make money. They are paying more taxes because they are making more money. We have a free market economy that allows growth and vitality. So I think this vote is an important vote for us as a people. It is a sad vote to me to see many people who claim to be frugal, claim to care about spending, but when the chips are down and we have a clearly dangerous bill like this one, a bill that we ought to be able to vote down overwhelmingly, we could not even get 40 votes to say no. We could not find 40 votes to say no to this plan. I don't blame Senators for trying to do this. They say that you in the South want help. Well, scrutinize the help we are asking for. If we are asking for something that is unfair, say so, vote against it. Don't come in here and vote for everything this one wants, everything that one wants, and everything that one wants, and then walk in here and say the deficit is too big and now we have to raise taxes. That is where we are headed. I think everybody here knows that. There are a lot on the other side of the aisle, and apparently some on this side, for whom that is a strategy. That is a strategy. The strategy is to increase spending and then say you cannot have lower

taxes and we have to have higher taxes and we have to raise taxes. They don't want to say it publicly and openly, but that is what they are working toward.

That is a big divide in the Congress, as I see it. I hate that we have a dispute over this spending, but apparently we have. It is discouraging to see the vote. But I think, as we continue to talk about it, perhaps the American people will talk to their Senators and Congressmen. When I travel around, they talk to me about spending. Of course, they want their projects. They say: Oh, don't cut that. But overall, they want constraint.

I believe the American people fundamentally will respect us if we maintain some discipline. That means, on the discretionary account, staying within our budget figure, which is basically flat spending. When we are in a crisis, we try to keep our spending level. We have a deficit. We ought to stay level. We are not slashing anything. We have to stop going for more and more red ink, more and more new spending programs that we have not had before to fund heating oil in the warmest winter on record.

We are going to keep talking about it. There will be more votes in this Congress and in this Senate. We did pretty well last year. We did do some reduction—modest reduction in entitlements with the Medicaid Program. We limited the growth of Medicaid, and we were proud of ourselves. Over 5 years, it was going up 41 percent before we passed the cost-saving bill, and now it is going up 40 percent. We thought we were quite proud of ourselves to save a little money that way. If we would do that on the other accounts, like Medicaid and Medicare and some other accounts—just a little bit—we would have big numbers as we go along and make a real difference in what we are doing. But it looks like that may not happen.

So we are going to have to, I guess, reengage the American people, reengage the Members of Congress, and they are going to be asked by constituents: How did you vote? How did you vote on LIHEAP? Did you vote to spend another $1 billion? Maybe we can begin to have the American people talk some sense into those of us in Congress.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have some remarks to make in tribute to a combat infantry and armored brigade from Mississippi which has returned from Iraq. I ask unanimous consent that I may speak as in morning business.

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

(The remarks of Mr. COCHRAN are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO THE SERVICE OF THE 155TH SEPARATE ARMORED BRIGADE

Mr. COCHRAN. Mr. President, I am pleased to pay tribute to the service of the 155th Separate Armored Brigade of the State of Mississippi. The 155th has a rich history of extraordinary military service to our Nation. It has participated in the War of 1812, the American Civil War, the Spanish-American War, both World Wars, Desert Shield and Desert Storm, and operations in Bosnia.

Recently, the 155th completed a yearlong tour in support of Operation Iraqi Freedom. The 4,000-member brigade combat team was attached to the II Marine Expeditionary Force and deployed to the Al Anbar Province of Iraq. They conducted operations that included rebuilding infrastructure, hunting down insurgents, and supporting elections. Each of these activities made an indelible impact on the people of this fledgling democracy and improved their chances of surviving and prospering in a much safer and secure environment.

It is truly remarkable what our soldiers have accomplished. They served in a combat environment where they thwarted continuing attacks from a determined insurgency. They endured the hardships of being away from their families. They suffered the loss and injury of their fellow comrades. They had to endure the worry for their families' well-being as Hurricanes Katrina and Rita devastated the gulf coast. Through it all, they remained dedicated and determined to carry out their mission.

As Mississippians have done for centuries, these soldiers left their families and the comforts of home to answer the call of duty. This was not done without cost. During its deployment, the 155th lost 24 soldiers who made the ultimate sacrifice. These soldiers left behind wives, children, and loved ones. They answered the call of duty and gave their lives for America's freedom and security. This wasn't done for fame or fortune. It was done out of a commitment to duty and service to our great country. They are true heroes.

The 155th is the modern-day ''Mississippi Rifles'' that has carried on the proud traditions of Mississippi and our Nation.

As we honor these brave men and women, it is appropriate for us to also honor their families. No one understands the hardships of war and sacrifice more than a soldier's family. For 18 months, these Mississippians sacrificed as their loved ones answered our Nation's call. Although their lives were disrupted, they assumed the role of both mother and father. Their resilience and courage during Hurricanes Katrina and Rita continue to be admired by us all.

Of course, they did not accomplish all of this alone. Our Mississippi communities came together to provide support which ranged from countless letters and packages, to daily support at home that included clearing storm debris and ensuring shelter for their loved ones, to support for the families of fallen comrades and those who were seriously wounded.

As we pay tribute to the accomplishments of the 155th and give thanks to their sacrifice and service, it is important we remember our country is still at war. The State of Mississippi has over 500 of its citizens deployed in Iraq, Kuwait, and Afghanistan continuing to fight the global war on terrorism. In addition, we have citizen-soldiers in various stages of mobilization preparing to answer our Nation's call. Our country's military is the most committed and powerful in the world, and they are well prepared to serve in our hometowns and across the globe. We will keep them in our prayers as they continue their great legacy of sacrifice and service.

BOULDER CITY 75TH ANNIVERSARY

Mr. REID. Mr. President, I rise today to commemorate the 75th anniversary of Boulder City, NV.

Boulder City lies 24 miles east of Las Vegas, and 40 miles from Searchlight near Lake Mead. It's very close to my hometown, Searchlight, and it is a city dear to my heart. Boulder City is a Nevada treasure, and I am proud to honor them today.

Boulder City was created by the Federal Government on March 11, 1931, to provide housing to the thousands of people who built the Hoover Dam. Because Boulder City was operated as a Government reservation, the residents could not buy homes and unlike its neighboring cities, liquor and gambling were prohibited. In fact, gambling is prohibited in Boulder City to this day.

As the first planned community built in the United States, Boulder City has gone to great lengths to maintain its small town feel. Boulder City only sees about 400 new residents each year due to a growth control ordinance that was enacted in 1979.

Boulder City is most widely known as the home of the Hoover Dam. Twenty-one thousand men worked for 5 years and poured more than 5 million

barrels of cement to complete the work on the $49 million dam. Forty-nine million dollars adjusted for inflation equals $676 million. Named after President Herbert Hoover, the dam is located in the Black Canyon of the Colorado River. It sits on the border between Nevada and Arizona and sees 13,000 to 16,000 people cross it each day.

Mr. President, it is important that everyone understand that Boulder City is more than just the home of the Hoover Dam, more than just a tourist attraction. It is a city whose people exemplify what being a Nevadan is all about. I invite all my colleagues here in the Senate and all the people of this great country to experience a part of Nevada that I love.

HONORING OUR ARMED FORCES

STAFF SERGEANT GREGSON GOURLEY

Mr. HATCH. Mr. President, it is my solemn duty to rise before the Senate to pay tribute to one of the great sons of Utah, SSG Gregson Gourley.

Sergeant Gourley, who grew up in Sandy and Midvale, UT was killed last week with three other members of the 1st Battalion, 327th Infantry Regiment, 101st Airborne Division (Air Assault) near Hawijah, Iraq.

As I sat down to learn more about Sergeant Gourley's life, I was struck by his dedication to service. He first served as a missionary in Pennsylvania for The Church of Jesus Christ of Latter-Day Saints, then spent 16 years as a member of our Armed Forces. His aspiration for the future was to begin a career in law enforcement.

According to what his comrades have said, Sergeant Gourley's service surpassed the motto of his battalion: ''Above the Rest.'' Not surprisingly, he had previously been decorated for meritorious service.

I believe that his grandmother, Adena Gourley, said it best, when reflecting on the sergeant's life:

> He was a very gentle person. He has a great desire to be an outstanding soldier and an outstanding man.

Mrs. Gourley, I can say that, by all accounts, he achieved those goals.

Sergeant Gourley's passing is a further tragedy because he leaves behind a wife, three sons under the age of 10, and a newborn daughter.

To his boys, and especially little Alexa, over the years you will learn more about your father and that he was a remarkable man. But you should always remember that your father was a hero, a man anyone would be proud to call father, and our country will forever owe a debt of great gratitude to him for his unselfish service to our country.

I hope my colleagues will all join me in saluting the bravery of Sergeant Gourley, and in sending our condolences, prayers, and best wishes to his family during their time of sorrow.

SERGEANT RICKEY E. JONES

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Kokomo. Sergeant Rickey Jones, 22 years old, was one of four soldiers who died on February 22 when their vehicle was hit by a roadside bomb during a patrol near Hawijah, 150 miles north of Baghdad. With his entire life before him, Rickey risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2002 graduate of Kokomo High School, Rickey joined the Army because of concerns about a tight local job market at the time. After his first tour in Iraq, he returned with a new world view and volunteered for a second tour of duty. His mother told local media that the change in her son was unmistakable and that during his time in the Army, Rickey had matured into a man and a true soldier. Rickey's brother, Michael, spoke of his admiration for Rickey's patriotism, saying, ''Rickey was proud of what he did and proud to serve his country. He died proud.'' Other family members fondly recalled that Rickey was a loving person and the pride of his family, who simply wanted to help ensure a better quality of life for Iraqi children.

Rickey was killed while serving his country in Operation Iraqi Freedom. He was a member of the 1st Battalion, 327th Infantry Regiment, 101st Airborne Division based at Fort Campbell, KY. Today, I join Rickey's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Rickey, a memory that will burn brightly during these continuing days of conflict and grief.

Rickey was known for his dedication to his family and his love of country. Today and always, Rickey will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Rickey's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Rickey's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Rickey Jones in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Rickey's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Rickey.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 30, 1999, Tracey Thompson was murdered in Wilcox County, GA. Thompson was a transgender person that was found bleeding from a head wound after walking a half-mile to a local farmhouse. According to police, she was beaten with a baseball bat, and desecrated in a way that made the attack an apparent hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

COMMEMORATING THE 45TH ANNIVERSARY OF THE PEACE CORPS

Mr. CHAFEE. Mr. President, I rise today to pay special tribute to the Peace Corps on its 45th anniversary.

This week has been designated as National Peace Corps Week, and I am pleased to have the opportunity to salute the men and women of our Nation who have contributed their time and energy to serve as Peace Corps volunteers. Thanks to the selflessness of these Americans, the Peace Corps has reached a 30-year high in membership, serving in 75 countries across the globe.

The mission of the Peace Corps today has changed dramatically since it was established by President John F. Kennedy in 1961. Today, volunteers are providing assistance to developing nations around the world, working to find ways to address huge global challenges such as the need for HIV/AIDS prevention, and are embarking on other missions to further our diplomatic goals across the globe.

I also applaud the domestic efforts of the Crisis Corps Volunteers, in their assistance with relief in regions damaged by Hurricane Katrina. Members of

this special unit of Peace Corp volunteers were also deployed to Sri Lanka and Thailand to assist with rebuilding tsunami-devastated areas.

Today, I am proud to honor 27 Rhode Islanders currently serving in the Peace Corps. I wish them the very best in all their endeavors and I thank them for their service to our country in this important time in history. Their names are as follows:

Catherine M. Alexander, Courtney E. Briar, Anthony J. Cabral, Mayerlin Caridad Mejia, Rebecca L. Champlin, Caroline C. Cutting, Jennifer S. Doo, Shayne E. Doyle, Catherine Farrell, Amanda H. Fogle-Donmoyer, Heron E. Greenesmith, Geoffrey L. Jones, Jesse B. Joseph, Anna D. Karolyshyn, Maria K. Kasparian, Christopher A. Kelley, Caroline N. Klein, Marie A. Kobayashi, Mark A. Lange, Andrew J. Moulton, Leana A. Nordstrom, David M. Reynolds, Ralph W. Riccio, Christi M. Turner, Evan R. Usler, Deborah L. Vittner, and Erica K. Zaiser.

KRESMIR COSIC

Mr. HATCH. Mr. President, I would like to take a moment to recognize one of the greatest foreign athletes to play in my home State of Utah—Kresmir Cosic.

My dear friend from Yugoslavia fell victim to cancer in 1995, but this Saturday, Brigham Young University will officially retire Kresmir's No. 11 jersey during a ceremony at BYU's final home game this season. It is a fitting tribute to a four-time Olympian and two-time all-American already enshrined in the Basketball Hall of Fame.

Kresmir—or Kresh, as I called him—is a legend at BYU, but he will most likely be remembered for opening the door for foreign athletes in American colleges and the NBA. He truly had a global influence—Drazen Petrovic, Toni Kukoc, Dino Radja, and Vlade Divac are just a few players who owe their success in America to their former coach from Yugoslavia.

When I visited Yugoslavia one time, Kresh heard that I would be in Zagreb and drove up from Zadar so he could introduce me to one of his former players, who was a leader of The Church of Jesus Christ of Latter-day Saints in the area. He arrived in a VW bug, and to see Kresh unwind out of that little car was a humorous experience.

I considered Kresh to be a tremendous friend. When he became the deputy ambassador for his country, he went out of his way to see me, and I was more than pleased to be an advisor and help him. He tirelessly walked the halls on Capitol Hill, trying to dispel misunderstandings about Croatia and Bosnia and the Serbian war waging in his native land.

The last time I saw Kresh was at Johns Hopkins Medical Center. The doctors thought he was in a coma, but when I spoke to him, tears came to his eyes, and a warm look of caring showed he understood my words of consolation.

After his death, when once again I was in his native land, I was pleased to see his wife, the person he loved so much.

Mr. President, I have only mentioned just a few highlights from the life of this great man. I ask unanimous consent to have printed in the RECORD a touching article from the Deseret Morning News that summarizes why so many of us in Utah are looking forward to finally seeing his jersey hang from the Marriott Center's rafters this weekend.

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

[From the Deseret Morning News]

LATE COUGAR COSIC'S TALENT, FUN COULDN'T BE CONTAINED

(By Dick Harmon)

Kresimir Cosic could barely fit into my '63 Volkswagen that day. But who'd have guessed this world, as well, could hardly contain him and, at the age of 46, gave him back to God.

I was just 17, puttering around in my Bug when I saw the 6-foot-11 Cosic walking down the sidewalk of a street in Provo on his way to basketball practice. I stopped and asked if he wanted a ride. He said he did and he crammed himself into the car. It was like putting a praying mantis in a thimble.

The first thing Cosic did was reach over and turn on the radio. He broke out in a big smile, turned his face to mine and said: ''I love the music.''

In a nutshell, that epitomized all you need to know about Cosic, the Yugoslavian. He loved life. He loved basketball, and he loved playing to the largest crowds in the college game when they hatched out the Marriott Center back in 1972.

To Cosic, music played when he had a basketball in ''his hands. He may have been one of the most entertaining players who ever lived. Certainly he was the most gifted passing center to play the game. As they say in Europe, Cosic was Magic Johnson before Magic Johnson.

On Saturday, folks at BYU will officially retire Cosic's No. 11 jersey during a ceremony at the final home game this season, against New Mexico. There is a generation of BYU fans who never saw Cosic play. They got robbed.

''When we toured Europe a couple of summers ago, everywhere we went, they knew BYU basketball because of Cosic,'' BYU coach Dave Rose said.

Cosic's resume reads like he invented basketball. In Europe, and in his native Yugoslavia, he just about did. A four-time Olympian and two-time all-American, Cosic is enshrined in the Basketball Hall of Fame in Springfield, Mass.

Cosic died in May 1995 of lymphatic cancer. The week before he passed, he was distraught when he talked to his former coach, Glenn Potter, because he felt he'd defeated the cancer, but in the process, he'd contracted hepatitis and was going to get a liver transplant. ''The next thing I knew, he died,'' Potter said.

Cosic's passion for the game overwhelmed his approach to play. Cosic took more pleasure in passing the ball and setting up teammates than shooting. Still he could be heard yelling ''Opa, Opa'' (I'm open, I'm open). He thought himself a point guard, but he was a devastating inside player, a master of the hook, fade-away, running jumper, set shot and long bomb. He was a showman, a Globetrotter-type star who oozed charisma on the court in an era absent of freshman varsity players, dunks and 3-point lines.

Imagine, if he played today.

''This was before the 3-point shot, and you weren't allowed to dunk the ball,'' remembered guard Belmont Anderson, now a podiatrist in Las Vegas. ''He had a Larry Bird range with his outside shot. When he'd take it, the coaches would yell, 'no, no, no . . . good shot, Kresh.' They frowned on taking the long shot because you weren't rewarded for it. Imagine what he'd have done if the 3-point shot was in back then or if he was allowed to dunk.''

Cosic was famous for leading the fast break, making a pinpoint pass or doing a jackknife lay-up, tucking in his knees, going airborne, looking like a camel in flight. He once took off against UCLA's Sidney Wicks, and the Bruin big man looked perplexed—he'd never seen a 6–11 guy playing point guard.

''He loved to dribble the ball up court,'' Potter said. ''I remember one day in scrimmage he took off with the ball leading the break, and our point guard, Bernie Fryer, ran up behind him and stole the ball. He was upset. They were on the same team.''

Said Anderson: ''If you were cutting for the basket and he had the ball, you had to be alert because Cosic could hit you with a pass, and if you weren't ready, it would hit you in the head,''

Cosic was a master of behind-the-back and between-the-leg deliveries, Potter added. ''I remember one game in the Smith Fieldhouse, Moni Sarkalahti cut for the basket and Cosic passed the ball between his own legs, between the legs of the center guarding him, and hit Moni in the hands for a lay-in.''

Former BYU assistant coach Pete Witbeck called Cosic the best center in the college game, better than Bill Walton.

Joe Watts, now executive director of the Utah Golf Association, was a sportswriter covering Cosic's final home game in Provo when he penned: ''The thought leaves me with an empty feeling, a loneliness, a sadness, like I'll be losing a friend. Something really good will be leaving my life. Kresimir Cosic has brought me, and many others, some of our most enjoyable moments in basketball. He is without any question the greatest passing center I have ever seen in the game. That alone has been thrilling.''

UTEP's Don Haskins, on whom Hollywood based the movie ''Glory Road,'' called Cosic the best center in the Olympics. It was a Cosic long bomb at UTEP that handed Haskins his first defeat on the Miner home court since joining the WAC, a five-year perfect league home record.

Cosic could have had a solid NBA career. He would have sold tickets and helped TV ratings. Instead, he chose to return home to Yugoslavia and help develop others and play for the Yugoslavian Olympic team. He later became the Croatian ambassador to the United States.

''That tells you a lot about Cosic when compared to players today who won't even play in the Olympics,'' Anderson said. ''Cosic cared about the game, his country, more than money and fame.''

Potter remembers Cosic's late return from playing in the Olympics before his senior year. He missed several deadlines to return to Provo. Potter called Cosic twice and asked when he'd come back.

''Coach, I'll be there,'' Cosic said twice.

Finally, when he showed up in Provo, Potter asked Cosic why he'd been delayed so long, for nearly a month. Cosic told him when he was touring Yugoslavia with a national club team, he once told an audience in a gym he had a film for them to see later. It was ''Man's Search for Happiness,'' an LDS Church film explaining the plan of salvation. After that, Cosic said, his phone was bugged and his passport was confiscated.

Potter recalls an exhausted Cosic leaning against the basketball standard at practices

that year. Potter asked him what was up and Cosic told him he was tired, he'd gone to bed about 3 or 4 in the morning the past few weeks. Potter asked him why.

Unknown to Potter, Cosic stayed up translating the Book of Mormon into Croatian. ''It's something he thought was worthwhile and he had to do.''

Potter remembers Cosic coming in his BYU office and debating tactics of the game, arguing strategy.

The bottom line was to give him the ball.

He was such a good passer you wanted him to have the ball in his hands.

When Cosic returned to Zadar, Yugoslavia, to coach, he invited Potter to visit him three times. One day Cosic called Potter and asked him to come to Zadar and help him with a coaching problem.

''What is it?'' Potter asked.

''Coach, I don't know what to tell the guards to do.''

Potter about keeled over laughing. ''All those times in my office, arguing.''

Cosic ended up a European hero, opening the door for foreign athletes in American colleges and the NBA. Aside from filling the new Marriott Center night after night in the early '70s, his influence was global. Those who learned at his hand or were influenced by Cosic include Drazen Petrovic, Toni Kukoc, Dino Radja and Vlade Divac—all players on Yugoslavia's 1984 Olympic team coached and handpicked by Cosic.

In his final years, working in Washington, D.C., as ambassador, Cosic worked to dispel misunderstandings about Croatia and Bosnia and the Serbian war waging in his native country.

Cosic told then Deseret News Washington correspondent Lee Davidson he'd like to get back into coaching basketball someday but wasn't sure if it was in the cards, with the cancer and all.

''But it is what I would like to do, not necessarily what I will do. You never know what will happen. My country may need me to do something more. Or maybe God will have other ideas.''

He was right. Within six months of that interview, he died.

ADDITIONAL STATEMENT

A TRIBUTE TO VERMONT'S OLYMPIANS

● Mr. JEFFORDS. Mr. President, I rise today to recognize the outstanding accomplishments of the Vermonters participating in the recent Winter Olympics in Turin, Italy. These Olympians proudly follow a long line of Vermonters competing at the highest levels of winter sports.

Three Vermonters made particularly extraordinary impressions in Turin: Hannah Teter, Bud Keene, and Lindsey Jacobellis.

Hannah Teter, of Belmont, VT, was the first Vermonter to medal in Turin when she earned the gold in the women's halfpipe competition. Hannah is very much a product of Vermont, growing up amidst the beauty of the Green Mountains in a family that embraced the outdoors. More importantly, Hannah was raised on homemade maple syrup, one of Vermont's most treasured products.

In her halfpipe competition in Turin, despite already holding a comfortable lead, Hannah won the gold medal with a bold and inspired final run. Though I will not pretend to perfectly understand terms like front-side 900, I can tell you that Hannah's snowboarding acrobatics were some of the most impressive athletic sights I have ever seen.

Coaching Hannah to her success was Bud Keene of Moscow, VT, the U.S. Olympic snowboard team's halfpipe coach. Bud was an avid snowboarder long before the sport was included in the Olympics. Bud coached at Mount Mansfield before becoming an assistant snowboarding coach during the 2002 Olympics. Bud was named the head halfpipe coach for the 2006 Olympics and he led the team to a remarkable performance: the U.S. won an amazing two gold medals and two silver medals in the men's and women's halfpipe competitions. Bud deserves a lot of credit for the unparalleled success of the American snowboarding team at this year's games.

Vermont's second Olympic medal also came in snowboarding when Lindsey Jacobellis of Stratton, VT, earned the silver medal in the women's snowboardcross. As many know, snowboardcross is a dangerous and difficult event that requires snowboarders to navigate a narrow 1,000-yard course while avoiding the three other competitors trying to navigate the terrain at the same time. Lindsey survived two of these incredible races just to qualify for the final medal heat, where she emerged with a silver medal in a race so challenging that two of her competitors crashed and one left the course on a stretcher.

In addition to Hannah, Lindsey, and Bud, I would like to commend the other Vermonters who traveled to Turin for the Olympics. These accomplished men and women include snowboarder Kelly Clark of Mount Snow, cross-country skier Andrew Johnson of Greensboro, freestyle skier Hannah Kearney of Norwich, alpine skier Chip Knight of Stowe, cross-country skier Andrew Newell of Shaftsbury, honorary Vermonter Jimmy Cochran of the famed Olympic ski family in Richmond, and countless other athletes who have trained, studied, or lived in Vermont and competed in Turin.

I would also like to acknowledge two Olympians who are currently serving our country in the Vermont National Guard: SP Jeremy Teela and SGT Tuffield ''Tuffy'' Latour. An Alaskan, Jeremy competed in the biathlon in Turin, while Tuffy coached the U.S. Men's bobsled team.

We are very lucky in Vermont to have the privilege of watching and following such an impressive group of athletes. There are many reasons why our small State has so many top-tier competitors but, to steal a line from Hannah Teter, I bet one of those reasons is Vermont's great maple syrup.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with an amendment:

S. 1777. An act to provide relief for the victims of Hurricane Katrina.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 335. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 97th anniversary.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

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.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

The message also announced that pursuant to 22 U.S.C. 276h, and the order of the House of December 18, 2005, the Speaker appoints the following members of the House of Representatives to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, and Mr. MCCAUL of Texas, Vice Chairman, appointed on February 16, 2006: Mr. DREIER of California, Mr. MANZULLO of Illinois, Mr. DELAHUNT of Massachusetts, Mr. FALEOMAVAEGA of American Samoa, Mr. ENGLISH of Pennsylvania, Mr. WELLER of Illinois, Mr. REYES of Texas, Mrs. DAVIS of California, and Mr. FORTUÑO of Puerto Rico.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 335. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People

on the occasion of its 97th anniversary; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, March 2, 2006, she had presented to the President of the United States the following enrolled bill:

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.

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–5836. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, the Trust's Annual Management Report for Fiscal Year 2005; to the Committee on Finance.

EC–5837. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Postponement of Deadline for Making an Election to Deduct Certain Losses Attributable to Hurricanes Katrina, Rita, and Wilma'' (Notice 2006–17) received on February 22, 2006; to the Committee on Finance.

EC–5838. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Clean Renewable Energy Bond Notice'' (Notice 2006–7) received on February 22, 2006; to the Committee on Finance.

EC–5839. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—March 2006'' (Rev. Rul. 2006–10) received on February 22, 2006; to the Committee on Finance.

EC–5840. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Energy Efficient Home Credit; Manufactured Homes'' (Notice 2006–28) received on February 27, 2006; to the Committee on Finance.

EC–5841. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualifying Gasification Project Program'' (Notice 2006–25) received on February 27, 2006; to the Committee on Finance.

EC–5842. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualifying Advanced Coal Project Program'' (Notice 2006–24) received on February 27, 2006; to the Committee on Finance.

EC–5843. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Certification of Energy Efficient Home Credit'' (Notice 2006–27) received on February 27, 2006; to the Committee on Finance.

EC–5844. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Nonbusiness Energy Property Credit'' (Notice 2006–26) received on February 27, 2006; to the Committee on Finance.

EC–5845. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Special Rules Regarding Certain Section 951 Pro Rata Share Allocations'' ((RIN1545–BE71) (TD9251)) received on February 27, 2006; to the Committee on Finance.

EC–5846. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD 9250, Application of Section 367 in Cross Border Section 304 Transactions'' (RIN1545–BD46) received on February 27, 2006; to the Committee on Finance.

EC–5847. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—December 2005'' (Rev. Rul. 2006–8) received on February 27, 2006; to the Committee on Finance.

EC–5848. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Secondary Payer Amendments'' (RIN0938–AN27) received on February 27, 2006; to the Committee on Finance.

EC–5849. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled ''Assistance Provided to Foreign Aviation Authorities for Fiscal Year 2005''; to the Committee on Commerce, Science, and Transportation.

EC–5850. A communication from the Under Secretary and Director, United States Patent and Trademark Office, transmitting , pursuant to law, the report of a rule entitled ''Clarification of Filing Date Requirements for Ex Parte and Inter Partes Reexamination Proceedings'' (RIN0651–AC02) received on February 27 , 2006; to the Committee on Commerce, Science, and Transportation .

EC–5851. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of the confirmation of a nominee for the position of Inspector General, received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5852. A communication from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, a report entitled ''2005 Report to Congress on Apportionment of Membership on the Regional Fishery Management Councils''; to the Committee on Commerce, Science, and Transportation.

EC–5853. A communication from the Secretary of Transportation , transmitting, pursuant to law, a report entitled ''Aviation and the Environment: A National Vision Statement, Framework for Goals and Recommended Actions''; to the Committee on Commerce, Science, and Transportation.

EC–5854. A communication from the Secretary of Transportation , transmitting, pursuant to law, a report entitled ''2004 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance''; to the Committee on Commerce, Science, and Transportation.

EC–5855. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Naples and Sanibel, Florida)'' (MB Docket No. 05–134) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5856. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Prospect, Kentucky, and Salem, Indiana)'' (MB Docket No. 05–120) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5857. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grand Portage, Minnesota)'' (MB Docket No. 04–433) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5858. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Beaumont and Mont Belvieu, Texas)'' (MB Docket No. 04–426) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5859. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ocala, Florida and St. Simons Island, Georgia)'' (MB Docket No. 05–267) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5860. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Memphis and Arlington, Tennessee, and Saint Florian, Alabama)'' (MB Docket No. 05–140) received on February 22 , 2006; to the Committee on Commerce, Science, and Transportation.

EC–5861. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Roma, Texas)'' (MB Docket No. 05–142) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5862. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Water Mill and Noyack, New York)'' ((MB Docket No. 03–44) (RM–10650)) received on

February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5863. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Johnstown and Jeannette, Pennsylvania)'' ((MB Docket No. 05–52) (RM–10300)) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5864. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 5 regulations): [COTP Western Alaska–06–002], [CGD09–06–002], [COTP Western Alaska–06–001], [CGD13–06–002], [CGD09–05–142]'' (RIN1625–AA00) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5865. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones (including 3 regulations): [CGD05–06–009], [COTP Honolulu 06–002], [CGD09–06–001]'' (RIN1625–AA87) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5866. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 3 regulations): [CGD05–06–005], [CGD01–06–005], [CGD01–06–011]'' (RIN1625–AA09) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5867. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Cape Fear River, and Northeast Cape Fear River, NC'' (RIN1625–AA09) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5868. 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; Pacific Cod by Catcher Vessels 60 Feet (18.3 Meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 020106A) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5869. 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. 012006A) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5870. 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; North Pacific Halibut and Sablefish Individual Fishing Quota Cost Recovery Program'' (I.D. No. 120805C) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5871. 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; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 011806K) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5872. 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. 011206I) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5873. 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 of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Grouper Recreational Management Measures'' (RIN0648–AT45) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5874. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures—Amdt. No. 3148'' (RIN2120–AA65) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5875. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules—Amdt. No. 459; Miscellaneous Amdts. (9)'' (RIN2120–AA63) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5876. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Register Dispositions for Petitions for Exemption; Docket No. FAA–2005–22982'' (RIN2120–AI69) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5877. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Service Difficulty Reports—Docket No. FAA–2000–7952'' (RIN2120–AI08) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5878. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Maintenance Recording Requirements; Docket No. 2005—23495'' (RIN2120–AI67) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5879. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities'' (RIN2120–AH14) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5880. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Noise Stringency Increase for Single-Engine Propeller-Driven Small Airplanes; Docket No. FAA–2004–17041'' (RIN2120–AH44) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5881. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–200B, 747–200C, 747–200F, 747–400F, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(2005–NM–101)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5882. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model Avro 146–RJ Airplanes'' ((RIN2120–AA64)(2005–NM–084)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5883. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes; and Airbus Model A310 Series Airplanes'' ((RIN2120–AA64)(2004–NM–74)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 2178. A bill to make the stealing and selling of telephone records a criminal offense.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Terrance P. Flynn, of New York, to be United States Attorney for the Western District of New York for the term of four years.

Jack Zouhary, of Ohio, to be United States District Judge for the Northern District of Ohio.

Stephen G. Larson, of California, to be United States District Judge for the Central District of California.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT:

S. 2352. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. DEMINT:

S. 2353. A bill to suspend temporarily the duty on certain integrated machines for manufacturing pneumatic tires; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. BOXER, Mr. KERRY, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DORGAN, and Mr. KOHL):

S. 2354. A bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Ms. CANTWELL, Mr. FRIST, Mrs. BOXER, Mrs. HUTCHISON, Mr. MCCAIN, Mr. DOMENICI, and Mr. BINGAMAN):

S. 2355. A bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 2356. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 2357. A bill to provide for economic security and prosperity; to the Committee on Finance.

By Mr. OBAMA:

S. 2358. A bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Veterans Affairs hospitals; to the Committee on Veterans' Affairs.

By Mr. OBAMA:

S. 2359. A bill to amend title XVIII of the Social Security Act to establish a Hospital Quality Report Card Initiative under the Medicare program to assess and report on health care quality in hospitals; to the Committee on Finance.

By Mr. WYDEN:

S. 2360. A bill to ensure and promote a free and open Internet for all Americans; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. MENENDEZ, Ms. MIKULSKI, Mr. OBAMA, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Ms. STABENOW, Mr. WYDEN, Mr. KOHL, Mr. SCHUMER, and Mr. NELSON of Florida):

S. 2361. A bill to improve Federal contracting and procurement by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal contracting personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BYRD:

S. 2362. A bill to establish the National Commission on Surveillance Activities and the Rights of Americans; to the Committee on the Judiciary.

By Mr. BURR (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. ALLARD, Mr. SALAZAR, Mr. CARPER, Mr. ROBERTS, Mr. BROWNBACK, Mr. KENNEDY, Mr. KERRY, Mrs. DOLE, Mr. SANTORUM, Mr. SPECTER, Mr. CORNYN, Mrs. HUTCHISON, Mr. WYDEN, and Mr. FRIST):

S. 2363. A bill to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999; considered and passed.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. HARKIN, Mr. LAUTENBERG, Mrs. BOXER, Mr. LIEBERMAN, Mrs. CLINTON, Mr. MENENDEZ, Mr. AKAKA, Mr. DODD, and Mr. KERRY):

S. 2364. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself, Mr. SMITH, Mr. VOINOVICH, Mr. COBURN, and Mr. KYL):

S. Res. 387. A resolution recognizing the need to replace the United Nations Human Rights Commission with a new Human Rights Council; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. SANTORUM, and Mr. BROWNBACK):

S. Res. 388. A resolution urging the Government of National Unity of Sudan and the Government of Southern Sudan to implement fully the Comprehensive Peace Agreement that was signed on January 9, 2005; considered and agreed to.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Wisconsin (Mr. KOHL) 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. 654

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 654, a bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 985

At the request of Mrs. CLINTON, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 985, a bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1283

At the request of Mrs. CLINTON, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1283, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 1289

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1289, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1376

At the request of Mr. COCHRAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 2157

At the request of Mrs. BOXER, the names of the Senator from Montana (Mr. BURNS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2178

At the request of Mr. SCHUMER, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2231

At the request of Mr. BYRD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2231, a bill to direct the Secretary of Labor to prescribe additional coal mine safety standards, to require additional penalties for habitual violators, and for other purposes.

S. 2243

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. 2243, a bill to make college more affordable by expanding and enhancing financial aid options for students and their families and providing loan forgiveness opportunities for public service employees, and for other purposes.

S. 2253

At the request of Mr. DOMENICI, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2320

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2320, a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

At the request of Ms. SNOWE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2320, supra.

S. 2333

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2333, a bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes.

S. 2351

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2351, a bill to provide additional funding for mental health care for veterans, and for other purposes.

S. RES. 383

At the request of Mr. BROWNBACK, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 383, a resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Florida (Mr. MARTINEZ), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 383, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. Res. 383, supra.

At the request of Mr. FRIST, his name and the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 383, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. BOXER, Mr. KERRY, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DORGAN, and Mr. KOHL):

S. 2354. A bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I am pleased to be joined by my colleague and cosponsor Senator SUSAN COLLINS as we introduce the Medicare Prescription Drug Gap Reduction Act of 2006.

For years now, I have advocated for providing seniors with meaningful prescription drug coverage. Seniors in this country should never have to choose between their meals and their medications.

Unfortunately, Congress created a Medicare prescription drug plan that is confusing and contains a huge coverage gap. These are some of the reasons that I did not support the legislation that created this program. But this flawed plan is what passed. Our job now is to help seniors by fixing the underlying law. I have spoken with Medicare beneficiaries across Florida and they are understandably concerned about the new prescription drug benefit. One issue of great concern to Floridians is the large gap in coverage called the ''doughnut hole.''

The Medicare drug benefit contains a large coverage gap during which beneficiaries continue to pay premiums but get no drug coverage at all. For most plans, Medicare will pay 75 percent of initial drug costs up to $2,250 after a $250 deductible. But then the program pays nothing until drug expenses reach $5,100. This lack of coverage for drug spending is often called Medicare's doughnut hole.

More than one-third of all Medicare beneficiaries are projected to have drug spending that falls in the doughnut hole's range, according to the Congressional Budget Office (CBO). Millions of beneficiaries will pay premiums yet receive no coverage during this time. This is simply unacceptable.

In response, we are introducing the Medicare Prescription Drug Gap Reduction Act of 2006 which will reduce the impact of the doughnut hole on Medicare beneficiaries.

Our bill allows the Secretary of Health and Human Services (HHS) to negotiate on behalf of Medicare beneficiaries for lower drug prices. Unfortunately, the law that created the new Medicare drug program actually prohibits the Secretary from using the purchasing power of over 40 million seniors to negotiate for lowers prescription drug prices. The savings generated from allowing negotiations would then be applied towards reducing the doughnut hole, providing more drug coverage for Medicare beneficiaries.

A recent analysis was conducted by researchers at the Johns Hopkins Center for Hospital Finance and Management on the Medicare doughnut hole. They concluded that ''the gap in coverage could be completely eliminated if Medicare paid the same prices as the Veterans' Administration, or Department of Defense and 75 percent of the gap could be eliminated if Medicare paid the same prices as the Federal Ceiling Price.'' Our bill gives the Secretary authority similar to entities like the Veterans' Administration and the Department of Defense, to negotiate contracts and obtain the lowest possible prescription drug prices for Medicare beneficiaries.

Allowing the Federal Government to utilize market forces to negotiate for lower prescription drug prices and using these savings to alleviate the impact of the doughnut hole is a commonsense approach to providing Medicare beneficiaries with affordable prescription drugs.

This issue boils down to just one goal—helping seniors. We urge all of our colleagues, from both sides of the aisle, to join us in this effort to help lower prescription drug costs for Medicare beneficiaries.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2354

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 ''Medicare Prescription Drug Gap Reduction Act of 2006''.

SEC. 2. REDUCING COVERAGE GAP.

Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (3)(A), by striking ''paragraph (4)'' and inserting ''paragraph (4), subject to the increase described in paragraph (7)''; and

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

''(7) INCREASE OF INITIAL COVERAGE LIMIT BASED ON MEDICARE SAVINGS DUE TO NEGOTIATION OF DRUG PRICES.—For each year (beginning with 2006), the Secretary shall increase the initial coverage limit for the year specified in paragraph (3) so that the aggregate amount of increased expenditures from the Medicare Prescription Drug Account as a result of such increase under this paragraph in the year (as estimated by the Office of the Actuary of the Centers for Medicare & Medicaid Services) is equal to the aggregate amount of reduced expenditures from such Account that the Office of the Actuary estimates will result in the year as a result of

the application of the amendment made by section 3(a) of the Medicare Prescription Drug Gap Reduction Act of 2006.''.

SEC. 3. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

''(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—

''(1) IN GENERAL.—Subject to paragraph (4), in order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

''(2) MANDATORY RESPONSIBILITIES.—The Secretary shall be required to—

''(A) negotiate contracts with manufacturers of covered part D drugs for each fallback prescription drug plan under subsection (g); and

''(B) participate in negotiation of contracts of any covered part D drug upon request of an approved prescription drug plan or MA–PD plan.

''(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to limit the authority of the Secretary under paragraph (1) to the mandatory responsibilities under paragraph (2).

''(4) NO PARTICULAR FORMULARY OR PRICE STRUCTURE.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mrs. FEINSTEIN (for herself, Mr. KYL, Ms. CANTWELL, Mr. FRIST, Mrs. BOXER, Mrs. HUTCHISON, Mr. MCCAIN, Mr. DOMENICI, and Mr. BINGAMAN):

S. 2355. A bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, our borders are our Nation's first line of defense. They are the key to our homeland, and ensuring their integrity is vital to our national security.

But there are some who seek to create a means of entering our country illegally. For years, they've tried to go around the border checkpoints. Now they are trying to go under them through sophisticated border tunnels.

In fact, there have been 40 border tunnels financed and constructed since 9/11—to move humans, drugs, and weapons under the border. Twenty-one of these were on the California-Mexico border—eight since January of this year.

This is a serious issue not just for San Diego and California, but for the entire country.

Surprisingly, there is no law on the books now that makes it a crime to construct, finance, build, or use a tunnel into the United States.

Last week, I toured a recently discovered tunnel in San Diego with San Diego Mayor Jerry Sanders, Police Chief Bill Lansdowne, Sheriff Bill Kolender and various Federal Government officials from the Department of Homeland Security.

This tunnel is the largest, most sophisticated underground passageway ever discovered; approximately half a mile long (8 football fields); at its deepest point, more than nine stories below ground; equipped with a drainage system, cement flooring for traction, lighting, and a pulley system; disguised as a produce distribution company known as ''V & F Distributors, LLC''; and accessible only through a small office inside this warehouse, covered by four square tiles.

The Bureau of Immigration and Customs Enforcement began investigating the case two years ago, and raided the tunnel last month from the Mexican side not knowing if or where an opening on the U.S. would be found. They discovered over 2,000 pounds of marijuana on the Mexican side of the border and approximately 300 on the U.S. side.

The legislation which I am introducing today—joined by Senator KYL as the Republican lead, as well as Senators FRIST, CANTWELL, BOXER, HUTCHISON, MCCAIN, BINGAMAN and DOMENICI—throws the book at those who build these tunnels and subterranean passageways into the United States.

It would: criminalize the construction or financing of an unauthorized tunnel or subterranean passage across an international border into the United States with a term of imprisonment up to 20 years; punish those who recklessly permit others to construct or use an unauthorized tunnel on their land with a term of imprisonment of up to 10 years; punish those who use a tunnel to smuggle aliens, weapons, drugs, terrorists, or illegal goods by doubling the sentence for the underlying offense; in addition to imprisonment, ensure that assets involved in the offense, or any property traceable to the offense, may be subject to forfeiture; and instruct the U.S. Sentencing Commission to promulgate or amend sentencing guidelines to provide for criminal penalties for persons convicted under this bill, and to take into account the gravity of this crime when considering the base offense levels.

The legislation is critical. We must secure every aspect of our borders.

Since 9/11: forty border tunnels have been discovered in the United States; all but one have been on the southern border; twenty-one of the tunnels were along the California-Mexico border; eight of the tunnels were discovered in San Diego since the beginning of the year; these tunnels range in complexity from simple ''gopher holes'' a few feet long at the border to massive drug-cartel built mega-tunnels, costing hundreds of thousands to millions of dollars to construct.

The need for this legislation is urgent. We must secure every aspect of our borders, including those we can't always see. And it is in our national security interest that we find these tunnels and prosecute those who construct, finance or recklessly permit the use of these tunnels on their land or property to the fullest extent of the law.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2355

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 ''Border Tunnel Prevention Act''.

SEC. 2. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''§ 554. Border tunnels and passages

''(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be imprisoned for not more than 20 years.

''(b) Any person who recklessly permits the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be imprisoned for not more than 10 years.

''(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to twice the penalty that would have otherwise been imposed had the unlawful activity not made use of such a tunnel or passage.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''Sec. 554. Border tunnels and passages.''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting ''554,'' before ''1425,''.

SEC. 3. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 1.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

By Mr. LEAHY:

S. 2356. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing the ''War Profiteering Prevention Act of 2006.'' This bill creates criminal penalties for war profiteers and cheats who, for ill-gotten gain, would exploit the United States Government's taxpayer-funded war and reconstruction efforts in Iraq and elsewhere around the world. I am pleased that Senator DORGAN has also included this legislation in the ''Honest Leadership and Accountability in Contracting Act of 2006'' that is also being introduced today.

I previously introduced this legislation in 2003. It came to be cosponsored by 21 Senators, including Senators CLINTON, DODD, FEINSTEIN, JOHNSON, KERRY, LANDRIEU, BILL NELSON, WYDEN, DAYTON, DURBIN, FEINGOLD, HARKIN, JEFFORDS, KENNEDY, KOHL, LIEBERMAN and REID. The Senate Appropriations Committee unanimously accepted these provisions during a Senate Appropriations Committee markup of the $87 billion appropriations bill for Iraq and Afghanistan for Fiscal Year 2004, and it passed the Senate. It was the right thing to do then, and it is the right thing to do now.

Regrettably, the Republican leadership in the House stripped this legislation out of that appropriations bill, and we regrettably have been witnessing the results in the meantime. Billions appropriated for the continuing war efforts and for reconstruction are unaccounted for, and fraud has been rampant. The recent report of the special inspector general confirms that U.S. taxpayer funds appropriated for reconstruction have been lost and diverted.

There are, of course, anti-fraud laws to protect against waste of tax dollars at home. But none expressly prohibits war profiteering, and none expressly confers jurisdiction for fraud overseas. This bill would criminalize ''war profiteering''—overcharging taxpayers in order to defraud and to profit excessively from a war, military action, or reconstruction efforts. It would prohibit any fraud against the United States involving a contract for the provision of goods or services in connection with a war, military action, or for relief or reconstruction activities. This new crime would be a felony, subject to criminal penalties of up to 20 years in prison and fines of up to $1 million or twice the illegal gross profits of the crime.

The bill also prohibits false statements connected with the provision of goods or services in connection with a war or reconstruction effort. This crime would also be a felony, subject to criminal penalties of up to 10 years in prison and fines of up to $1 million or twice the illegal gross profits of the crime. These are strong and focused sanctions that are narrowly tailored to punish and deter fraud or excessive profiteering in contracts, here and abroad, related to the United States Government's war or reconstruction efforts.

Congress has sent more than a quarter of a trillion dollars to Iraq with too little accountability and too few financial controls. Disturbingly, there are widespread reports of waste, fraud and war profiteering in Iraq, and the special inspector general examining the use of reconstruction funds in Iraq recently found that billions of taxpayer dollars remain unaccounted for.

For example, a recent report on 60 Minutes revealed that more than $50 billion of U.S. taxpayer funds have gone to private contractors hired to guard bases, drive trucks, feed and shelter the troops and rebuild in Iraq. This is more than the entire annual budget of the Department of Homeland Security.

In addition, just this week, the New York Times, reported that the Army has decided to reimburse a Halliburton subsidiary—Kellogg Brown & Root—for nearly all of its disputed costs on a $2.41 billion no-bid contract to deliver fuel and repair oil equipment in Iraq, even though the Pentagon's own auditors had identified more than $250 million in charges as potentially excessive or unjustified. That article further notes that the Army's decision to pay all but 3.8 percent of these questionable charges lies well outside the normal practice of the military.

The recent revelations about contract fraud and abuse in Iraq make clear that the approach to reconstruction in Iraq has been a formula for mischief. We need strong disincentives for those who would take advantage of the chaos of war to defraud American taxpayers.

We also need to strengthen the tools available to federal prosecutors to combat war profiteering. Despite well-publicized allegations of fraud and war profiteering in Iraq, so far the Government has brought only one case to recover these funds—a civil lawsuit brought under the False Claims Act. That case involves a contractor accused of overcharging the Government millions of dollars under a contract to help distribute new Iraqi currency during the first months after the collapse of the Hussein government. The Government's ability to recover funds in that case is being questioned by the defendant, however, who argues that legal technicalities may constrain current law from reaching all of the conduct of contractors working in Iraq or elsewhere overseas. This bill would address this problem by providing clear authority for the Government to seek criminal penalties and to recover excessive profits for war profiteering overseas. It should already be law, but three years ago the House Republican leadership rejected it.

Every penny of our taxpayers' money must be expended carefully and purposefully and protected from waste. The message sent by this bill is that any act taken to financially exploit the crisis situation in Iraq or elsewhere overseas for exorbitant financial gain is unacceptable, reprehensible—and criminal. Such deceit demeans and exploits the sacrifices that our military personnel and National Guard are making in Iraq and Afghanistan.

When U.S. taxpayers have been called upon to bear the burden of reconstruction contracts—where contracts are awarded in a system that offers little competition and even less accountability—concerns about wartime profiteering are a grave matter. Historical efforts to stem such profiteering have been successful: Congress implemented excessive-profits taxes and contract renegotiation laws after both World Wars, and again after the Korean War. Advocating exactly such an approach, President Roosevelt once declared it our duty to ensure that ''ar few do not gain from the sacrifices of the many.'' Then, as now, our Government cannot in good faith ask its people to sacrifice for reconstruction efforts that allow so many others to profit unfairly.

There is urgency to this important measure because criminal statutes cannot be applied retroactively. These controls should have been put in place at least three years ago; they need to be in place now. I urge that the Senate make prompt passage of this legislation a high priority. I hope that this time the House Republican leadership will have learned the hard lessons of the last three years and that, this time, they will allow this bill's enactment, on behalf of the Nation's taxpayers. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2356

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 ''War Profiteering Prevention Act of 2006''.

SEC. 2. PROHIBITION OF PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war, military action, or relief or reconstruction activities within the jurisdiction of the United States Government, knowingly and willfully—

''(A)(i) executes or attempts to execute a scheme or artifice to defraud the United States; or

''(ii) materially overvalues any good or service with the specific intent to defraud and excessively profit from the war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both; or

''(B)(i) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(ii) makes any materially false, fictitious, or fraudulent statements or representations; or

''(iii) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry;

shall be fined under paragraph (2) imprisoned not more than 10 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts.''.

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1039,'' after ''1032,''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1039''.

(d) RICO.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: '', section 1039 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)'' after ''liquidating agent of financial institution),''.

By Mr. KENNEDY:

S. 2357. A bill to provide for economic security and prosperity; to the Committee on Finance.

Mr. KENNEDY. Mr. President, these have not been easy times for vast numbers of Americans. In many ways, the American dream is in peril for millions of our fellow citizens as global forces have caused the economy to shift against them.

Complacency is not the answer. Few things more affect the way we live than our shrinking and rapidly changing world. Unless we begin to address this immense challenge more effectively, the Nation will pay a high price for years and years to come. Now is the right time to reinvest in America's future, which is why I am today introducing the Right TRACK Act.

American families across the Nation know the problem. It is measured in jobs moving overseas, stagnant or even falling wages and benefits, our schools losing ground compared to other nations, and fewer opportunities to attain the American dream. Indeed, the course we are on today is a course that will make the American dream the impossible dream.

America cannot move forward if we cut back on investments in education, invention, and innovation, as the administration has proposed. We cannot compete in the world if our companies and our workers are saddled with soaring costs for health care. We cannot advance if we fail to invest in our own employees by paying them a decent wage, by taking steps to enable companies to keep jobs here at home, and by investing wisely in our own economic growth.

The 20th century was widely hailed as the American century, but the 21st century is up for grabs. No nation is guaranteed a future of lasting prosperity. We have to work for it. We have to sacrifice for it.

We have a choice. We can continue to be buffeted by the harsh winds of the global economy or we can think anew and guide the currents of globalization with a new progressive vision that strengthens America and equips our citizens to move confidently to the future.

Competing better in a race to the bottom is not the answer. Equality of opportunity—a bedrock principle of our democracy—is suffering already. Today, children born of parents in the bottom 20 percent of income have only a 1 in 15 chance of reaching the top 20 percent in their lifetimes. Also disturbing is the fact that those born in the middle are more likely to sink to the bottom than to rise to the top. And those born at the top are likely to stay at the top.

We cannot and should not compete by lowering wages. Instead, we must open new doors and new avenues for all Americans to make the most of their God-given talents and rekindle the fires of innovation in our society. By doing so, we can turn this era of globalization into a new era of opportunity for America.

As Thomas Jefferson said, ''Every generation needs a new revolution.'' And I believe the revolution for this generation is to master our own destiny in the new global economy.

What is most required is a new vision for America's future in the global community. Our goal is to rekindle the American Dream, so that if people work hard and play by the rules, they can succeed in life, be better off than their parents, live in good neighborhoods, raise strong families in safe surroundings, work in decent jobs with decent pay and decent benefits and a decent retirement.

To do all that, we must make a commitment to lifelong education, to prepare every man, woman, and child for the new world of intensifying competition and increasingly sophisticated technologies.

We must create high-quality jobs for the years ahead by investing in research and development, encouraging innovation, and modernizing all aspects of our infrastructure.

We must level the playing field for American businesses and employees, to ensure fair worldwide competition and preserve good jobs in the United States.

And we must make a fair commitment to assist and care for workers and communities harmed by the forces of globalization.

We can do all that, but only if we make the right choices, and the time to start is now.

I strongly believe that our highest priority must be a world class education for every American. We must seek a future where America competes with other nations, not by reducing our employees' pay and outsourcing their jobs but by raising their skills.

As a Nation, we must invest in Americans by ensuring access to the highest quality educational opportunities. We must make the American worker and manager the best educated, best trained, and most capable in the world. We need to nourish the capacities of every person in the nation.

To do that, we must begin in the earliest years. Research proves conclusively that what we do for children's early education and development does more to ensure their later success in school than any other investment we can make. It is far less costly to society to spend millions to put young children on the right track from the start, instead of spending billions to rescue them from the wrong track later. In fact, one study concludes that in the long run, we save $13 for every dollar invested in the early education of our youngest citizens. Prevention works in health care, and it can work in education too.

For generations, we have treated education as a three-legged stool—elementary and middle school, high school, and college. To create a solid foundation for the future, we have to add a fourth leg—early childhood education.

In elementary and secondary education, the No Child Left Behind Act was a pioneering reform that held great promise when it was signed into law by President Bush 4 years ago.

No Child Left Behind was not just an abstract goal. It was a moral commitment to every parent and every child and every school in America, and I was proud to stand with President Bush when he signed it. It soon became clear, however, that to the administration, it was more a slogan than a promise. Too many parents, too many children, too many schools are still waiting for the help we pledged.

We can't reform education without the resources needed to pay for the reforms. Promises alone won't provide the qualified teachers, high standards in every classroom, good afterschool activities, and the range of supplemental services that every good school needs if it is to provide the right help for students who need it.

No Child Left Behind was also a promise that every child counts—Black or White or Brown, rich or poor. It was a promise that disabled children too will have the qualified teachers and individual support they need to succeed in school and in life.

We must also do more to help students prepare for college, afford college, be admitted to college and complete college. In 1950, when I graduated from school, only 15 percent of jobs required some postsecondary training. Today, the number is over 60 percent and rising rapidly.

However, we are witnessing a growing gulf in college attendance between the rich and poor. The gap is shameful. Each year, 400,000 college-ready students don't attend a 4-year college because they can't afford it. Never before has the financial challenge of attending college been greater for young students.

It is time for America to agree that cost must never be a barrier to college education. Every child in America should be offered a contract, when they reach eighth grade, making clear that if they work hard, finish high school, and are accepted for college, we will guarantee them the cost of earning a degree. The Right TRACK Act authorizes Federal grants to States to support the creation of ''Contract for Educational Opportunity'' grants to cover students' unmet need up to the cost of attendance at 2-year and 4-year public colleges in that State.

Perhaps nowhere is it more obvious that we are falling behind than in math and science. For a nation that prides itself on innovation and discovery, the downward slide is shocking. In recent years, we have dropped to 28th in the industrial world in math education. Each year, China graduates three times as many engineers as we do. Other nations are gaining on us because they give higher priority to education.

The last time America was shocked into realizing we were unacceptably behind in math and science was in 1958, when the Soviet Union launched Sputnik. Republican President Eisenhower and a Democratic Congress responded by passing the National Defense Education Act, and almost overnight we doubled the Federal investment in education.

In fact, throughout our history, we have remade American education to conquer the challenges of each time. In the mid-1800s, with the Industrial Revolution in full swing, we created free and mandatory public schools before most other nations did. And to stay ahead, we rapidly established public high schools at the start of the last century to keep pace with a growing economy.

Once again, we did something comparable at the end of World War II. We passed the GI Bill of Rights and gave every returning veteran the chance for a college education. The Nation reaped a $7 return for every dollar it invested in their education. The result was the ''greatest generation,'' and it would never have happened without the GI bill.

That is the kind of initiative we need today, because the need is just as great. We need a new Education Bill of Rights, a new National Defense Education Act, for our own day and generation in science and math.

Let's make college free for students training to become math or science teachers.

Let's make college and graduate school free for low- and middle-income math and science students.

Let's see that our standards are internationally competitive, so that our high school graduates can succeed in this new economy. Let's offer incentives and other support for schools to develop and implement rigorous standards and courses in math and science.

The Right TRACK Act responds to each of these challenges. The legislation provides grants to low- and middle-income students studying in science, technology, engineering, and math fields, as well as critical-need foreign languages. The bill provides larger grants to students studying to become teachers in these fields who agree to work in a high poverty school for at least 4 years. It also provides teachers with tax credits, increased loan forgiveness as additional incentives to continue to teach where they are needed the most and invests in teacher training programs supporting their continuing education.

The Right TRACK Act also provides resources to states to create P–16 Preparedness Councils to help States with their efforts to improve State standards and ensure that they are aligned with the expectations of colleges, employers, and the armed services. The bill also provides funding to States working in collaboration to establish common standards and assessments.

The bill also directs resources to high need schools so they can invest in math, science, engineering, and technology textbooks and laboratories to ensure their students have equal access to a curriculum that will provide them with the skills they need to be successful in the 21st century global economy.

It is becoming increasingly important for students to become exposed to and immersed in other languages and cultures. In recent years, foreign language needs have significantly increased throughout the public and private sector due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the U.S. economy. American businesses increasingly need employees experienced in foreign languages and international cultures to manage a culturally diverse workforce. Foreign language proficiency is a consideration in 44 percent of hiring decisions and 66 percent of retention decisions. Currently, the U.S. Government requires 34,000 employees with foreign language skills in 100 languages across more than 80 Federal agencies.

The Right TRACK Act responds to these needs by providing grants for elementary and secondary critical-need language programs, summer institutes to improve teachers' knowledge and instruction of foreign languages and international content, and study abroad and foreign language study opportunities for high school students, undergraduate, and graduate students.

We must also continue to invest in our current workforce. The Right TRACK Act builds on existing formula funds for job training with competitive grants to support innovative strategies to meet emerging labor market needs.

From our earliest days as a nation, education has been the engine of the American dream. Our country is home to the greatest universities in the world, and our education system has produced the world's leading scientists, writers, musicians, and inventors. We cannot let these achievements stall now. Slogans aren't strong enough. We have to put first things first and give children, parents, schools, communities and States the support they need to refuel the amazing engine of education and keep our country great in the years ahead.

Beyond education, we must recognize that the foundation of our prosperity in this global world is to remain on the cutting edge of technology and medical and scientific breakthroughs in the years ahead and translate those advances into reliable products and services. A strong and fully developed infrastructure will provide the backbone for that success.

America has always been a world leader in research and development, but we can no longer take our success for granted. Even in highly skilled industries, where our technology and infrastructure have preserved our competitive advantage we are increasingly at risk today. Rapidly growing economies in Asia, Eastern Europe, and South America are now formidable competitors, developing their economies into engines of growth based not just on low wages but on well-educated citizens, advanced infrastructure, and well-run businesses.

In Bangalore, India, a G.E. center employs more than 2,200 Ph.D.s. These workers are not sewing buttons on

shirts; they are carrying out advanced research on jet engines and developing mathematical models for investment. An Intel research and development center in the same city employs 3,000 engineers designing the next generation of computer chips.

However, despite increasing international competition, the Federal commitment to research outside the defense arena has declined under the Bush administration. Of particular concern is the drop in funding for basic research. Much of the research conducted by private companies is focused on getting a product quickly to market. That is not the basic research that lays new foundations for new discoveries. Funding for basic research has declined in the past few years at the National Institutes of Health, the National Science Foundation, the Department of Energy, and other key scientific agencies. And overall the Federal investment in research which once exceeded one percent of our GDP is now less than half a percent.

We cannot allow this trend to continue. The Right TRACK Act will help America maintain its position as the leader in innovation. The Right TRACK Act will not only make the R&D credit permanent but expand it to encourage small businesses, universities, and Federal laboratories to collaborate on research. And it will increase R&D funding for major Federal research agencies by 10 percent that we double it in 7 years.

Innovation is important for its own sake, but it is also what creates jobs. We are currently seeing our investment in R&D paying dividends in high growth, high technology industries such as nanotechnology. We need to help usher these new technologies out of the laboratory and into the marketplace. The Right TRACK Act would encourage investment in nanotechnology businesses and increase support for critical programs at the Department of Commerce that help manufacturers adopt and commercialize new technologies.

We also must invest in innovation and infrastructure—highways, mass transit, new sources of clean energy, health I.T., and more. The Right TRACK Act will authorize funds for capital improvements to Amtrak and expands and increases tax credits for school renovation and construction that will equip schools with 21st century technology.

These investments not only improve the quality of our lives, but they also create the quality jobs that drive our economy forward.

Broadband infrastructure is a perfect example. Two years ago, President Bush declared that every American should have access to affordable broadband technology by the year 2007. But the administration still has no plan to get us there. In the meantime, we have fallen to 16th in the world in broadband access behind countries such as Japan and the Netherlands that have broadband speeds four and five times faster than ours.

Widespread use of basic broadband would add $500 billion to our economy and create 1.2 million jobs. Clearly, this is the kind of infrastructure we should invest in to produce good jobs and economic growth in the future. The Right TRACK Act also puts us on the ''right track'' to take full advantage of that economic opportunity.

We also live in an age exploding with medical miracles. A generation ago, few could possibly have imagined the advances in science and biology that have revolutionized the practice of medicine. No one today can predict how new discoveries in the life sciences will improve our lives and change the world, but we can be certain the effects will be profound.

Thanks to the genius and dedication of scientists, doctors, and business leaders, the potential of medical research is virtually limitless. Diagnosing a faulty heart valve or blocked artery once meant risky and traumatic exploratory surgery. Today, doctors make the diagnosis with a miniature camera and fiber optic cable, and the patient can walk out of the office moments later.

A few years ago, it seemed inconceivable that anyone could decipher the entire genetic code—the very blueprint of life. But today, doctors across the globe can read that sequence on their computer screens and use the information to search for new ways to treat cancer, diabetes, Alzheimer's, Parkinson's and other major illnesses.

Continuing at the forefront of the life sciences may well be the most important way for America to retain its leadership in the world economy in the coming years.

Another of the fundamental challenges of the global economy is that our companies are losing business and our people are losing jobs because they are not competing on a level playing field.

Foreign governments manipulate their currencies to give their products an unfair advantage. They refuse to enforce basic labor protections like a minimum wage. They use abhorrent practices like child labor and forced labor. As a result, these countries can produce goods much more cheaply and dominate the global marketplace.

Our own trade deficit is skyrocketing because we are producing less at home and buying more from other nations. Last year, we imported a record $726 billion more than we exported—an all-time high.

We can't continue down this reckless path. It is too damaging to our economy. Over $2.2 trillion of our national debt today is owed to foreign investors and foreign governments. America has always controlled its own destiny but when foreigners are bankrolling our Government, our destiny is no longer in our hands.

It is not just our companies that suffer—our workers are also struggling because the playing field is so uneven. More and more of our companies are shipping U.S. jobs overseas. Fifty-four percent of America's top companies have already done so. Even governments are part of the offshoring bandwagon. In my home State of Massachusetts, the State government has hired contractors that used workers from India to process Medicaid data and answer questions about food stamps.

The Nation as a whole has lost nearly 3 million manufacturing jobs since 2001. The pain is widespread—48 States have lost manufacturing jobs under President Bush. These are not just blue-collar jobs. Millions of high-paying, white-collar jobs are also at risk of being shipped overseas, especially in the fields of medicine and computers.

The disappearance of these good jobs is reducing our standard of living and threatening the very existence of the American middle class. President Bush's so-called economic recovery has the worst job creation record of any recovery since World War II.

Those fortunate enough to have jobs are finding that their wages are stagnant even though other costs are soaring. College tuition is up 46 percent since 2001. Housing costs are up 49 percent. Health insurance is up 58 percent. Gasoline is $2.33 a gallon—40 percent higher than it was 5 years ago.

The foundation of the America dream is weakening. That is because more of what our economy produces in this recovery now goes to business profits and executive suite salaries, and less to employees, than at any time since such records began in 1929. Wages are down, but profits are up by more than 60 percent.

There is a better way. We need policies that reject the Walmart-ization of the American workforce.

We must level the playing field in the competition for good jobs and demonstrate leadership in promoting fair wages for workers around the world. This is not just an economic issue—it is a moral issue. The Right TRACK Act will help raise living standards worldwide by prioritizing the elimination of forced labor and child labor in U.S. trade agreements and providing incentives for multinational corporations to treat their foreign workers with respect. It will also level the playing field for American businesses by ensuring that countries cannot manipulate their currencies to give their goods an unfair advantage in the global market.

Rejecting the race to the bottom also means reaffirming our commitment to workers here at home. We must stop rewarding companies by giving them favorable tax breaks for shipping jobs overseas. The Right TRACK Act corrects this nonsensical policy by eliminating the tax loophole that allows companies to avoid paying taxes on money they have earned overseas. The act also addresses the offshoring epidemic by requiring companies to give workers better notice when their jobs could be offshored to other countries

and ensuring that the Government does not use hard-earned tax dollars to ship jobs overseas.

Our commitment to workers at home also demands that we give them their fair share of the economic growth that globalization brings. In this century, just as in the last, we must ensure that workers can organize and have a voice at work. The Right TRACK Act preserves the basic rights of American workers by protecting employees who try to organize from employer intimidation, supporting the democratic right of a majority of workers to choose a representative through fair and neutral card-check procedures, and requiring employers to come to the table and negotiate a first contract.

We owe a particular duty to those Americans who lose their jobs due to the effects of trade or economic downturns. When workers lose their jobs in the global economy, we should help in the difficult and painful transition to new employment with top-notch job training and income assistance for their families until they get another paycheck. The Right TRACK Act gives workers and communities harmed by trade the support they deserve. It expands the Trade Adjustment Assistance Program to include service workers and workers who lose their jobs due to increased trade with countries like China and India. It also improves funding levels for training programs, provides wage insurance for older workers who lose their jobs, and helps workers to retain their health care coverage during times of transition.

And it is a scandal that the minimum wage has been stuck at $5.15 an hour for the past 9 years, below the poverty line for a family of three. It is the lowest the minimum wage has been in real value in more than 50 years. How can so many Republicans in Congress keep voting against any increase? Why can't we all at least agree that no one who works for a living in America should have to live in poverty? The Right TRACK Act gives these hardworking Americans a long overdue raise by increasing the minimum wage to $7.25 an hour in three steps.

America has to rise to each and every dimension of this challenge. We can do it by creating a new culture of innovation and creativity that keeps our Nation in the lead in the global market place—by equipping every American to compete and win in the new global economy. Only then will our economy continue to grow and prosper. Only then will the good jobs of the future be made in the U.S.A.

The same can-do spirit of innovation, invention, and progress that brought us the automobile, the airplane, and the computer can do it again. Those advances brought the American dream closer for all, and we can't afford to let it slip away now.

The essence of the American dream is the ability to provide a better life for yourself and your family. At its very heart are a good job, first-class education, good health care, and a secure retirement. Some say the dream is out of reach in today's global economy. But I am here today to tell you it doesn't have to be that way. We can revitalize the American dream.

I have full confidence in our ability to meet these challenges and reach new heights of discovery prosperity, and progress. Passing the Right TRACK Act that I've introduced today is an important step towards ensuring that the American dream remains attainable for generations to come, and I urge my colleagues to support it.

By Mr. OBAMA:

S. 2358. A bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Veterans Affairs hospitals; to the Committee on Veterans' Affairs.

By Mr. OBAMA:

S. 2359. A bill to amend title XVIII of the Social Security Act to establish a Hospital Quality Report Card Initiative under the Medicare program to assess and report on health care quality in hospitals; to the Committee on Finance.

Mr. OBAMA. Mr. President, today I am introducing legislation that would expand and improve quality reporting for our Nation's hospitals through the establishment of a national Hospital Quality Report Card Initiative.

Study after study has documented that health care quality in the United States is inconsistent and inadequate. The landmark 2003 RAND report by Beth McGlynn found that the chance of Americans getting recommended care is not much greater than the flip of coin. For many conditions, the chances are even worse—only about a third of diabetics and a quarter of patients with atrial fibrillation and hip fractures receive the right treatment, as do only about 10 percent of patients with alcohol dependence. Patients are suffering, and the financial costs of poor care are staggering. We can and must do more to ensure that every patient gets the right care, at the right time, in the right way.

One way to help improve health care quality is to measure and report the quality of care in our nation's hospitals. Hospital quality reports can help patients and consumers choose the hospital that will best serve their health needs. Purchasers and payers can use hospital quality information to help their decision-making about where employees and members can go for care. Hospitals and health care professionals would similarly benefit from identification of areas of need, and opportunities for quality improvement and cost containment. And finally, with greater quality reporting and transparency, we can begin to have an honest dialogue about health care quality and how to reform our health care system.

Several States have already developed and implemented hospital report card initiatives, and I am proud to say that Illinois began its own report card initiative in January of this year—an initiative that I spearheaded when I served in the Illinois State Senate.

On the national level, the Centers for Medicare and Medicaid Services (CMS) and the Hospital Quality Alliance have partnered to identify and encourage submission of quality measures for several health conditions, on a voluntary basis, in exchange for greater federal reimbursement. The Deficit Reduction Act codified this initiative earlier this year.

The Hospital Report Card Act, which I am introducing today, takes quality measurement one step further, by mandating that the Secretary expand and improve upon current quality reporting for hospitals. Within 18 months, the Secretary would establish a formal Hospital Report Card Initiative, and publish reports on individual hospital quality using data submitted for the value based purchasing program at CMS, but also including other data available to the Secretary. The report cards would report quality measures that align with those used in the National Healthcare Quality Report, including measures of effectiveness, safety, timeliness, efficiency, patient-centeredness, and equity. In addition, the report cards would provide information on other quality priorities for patients, such as staffing levels of nurses, rates of infections acquired in hospitals, volume of procedures performed, and availability of specialized care. The Secretary would also report measures of relevance to a number of priority populations, including women, children and minorities.

The bill requires the Secretary to take steps to ensure that all reported data is accurate and fairly represents hospital quality, and that hospitals have an opportunity to participate in the development of the report card initiative. I also want to make sure that sick patients have full access to the best hospitals, and so the report cards will risk-adjust quality data, so that hospitals are not inadvertently penalized for caring for more challenging patient populations.

We are hearing a lot of rhetoric about patient empowerment and consumer-driven health plans. However, we can't expect patients to make the best choices for their health care in the absence of accurate information on quality and costs. Similarly, we can't expect hospitals to recognize their areas of deficiencies or strengths without a critical look inwards. Finally, we can't expect the Nation at large to support and embrace healthcare reform without greater awareness of quality problems.

The Hospital Quality Report Card Act will help the Nation take one step closer to improving health care quality and containing costs, and I hope my colleagues will join me in passing this critical legislation.

By Mr. WYDEN:

S. 2360. A bill to ensure and promote a free and open Internet for all Americans; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, a headline in today's Wall Street Journal warns consumers that they will soon face a ''pay to play'' Internet where those businesses and consumers who want to continue to see equal content get equal treatment will have to pay more. Rather than let them continue to have the freedom to choose whatever content, applications and services they want, the big network operators want to control the content consumers can access. Allowing the big network operators to discriminate on the Net is bad news for consumers, small businesses, schools, libraries, nonprofits and any other user who enjoys their freedom of access.

That is why today I am proposing legislation that will codify the principle of network neutrality. I want consumers, small businesses and every other Internet user to continue to enjoy tomorrow the full array of content, service and applications they enjoy today.

My legislation, the Internet Non-Discrimination Act of 2006, will establish the principle of network neutrality by requiring the operators of the network to treat all content on the Internet equally. It will ensure transparency so that everyone can easily determine all rates, terms and conditions for the provision of any communications. Transparency coupled with a complaint process before the Federal Communications Commission will encourage compliance.

This legislation has been developed in consultation with a number of consumer groups and businesses, and I ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 2360

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 ''Internet Non-Discrimination Act of 2006''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since passage of the Telecommunications Act of 1996, the Internet has grown robustly. Today, Americans are changing how they access the Internet, moving from dial-up to broadband for their home connections. According to the Pew Internet and American Life Project, 72 percent of Americans use the Internet and 59 percent of Americans with home Internet have a high-speed Internet connection.

(2) Americans use the Internet for many daily activities. Over 17 percent of Americans have sold something over the Internet. Everyday, approximately 60,000,000 Americans use search engines to get access to information. 80 percent of Americans have looked online for health care information. In growing numbers, Americans are using the Internet to place phone calls, watch their favorite televisions shows or movies, and play games.

(3) The growth of the Internet and its success are due in large part to the freedom that has always existed on the content and applications layer of the Internet. Innovation has thrived on this layer, as anyone with a good idea has the ability to access consumers. The continuation of this freedom is essential for future innovation.

(4) Freedom on the content and applications layer has also led to robust competition for retail goods for consumers. Consumers can shop at thousands upon thousands of retailers from their home computers, including small businesses located miles away in other towns, States, and even countries.

(5) Such freedom is leading to the development of important new entertainment offerings, on-demand video and movie purchases, Internet Protocol television, and enhanced gaming options. The entertainment options available in the future will only be limited by the bandwidth that can be used and the innovation of people all over the world.

(6) Despite the growth of the Internet and increased access to the Internet for Americans, there is very little choice in who provides them high-speed Internet access. According to an April 2005 White Paper by Harold Feld and Gregory Rose, et. al., entitled, ''Connecting the Public: The Truth About Municipal Broadband'' only 2 percent of Americans get high-speed Internet access from someone other than their local phone company or cable provider. According to the Federal Communications Commission, approximately 20 percent of Americans do not have a high-speed Internet access provider that offers them service.

(7) As more and more Americans get high-speed access to the Internet without having much choice of who their provider will be, it is important that Congress protect the freedom on the Internet to ensure its continued success.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) APPLICATION OR SERVICE.—The term ''application or service'' means any information or service—

(A) by which an end-user through software or a device engages in an exchange of data or information; and

(B) conveyed over communications.

(2) BITS.—The term ''bits'' or ''binary digits'' means the smallest unit of information in which form data is transported on the Internet as a single digit number in base-2.

(3) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(4) COMMUNICATIONS.—The term ''communications''—

(A) means any voice, video, or data application or service, regardless of the facilities or technology used, that—

(i) is a transmission to subscribers by use of—

(I) the public rights-of-way;

(II) spectrum;

(III) numbering or addressing resources; or

(IV) other inputs licensed or managed by a unit of local government, or a private entity working in concert with such unit of local government, for the benefit of the public;

(ii) is offered to the public, or as to such classes of subscribers as to be effectively available directly to the public, with or without a fee; and

(iii) enables an end user, as part of such service, to transmit content of their own design or choosing between or among points specified by such user;

(B) includes interactive on-demand services, as such term is defined in section 602(12) of the Communications Act of 1934 (47 U.S.C. 522(12)); and

(C) does not include cable service, as such term is defined in section 602(6) of the Communications Act of 1934 (47 U.S.C. 522(6)).

(5) CONTENT.—The term ''content'' means information—

(A) in the form of writing, signs, signals, pictures, and sounds of all kinds, including stored information requested by an end user; and

(B) that is generated based on the input or request of such user.

(6) PERSON.—The term ''person'' means any natural person, partnership, firm, association, corporation, limited liability company, or other legal entity.

(7) NETWORK OPERATOR.—

(A) IN GENERAL.—The term ''network operator'' means any person who owns, operates, controls, or resells and controls any facility that provides communications directly to a subscriber.

(B) OBLIGATIONS.—Any obligation imposed on a network operator by the provisions of this Act shall apply only to the extent that such network operator is engaged in providing communications.

(8) SUBSCRIBER.—The term ''subscriber'' means any person who—

(A) is an end user of an application or service provided through communications; and

(B) consumes or provides goods provided through such application or service.

(9) TRANSMISSION COMPONENT.—The term ''transmission component'' means the portion of communications which enables an end user to transmit content of their own design and choosing between or among points specified by such user.

SEC. 4. OBLIGATIONS OF NETWORK OPERATORS.

(a) IN GENERAL.—A network operator shall—

(1) not interfere with, block, degrade, alter, modify, impair, or change any bits, content, application or service transmitted over the network of such operator;

(2) not discriminate in favor of itself or any other person, including any affiliate or company with which such operator has a business relationship in—

(A) allocating bandwidth; and

(B) transmitting content or applications or services to or from a subscriber in the provision of a communications;

(3) not assess a charge to any application or service provider not on the network of such operator for the delivery of traffic to any subscriber to the network of such operator;

(4) offer communications such that a subscriber can access, and a content provider can offer, unaffiliated content or applications or services in the same manner that content of the network operator is accessed and offered, without interference or surcharges;

(5) allow the attachment of any device, if such device is in compliance with part 68 of title 47, Code of Federal Regulations, without restricting any application or service that may be offered or provided using such a device;

(6) treat all data traveling over or on communications in a non-discriminatory way;

(7) offer just, reasonable, and non-discriminatory rates, terms, and conditions on the offering or provision of any service by another person using the transmission component of communications;

(8) provide non-discriminatory access and service to each subscriber; and

(9) post and make available for public inspection, in electronic form and in a manner that is transparent and easily understandable, all rates, terms, and conditions for the provision of any communications.

(b) PRESERVED AUTHORITY OF NETWORK OPERATORS.—Notwithstanding the requirements described in subsection (a), a network operator—

(1) may—

(A) take reasonable and non-discriminatory measures to protect subscribers from adware, spyware, malware, viruses, spam, pornography, content deemed inappropriate for minors, or any other similarly nefarious application or service that harms the Internet experience of subscribers, if such subscribers—

(i) are informed of the application or service; and

(ii) are given the opportunity to refuse or disable any such preventative application or service;

(B) support an application or service intended to prevent adware, spyware, malware, viruses, spam, pornography, content deemed inappropriate for minors, or any other similarly nefarious application or service that harms the Internet experience of subscribers, if such subscribers—

(i) are informed of the application or service; and

(ii) are given the opportunity to refuse or disable any such preventative application or service; and

(C) take reasonable and non-discriminatory measures to protect the security of the network of such operator, if such operator faces serious and irreparable harm; and

(2) shall—

(A) give priority to an emergency communication;

(B) comply with any court-ordered law enforcement directive; and

(C) prevent any activity that is unlawful or illegal under any Federal, State, or local law.

SEC. 5. COMPLAINTS REGARDING VIOLATIONS.

(a) COMPLAINT.—Any aggrieved party may submit a written complaint to the Commission seeking a ruling that a network operator has violated a requirement described in section 4(a).

(b) CONTENT OF COMPLAINT.—In any complaint submitted under subsection (a) an aggrieved party shall make a prima facie case that—

(1) a network operator violated a requirement of section 4(a);

(2) such violation was not a preserved authority described in subparagraph (A) or (B) of section 4(b)(1); and

(3) such violation is harmful to such party.

(c) 7-DAY ACCEPTANCE PERIOD.—Not later than 7 days after the date of the submission of a complaint under subsection (a), the Commission shall issue a decision regarding its acceptance or denial of the prima facie case made by an aggrieved party.

(d) CEASE AND DESIST.—

(1) IN GENERAL.—If the Commission accepts the prima facie case of an aggrieved party under subsection (c), a network operator shall be required to cease and desist the action that is the underlying basis of the complaint for the duration of the proceeding on such complaint, until such time as the Commission may rule that a violation of a requirement of section 4(a) has not occurred.

(2) AUTHORITY TO EXTEND CEASE AND DESIST ORDER.—The Commission shall have the authority to extend any cease and desist order to any similarly situated person as the Commission determines necessary and appropriate.

(e) BURDEN OF PROOF.—If the Commission accepts the prima facie case of an aggrieved party under subsection (c), a network operator shall bear the burden of proving that—

(1) no violation of section 4(a) occurred; or

(2) such violation was a preserved authority described in section 4(b).

(f) FINAL DECISION.—

(1) 90-DAY PERIOD.—Not later than 90 days after the date of the submission of a complaint under subsection (a), the Commission shall issue a final decision regarding the request for a ruling contained in such complaint.

(2) FAILURE TO ISSUE DECISION.—If the Commission fails to issue a decision at the expiration of the 90-day period described in paragraph (1), a violation of a requirement of section 4(a) shall be deemed to have occurred.

(g) RULES OF CONSTRUCTION.—

(1) DELEGATION.—

(A) IN GENERAL.—Nothing in this section shall be construed—

(i) to prevent the Commission from delegating any authority granted to it under this section to a relevant office or bureau pursuant to the authority granted the Commission under section 5(c) of the Communications Act of 1934 (47 U.S.C. 155(c)); or

(ii) to limit the Commission from adopting any appropriate procedures pursuant to any other provision of law.

(B) LIMITATION.—The rule established under subparagraph (A) shall only apply if at the expiration of the 90-day period described in subsection (f)(1)—

(i) the Commission issues a final decision that is ripe for judicial review; or

(ii) a violation of a requirement of section 4(a) shall be deemed to have occurred under subsection (f)(2).

(2) PETITION FOR RECONSIDERATION.—

(A) IN GENERAL.—Nothing in this section shall be construed to affect the ability of any eligible party to file a petition for reconsideration under section 405 of the Communications Act of 1934 (47 U.S.C. 405).

(B) TIMING.—

(i) 90-DAY PERIOD.—Not later than 90 days after the date of the submission of a petition for reconsideration under section 405 of the Communications Act of 1934 (47 U.S.C. 405), the Commission shall issue an order granting or denying such petition.

(ii) FAILURE TO ISSUE AN ORDER.—If the Commission fails to issue a decision at the expiration of the 90-day period described in clause (i), the previous decision of the Commission shall be considered affirmed and final for purposes of judicial review.

(3) JUDICIAL REVIEW.—Notwithstanding section 402(b) of the Communications Act of 1934 (47 U.S.C. 402(b)) and any other provision of law, any appeal of a decision of the Commission under this section shall be made to United States district court for the district in which the principle place of business of the aggrieved party is located.

(4) INTERVENTION BY THIRD PARTIES.—Nothing in this section shall be construed to prevent any interested person from intervening in any appeal of a decision of the Commission in accordance with section 402(e) of the Communications Act of 1934 (47 U.S.C. 402(e)).

SEC. 6. PENALTIES.

(a) IN GENERAL.—If the Commission issues a ruling under section 5 that a network operator is in violation of a requirement of section 4(a), such network operator shall be subject to the penalties prescribed under section 501 of the Communications Act of 1934 (47 U.S.C. 501).

(b) SEPARATE VIOLATIONS.—Each violation of a requirement of section 4(a) shall be treated as a separate incident for purposes of imposing penalties under subsection (a).

By Mr. BYRD:

S. 2362. A bill to establish the National Commission on Surveillance Activities and the Rights of Americans; to the Committee on the Judiciary.

Mr. BYRD. Mr. President, before the Presidents Day recess, I spoke about recent egregious examples of domestic surveillance by the executive branch, and I announced my intention to introduce legislation to establish a commission to investigate the instances of warrantless wiretapping and spying on U.S. citizens by the National Security Agency and other departments of Government.

I am not the lone voice raising questions about the legality of this program and its effect on the rights of law-abiding American citizens. I am only one—only one—in a growing chorus—a growing chorus—of concerned individuals. Since the New York Times broke the story of the NSA's wiretapping program, many in this Chamber on both sides of the aisle have questioned the legality of the warrantless wiretapping and have called for investigations into possible violations of the Foreign Intelligence Surveillance Act, as well as other transgressions against the spirit or the letter of our revered Constitution.

Many of our country's foremost constitutional scholars and professors of law have expressed their categorical opposition to the NSA's program, citing possible violations of both the Constitution and the Foreign Intelligence Surveillance Act. They agree that ''the program appears on its face''—on its face—''to violate existing law.''

These concerns have, of course, been dismissed by the same branch of Government that hatched the domestic spying program. Did you hear that? I will say it again. These concerns have been dismissed by the same branch of Government that hatched the domestic spying program. But this stonewalling—yes, that is stonewalling—this stonewalling is only part of the story. Important questions about NSA's program have been answered with strained and tenuous justifications or claims of the dire need for secrecy and, as a result, Congress's access to information has been severely—severely, severely—curtailed, by whom? By whom? Guess what, by the administration; by the administration.

There are some things we do know. We know that top officials in the Department of Justice who were concerned about questions of legality and lack of oversight of the program refused to endorse continued use of the NSA's wiretapping. That isn't all. We also know because of these concerns this secret program was suspended. Do you get that? This secret program was suspended temporarily due to questions about its legality.

What most Americans don't know is that FBI agents complained about the utility of the wiretapping program. Voluminous amounts of information and records that were gleaned from this secret eavesdropping program were sent from the National Security Agency to the Federal Bureau of Investigation, and FBI officials repeatedly complained that they were being drowned by a river of useless information that

diverted their resources from pursuing important counterterrorism work. Such complaints raise the question of whether the domestic wiretapping program may have backfired by sending our top counterterrorism agencies on wild-goose chases, thus making our country less secure instead of making our country more secure.

We know that one member of the Foreign Intelligence Surveillance Court, Judge James Robertson, resigned—yes, resigned—4 days after the New York Times first detailed the NSA's warrantless—warrantless—domestic surveillance. We know that only the chief judge of the FISA Court, the secret court charged with approving requests to conduct domestic surveillance, had any knowledge of this clandestine wiretapping program. The other judges, who are sworn to strict secrecy, learned of the program just as many of our citizens did—through reports in the press. Yes, thank God for a free press.

We know that although most of the judges of the Foreign Intelligence Surveillance Court were kept in the dark about the program, at least one of the judges was tipped off by an attorney within the Department of Justice that some of the information being presented to the court to secure warrants was improperly obtained, meaning the Government had apparently circumvented a court-ordered screening process to eliminate tainted evidence.

We know that in a February 28 letter to Senate Judiciary Committee Chairman ARLEN SPECTER, Attorney General Gonzales admitted that the Justice Department's legal justification for the wiretaps has ''evolved over time.''

What does that mean? Does it mean that there actually was no legal basis for the NSA to spy on American citizens when it first began the surveillance? Does it mean the Department had to gin up some legal basis for the spying once the program became public? Does it mean the administration's reliance on the use-of-force resolution to justify its snooping was simply a ploy—just a ploy—an ''after the fact'' face-saving device meant to give the administration cover for having violated the civil liberties of Americans?

We know that earlier this week, 18 Members of the House of Representatives sent a letter to President Bush requesting that he appoint a special counsel to investigate the NSA's warrantless surveillance of our citizens. In their letter, the House Members noted that with no clear information coming from the administration, they and all of America have been forced to rely primarily on press reports to determine the scope of the NSA's activities.

With so many questions unanswered by the administration, it is absolutely imperative that there be an objective investigation of this program and any violations of law that may have occurred.

We are in a supercharged political year—we know that, you know that, everybody knows that—an election year for one-third of the Senate, including this Senator from West Virginia, and for the entire House of Representatives. And the Senate Intelligence Committee as of today has refused to initiate a serious investigation into this matter. But an investigation has to go forward. The efficacy of our laws and our Constitution is at stake. That is why I am proposing legislation to establish a nonpartisan commission to review and investigate domestic surveillance in America, along with serious allegations of abuse. In this way, we will be sure to safeguard our first and fourth amendment rights as enumerated in this Constitution, as well as evaluate the actual effectiveness of such programs in combating terrorist threats.

James Madison wrote in his essay, ''Political Reflections,'' that ''[t]he fetters''—the fetters, f-e-t-t-e-r-s—''[t]he fetters imposed on liberty at home have ever been forged out of the weapons provided for defense against real, pretended, or imaginary dangers from abroad.

No one is suggesting that the threat of terrorist attacks is anything but a real threat, and one that must be of the Congress's utmost priority. But the suggestion that the American people would be safer in their homes if they just forego their constitutionally protected rights is a deliberately deceptive assertion that may forge the fetters that bind law-abiding citizens. Make no mistake about it: It is these ill-conceived strictures that may ultimately destroy precious liberties.

In fact, it is because our forefathers were fearful of re-creating the same tyrannous form of government from which many of them had fled, that the Bill of Rights—the Bill of Rights, those first 10 amendments—the Bill of Rights was added to the Constitution to better secure for all time—all time—the freedom from oppression that ever looms from an overly powerful executive. Get that. Get that. Let me say that again. It was because our forefathers, thank God, were fearful of re-creating the same tyrannous, the same tyrannical form of government from which many of them had fled that the Bill of Rights was added to the Constitution to better secure, for all time, the freedom from oppression that ever looms from an overly powerful executive. And you better believe it. You better believe it. Hear me. Hear me now. I will always speak out against an all-powerful executive, under either party.

In a climate of fear, liberties have been sacrificed time and again under the guise of keeping the Nation from harm. Fear. Yes, fear is a powerful tool for manipulation; useful for easing the American people out of their liberties and into submission. Fear. When the public is confronted with a situation, real or imagined, that inspires fear, the public rightfully look to their leaders—look to their leaders, Mr. President—for protection from foreboding consequences. The claim of wartime necessity always strengthens the hands of a President. Let me say that again. The claim of wartime necessity always strengthens a President, any President, Republican or Democrat. And often facts are sealed from the prying eyes of Congress by a purported need for secrecy.

But Senators, and that includes this Senator from West Virginia, Senators have a sworn duty—a sworn duty, a sworn duty—sworn right up there at that desk with their hand on the Bible—the holy Bible, the holy Bible, the holy Bible—with their hand on the Bible to check executive power. We have to be on guard every moment of every day. The executive branch, whether it be Democratic or Republican, is always reaching—always reaching, always reaching—always grabbing more power, more power, more power, and we have to be on guard. We have a sworn duty to check executive power and, as long as I live, I am going to stand for the checking of the executive power; I don't care whether it is a Democrat or Republican in the White House or an Independent. It makes no difference. We have a sworn duty. We swear. We put our hand on the Bible before God and man, and we swear to check executive power at all times—at all times—in times of crisis or otherwise. Each of us here, and there are 100 here, and each of this 100, 100 Senators, we are each bound to defend the Constitution and each bound to defend the liberties that the Constitution gives to all Americans, at all times, in times of peace and in times of war.

History has shown us many times that a climate of fear can take a hefty toll on our freedoms. That is your freedoms. That is your freedoms. That is your freedoms. Worse still are liberties surrendered in vain, resulting in little added security.

There is no doubt that constitutional freedoms will never be abolished in one fell swoop—never—for the American people cherish their freedoms, and they would not tolerate such a loss if they could perceive it; if they could see it coming, if they could hear it, if they could feel it, if they could perceive it. But the erosion of freedom rarely comes as an all-out frontal assault; rather, it is gradual, noxious, creeping, cloaked in secrecy and glossed over by reassurances of greater security.

The American people are a people born of sacrifice, and the sacrifices that the American people are willing to endure speak well of the tenacity and the strength that makes the United States of America what it is. Some may be tempted to accept on blind faith the administration's—any administration's, any administration's—promise of increased security, and they may see it as a duty to capitulate their rights for that flimsy promise. May we all pause to reflect on the hard-won liberties—the hard-won liberties—for which earlier generations fought and

died. Remember Nathan Hale. He died. He regretted that he had but one life to give, to lose, one life to lose for his country. Remember Patrick Henry: ''Give me liberty or give me death,'' he said. John Paul Jones: ''We have only begun to fight.''

So may we all pause to reflect, as we have just done, on the hard-won liberties for which earlier generations fought and died before we easily accept convincing rhetoric. Rhetoric is cheap. Talk is cheap. To suggest that innocent Americans surrender rights to preserve freedom is a false choice. It is also a slippery slope, one that is fraught with ever more secrecy and the certainty of egregious abuses of our Bill of Rights and of our laws over time.

The commission that I propose would determine how to best protect the homeland, as well as the most effective ways of gathering needed intelligence. It will examine the procedures for the NSA's use and retention of intelligence obtained without warrants, and the method and scope of dissemination of such information to other agencies. It will investigate any questions raised by the Foreign Intelligence Surveillance Court concerning the legality of the domestic spying program. It will examine the obligation of the President—do you get that? Do you hear that, Mr. President? Republican or Democrat. It will examine the obligation of the President to brief Members of Congress—not just one or two or three or four—on warrantless surveillance of American citizens. It will lift the fog—lift the fog—of secrecy and clandestine government activity misaimed at law-abiding citizens and perhaps, most importantly, it will shed much needed sunshine—let the sunshine in—much needed sunshine on any unlawful or unconstitutional executive—executive, executive intrusions into the lives of ordinary Americans.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. HARKIN, Mr. LAUTENBERG, Mrs. BOXER, Mr. LIEBERMAN, Mrs. CLINTON, Mr. MENENDEZ, Mr. AKAKA, Mr. DODD, and Mr. KERRY):

S. 2364. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I rise along with Senators BINGAMAN, HARKIN, LAUTENBERG, BOXER, LIEBERMAN, CLINTON, MENENDEZ, AKAKA, DODD and KERRY to introduce the Roadless Conservation Act of 2006.

Since Teddy Roosevelt established the national forest system 100 years ago, we have cherished these amazing public lands. They have provided both timber for our economy, and quiet solace for our souls. However, only a fraction of the vast natural forests that once covered our nation remain. I believe it is our duty to protect these lands before we have no natural forest legacy to pass on to our children.

Simply put, the Roadless Area Conservation Act of 2006 represents a balanced and reasoned approach to forest management on untouched public lands. This legislation reasserts safeguards in place in 2001 to protect our nation's the last remaining pristine forest lands, 58.5 million acres, from logging, road-building, and other environmentally damaging development. In Washington State alone there are 2,015,000 acres of National Forest system lands that qualify for protection as Roadless areas under the legislation.

The bill would prohibit new road construction or reconstruction in inventoried roadless areas while maintaining opportunities for hunting, fishing, hiking, mountain-biking, snowmobiling, cross-country skiing and other forms of outdoor recreation in our National Forests.

The legislation also includes a number of important exemptions to allow new road construction for human health and safety, oil and gas development, and other previously approved economic activities, such as ski trails.

What is more, it allows for hazardous fuels reduction, forest stewardship projects, and targeted economic activities. This legislation also helps address the serious fiscal challenge presented by the more than $8.6 billion dollar maintenance and reconstruction backlog on the 386,000 miles of existing U.S. Forest Service roads.

Of course, this might not sound new. And you'd be right. In many ways, we've travelled these roads before. The Clinton Administration finalized the Roadless Area Conservation Rule in January 2001, following three years of official review and public participation, over 600 public meetings—45 public meetings in Washington state alone—and hearings on each National Forest and in each Forest Service region.

During his confirmation hearing I asked Attorney General John Ashcroft if the administration would uphold the Roadless regulation. He pledged that he would. In May 2001, then-USDA Secretary Ann Venemen also pledged that the administration would stand by the Rule.

But that's not what happened. Through a series of subtle yet unmistakable steps the administration has allowed these protections to be undermined steadily. They've rolled over for logging companies and developers. They've cooked up loopholes for State-based petitions or settlements that could weaken or eliminate the protections afforded to these unique lands. And finally, in May of 2005, they dropped the pretense altogether when the U.S.D.A. Forest Service repealed the 2001 Roadless Area Conservation Rule, eliminating these vital roadless forest land protections.

The need for action today is more urgent than ever. These are national forest lands that provide unmatched outdoor recreation opportunities, critical fish and wildlife habitats, and promote clean drinking water for millions of Americans. This bill would not apply or effect state, tribal, county, municipal, or private lands and does not impact existing U.S. Forest Service roads, trails, or activities on those roads and trails.

The 2001 Roadless Rule has received unprecedented public support, including over four million comments submitted to the U.S. Forest Service asking that it not be overturned. Most recently, over 250,000 Americans, including over 100 current and former Olympic athletes, have filed a formal petition under the Administrative Procedures Act (APA) to reverse the Bush Administration's decision to eliminate the 2001 Rule. This legislation enjoys the support and endorsement of such groups as National Wildlife Federation, Trout Unlimited, the Heritage Forests Campaign, the Wilderness Society, and the Sierra Club.

I've worked to protect these pristine forest lands since the day I came into office, and I'll keep fighting to make sure this bill gets signed into law. We've heard it loud and clear: Americans don't want to see their hunting, fishing, and hiking areas turned into a reckless patchwork of road-building, logging, and mining.

Let's act today and pass the Roadless Conservation Act of 2006. The American people and future Americans deserve nothing less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2364

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 ''Roadless Area Conservation Act of 2006''.

SEC. 2. FINDINGS AND PURPOSE.

(a) IN GENERAL.—Congress finds that—

(1) there is a compelling need to establish national protection for inventoried roadless areas of the National Forest System in order to protect the unique social and ecological values of those irreplaceable resources;

(2) roadless areas protect healthy watersheds and their numerous benefits including—

(A) protecting downstream communities from floods and tempering the effects of drought;

(B) ensuring a supply of clean water for domestic, agricultural, and industrial uses;

(C) helping maintain abundant and healthy fish and wildlife populations and habitats;

(D) providing the setting for many forms of outdoor recreation; and

(E) providing drinking water to millions of citizens from the more than 354 municipal watersheds found on roadless areas;

(3) maintaining roadless areas in a relatively undisturbed condition—

(A) saves downstream communities millions of dollars in water filtration costs; and

(B) is crucial to preserve the flow of affordable, clean water to a growing population;

(4) the protection of roadless areas can maintain biological strongholds and refuges for many imperiled species by halting the

ongoing fragmentation of the landscape into smaller and smaller parcels of land divided by road corridors;

(5) roadless areas conserve native biodiversity by serving as a bulwark against the spread of nonnative invasive species;

(6) roadless areas provide unparalleled opportunities for hiking, camping, picnicking, wildlife viewing, hunting, fishing, cross-country skiing, canoeing, mountain-biking, and similar activities;

(7) while roadless areas may have many wilderness-like attributes, unlike wilderness areas, the use of mechanized means of travel is allowed in many roadless areas;

(8) roadless areas contain many sites sacred to Native Americans and other groups that use roadless areas for spiritual and religious retreats;

(9) from the inception of Federal land management, it has been the mission of the Forest Service and other agencies to manage the National Forest System for the dual purposes of resource extraction and conservation;

(10) consistent with that dual mission, this Act—

(A) protects social and ecological values, while allowing for many multiple uses of inventoried roadless areas; and

(B) does not impose any limitations on the use of, or access to Nation Forest System, State, or private land outside inventoried roadless areas;

(11) establishing a consistent national policy for the protection of inventoried roadless areas—

(A) ensures that the considerable long-term ecological and economic benefits of protecting roadless areas for future generations are properly considered;

(B) diminishes the likelihood of controversy at the project level; and

(C) enables the Chief of the Forest Service to focus on the economic and environmental benefits of reducing hazardous fuel buildups in portions of the landscape that already have roads;

(12) the National Fire Plan indicates that fires are almost twice as likely to occur in roaded areas as in roadless areas, because roadless areas are generally located further away from communities and are harder to access;

(13) the report entitled ''Protecting People and Sustaining Resources in Fire-Adapted Ecosystems—A Cohesive Strategy'' (65 Fed. Reg. 67480) advocates a higher priority for fuel reduction on land that is near communities and readily accessible municipal watersheds;

(14) the Forest Service has an enormous backlog of maintenance needs for the existing 386,000 mile road system of the Forest Service that will cost millions of dollars to eliminate;

(15) no State or private land owner would continue to build new roads in the face of such an enormous backlog;

(16) failure to maintain forest roads—

(A) limits public access; and

(B) causes degradation of water quality and wildlife and fish habitat; and

(17) protection of roadless areas—

(A) will impact less than 0.5 percent of the national timber supply; and

(B) will have a negligible impact on oil and gas production because—

(i) the entire National Forest System provides only approximately 0.4 percent of the quantity of oil and gas that is produced in the United States; and

(ii) roadless areas provide only a fraction of the quantity of oil and gas that is produced in the National Forest System.

(b) PURPOSE.—The purpose of this Act is to provide, within the context of multiple-use management, lasting protection for inventoried roadless areas within the National Forest System.

SEC. 3. DEFINITIONS.

In this Act:

(1) CLASSIFIED ROAD.—

(A) IN GENERAL.—The term ''classified road'' means a road wholly or partially within, or adjacent to, National Forest System land that is determined to be needed for long-term motor vehicle access.

(B) INCLUSIONS.—The term ''classified road'' includes a State road, county road, privately-owned road, National Forest System road, and any other road authorized by the Forest Service.

(2) INVENTORIED ROADLESS AREA.—The term ''inventoried roadless area'' means 1 of the areas identified in the set of inventoried roadless area maps contained in the document entitled ''Forest Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2'', dated November 2000.

(3) RESPONSIBLE OFFICIAL.—The term ''responsible official'' means a Forest Service line officer or employee with the authority and responsibility to make decisions regarding the protection and management of inventoried roadless areas under this Act.

(4) ROAD.—The term ''road'' means a motor vehicle travelway over 50 inches wide, unless designated and managed as a trail.

(5) ROAD CONSTRUCTION.—The term ''road construction'' means activity that results in the addition of classified road or temporary road miles.

(6) ROAD IMPROVEMENT.—The term ''road improvement'' means activity that results in—

(A) an increase of the traffic service level of an existing road;

(B) an expansion of the capacity of the road; or

(C) a change in the original design function of the road.

(7) ROADLESS AREA CHARACTERISTICS.—The term ''roadless area characteristics'' means resources or features that are often present in and characterize inventoried roadless areas, including—

(A) high quality or undisturbed soil, water, and air;

(B) sources of public drinking water;

(C) diversity of plant and animal communities;

(D) habitat for—

(i) threatened, endangered, candidate, or sensitive species, and species proposed for listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) species dependent on large, undisturbed areas of land;

(E) primitive, semiprimitive nonmotorized, and semiprimitive motorized classes of dispersed recreation;

(F) reference landscapes;

(G) natural appearing landscapes with high scenic quality;

(H) traditional cultural properties and sacred sites; and

(I) other locally identified unique characteristics.

(8) ROAD MAINTENANCE.—The term ''road maintenance'' means ongoing upkeep of a road necessary to retain or restore the road in accordance with approved road management objectives.

(9) ROAD REALIGNMENT.—The term ''road realignment'' means an activity that results in—

(A) a new location of all or part of an existing road; and

(B) treatment of the old roadway.

(10) ROAD RECONSTRUCTION.—The term ''road reconstruction'' means an activity that results in improvement or realignment of an existing classified road.

(11) TEMPORARY ROAD.—The term ''temporary road'' means a road that is—

(A) authorized by contract, permit, lease, other written authorization, or emergency operation; and

(B) not intended to be part of the forest transportation system and not necessary for long-term resource management.

(12) UNCLASSIFIED ROAD.—The term ''unclassified road'' means a road on National Forest System land that is not managed as part of the forest transportation system, including—

(A) an unplanned road, abandoned travelway, or off-road vehicle track that has not been designated and managed as a trail; and

(B) a road that was once under permit or other authorization and was not decommissioned on the termination of the authorization.

SEC. 4. PROHIBITION ON ROAD CONSTRUCTION AND ROAD RECONSTRUCTION IN INVENTORIED ROADLESS AREAS.

(a) PROHIBITION.—Except as provided in subsection (b), road construction and road reconstruction may not take place in an inventoried roadless area of the National Forest System.

(b) EXCEPTIONS.—Road construction and road reconstruction may take place, including through the use of appropriated funds, in an inventoried roadless area of the National Forest System if the responsible official determines that—

(1) a road is needed to protect public health and safety in a case of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;

(2) a road is needed to conduct—

(A) a response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) a natural resource restoration action under—

(i) that Act;

(ii) section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); or

(iii) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(3) a road is needed pursuant to a reserved or outstanding right, or as provided for by law or treaty;

(4) a road realignment is needed—

(A) to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a classified road that cannot be mitigated by road maintenance; and

(B) to provide for essential public or private access, natural resource management, or public health or safety;

(5) road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential with respect to the road;

(6)(A) a Federal-aid highway project authorized under chapter 1 of title 23, United States Code, is—

(i) in the public interest; or

(ii) consistent with the purposes for which the land was reserved or acquired; and

(B) no other reasonable and prudent alternative to the project exists; or

(7)(A) a road is needed in conjunction with—

(i) the continuation, extension, or renewal of a mineral lease on land that is under lease by the Secretary of the Interior as of January 12, 2001; or

(ii) the issuance of a new lease issued immediately on the date of expiration of an existing lease described in clause (i);

(B) road construction or road reconstruction under this paragraph will be conducted in a manner that—

(i) minimizes the effects on surface resources;

(ii) prevents unnecessary or unreasonable surface disturbance; and

(iii) complies with all applicable laws (including regulations), lease requirements, and land and resource management plan directives; and

(C) a road constructed or reconstructed under this paragraph will be removed on the earlier of—

(i) the date on which the road is no longer needed for the purposes of the lease; or

(ii) the date of termination or expiration of the lease.

(c) ROAD MAINTENANCE.—A classified road in an inventoried roadless area may be maintained.

SEC. 5. PROHIBITION ON TIMBER CUTTING, SALE, OR REMOVAL IN INVENTORIED ROADLESS AREAS.

(a) PROHIBITION.—Except as provided in subsection (b), timber may not be cut, sold, or removed in an inventoried roadless area of the National Forest System.

(b) EXCEPTIONS.—Timber may be cut, sold, or removed in an inventoried roadless area if the responsible official determines that the cutting, sale, or removal of the timber is expected to be infrequent and—

(1) the cutting, sale, or removal of generally small diameter timber—

(A) will improve or maintain 1 or more roadless area characteristics; and

(B) is needed—

(i) to improve habitat for threatened, endangered, candidate, or sensitive species, and species proposed for listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(ii) to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under a natural disturbance regime of the current climatic period;

(2) the cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this Act;

(3) the cutting, sale, or removal of timber is needed and appropriate for personal or administrative use, in accordance with part 223 of title 36, Code of Federal Regulations; or

(4) roadless characteristics have been substantially altered in a portion of an inventoried roadless area as a result of the construction of a classified road and subsequent timber harvest, if—

(A) the road construction and subsequent timber harvest occurred after the area was designated an inventoried roadless area and before January 12, 2001; and

(B) timber is cut, sold, or removed only in the substantially altered portion of the inventoried roadless area.

SEC. 6. SCOPE AND APPLICABILITY.

(a) EFFECT.—This Act does not—

(1) revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued or entered into before January 12, 2001;

(2) compel the amendment or revision of any land and resource management plan;

(3) revoke, suspend, or modify any decision concerning any project or activity made before January 12, 2001; or

(4) apply to road construction, reconstruction, or the cutting, sale, or removal of timber in an inventoried roadless area of the Tongass National Forest if a notice of availability of a draft environmental impact statement for such activity has been published in the Federal Register before January 12, 2001.

(b) LIMITATION ON REVISION.—The prohibitions and restrictions established in this Act are not subject to reconsideration, revision, or rescission in any subsequent project decision or amendment or revision to any land and resource management plan carried out in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 387—RECOGNIZING THE NEED TO REPLACE THE UNITED NATIONS HUMAN RIGHTS COMMISSION WITH A NEW HUMAN RIGHTS COUNCIL

Mr. COLEMAN (for himself, Mr. SMITH, Mr. VOINOVICH, Mr. COBURN, and Mr. KYL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 387

Whereas the United Nations Human Rights Commission (hereinafter ''UNHRC'') has lost its credibility as an instrument for the promotion or protection of human rights, instead allowing repressive regimes to shield themselves from criticism for their human rights violations;

Whereas Secretary-General Kofi Annan has also acknowledged that, ''the Commission's declining credibility has cast a shadow on the reputation of the United Nations system'';

Whereas the primary deficiency of the Human Rights Commission is directly related to its membership, where 6 of the 53 current members, namely China, Cuba, Eritrea, Saudi Arabia, Sudan, and Zimbabwe, are listed as the worst human-rights abusers by Freedom House, and many other members have serious deficiencies concerning commitments to democracy and human rights according to the Department of State Country Reports on Human Rights Practices;

Whereas the lack of membership criteria of the UNHRC, particularly when combined with the relatively large membership of 53 countries, hinders efforts to filter out countries with poor human rights records from membership;

Whereas the UNHRC spends a disproportionate amount of time vilifying Israel, its primary target for criticism, but fails to direct such sustained criticism at states engaged in the systematic abuse of human rights, with 30 percent of all country-specific resolutions critical of human rights records over the history of the UNHRC have been directed at Israel alone, while there has never been a single such resolution on China, Syria, or Zimbabwe;

Whereas the UNHRC has consistently failed to take decisive action against member states implicated in the massive violation of human rights, which is evidenced by the fact that the UNHRC has never held a special emergency session on Sudan despite millions of deaths over 2 decades in Sudan, but the UNHRC has held a special sitting to criticize Israel on the death of Sheikh Ahmed Yassin, the leader of Hamas;

Whereas the UNHRC only meets for 6 weeks each year, providing the UNHRC with insufficient time to review and take action against the most flagrant human rights violators;

Whereas Israel has been consistently discriminated against by being denied full participatory rights in regional group meetings associated with the operation of the UNHRC, while non-United Nations members such as the Holy See (WEOG) and the Palestinian observer participate in these meetings;

Whereas the overwhelming failures of the UNHRC led to an international consensus that it must be abolished and replaced with a new Human Rights Council, and the United Nations Summit Outcome Document, signed by all United Nations member states in September 2005, stated that ''Pursuant to our commitment to further strengthen the United Nations human rights machinery, we resolve to create a Human Rights Council. The Council will be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner. The Council should address situations of violations of human rights, including gross and systematic violations and make recommendations thereon. It should also promote effective coordination and the mainstreaming of human rights within the United Nations system.''; and

Whereas efforts by the United States and other committed democracies to carry out the mandate of the Summit Document to create a new credible Human Rights Council have been strongly opposed by human rights abusers at the United Nations: Now, therefore, be it

Resolved, That—

(1) the United States remains strongly committed to the creation of a new Human Rights Council to replace the discredited United Nations Human Rights Commission (hereinafter ''UNHRC''), and the proposal for such a Council should work to assure the integrity of its membership as well as provide a strong mandate for action;

(2) the Senate urges the President to use the present opportunity that has been generated by the international recognition of the need to replace the current UNHRC, and to refrain from supporting any proposal for a Human Rights Council that would result either in only cosmetic changes or changes that would even further degrade the membership and mandate of the current UNHRC;

(3) the Senate urges the President and the governments of other member countries of the United Nations to continue with negotiations for the creation of a Human Rights Council that is a credible human rights institution; and

(4) it is the sense of the Senate that an acceptable proposal for a credible Human Rights Council would—

(A) establish criteria for membership that would serve to exclude the worst human rights abusers, and such criteria would include, but should not be limited to, the automatic exclusion of member countries that are subject to Security Council sanctions;

(B) include a provision allowing full participation by Israel in all operations associated with the Council;

(C) set a size limit that is consistent with the goal of ensuring that only countries that respect human rights are members of the primary human rights body of the United Nations;

(D) establish a human rights review requirement that is tied to a mandatory outcome and takes place prior to elections for membership;

(E) exclude any provision that prevents the consecutive election of member countries to the Council; and

(F) utilize a formula for the distribution of membership among United Nations member countries that gives priority to countries that respect human rights, while also giving consideration to geographical distribution, the representation of different forms of civilization, and the principal legal systems.

SENATE RESOLUTION 388—URGING THE GOVERNMENT OF NATIONAL UNITY OF SUDAN AND THE GOVERNMENT OF SOUTHERN SUDAN TO IMPLEMENT FULLY THE COMPREHENSIVE PEACE AGREEMENT THAT WAS SIGNED ON JANUARY 9, 2005

Mr. FRIST (for himself, Mr. SANTORUM, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 388

Whereas the people of Sudan have been devastated by war for all but 10 years since Sudan gained its independence in 1956;

Whereas the second civil war in Sudan between the Government of Sudan in the north and the Sudan People's Liberation Movement in the south lasted for more than 20 years;

Whereas more than 2,000,000 people died and more than 4,000,000 people were internally displaced or became refugees as a direct or indirect result of the civil war in Sudan;

Whereas, on January 9, 2005, the Government of Sudan and the Sudan People's Liberation Movement signed the Comprehensive Peace Agreement, which ended Sudan's 21-year civil war;

Whereas the Comprehensive Peace Agreement provides for a new constitution, new arrangements for power sharing and wealth sharing, and a 6-year interim period to be followed by a referendum in Southern Sudan so that the people of Southern Sudan can decide their political future;

Whereas the parties have implemented parts of the Comprehensive Peace Agreement, such as the ratification of the new constitution and the formation of the Government of National Unity and the Government of Southern Sudan;

Whereas the overall pace of implementation of the Comprehensive Peace Agreement has been slow and insufficient;

Whereas the recommendations of many of the commissions established by the Comprehensive Peace Agreement have yet to be implemented;

Whereas 1 of the keys to a lasting and durable peace in Sudan is the full and timely implementation of the Comprehensive Peace Agreement by all sides, wholly consistent with the letter, spirit, and intent of the agreement;

Whereas, despite the signing of the Comprehensive Peace Agreement and an end to the civil war, there has been little progress made in ending the genocide in Sudan's western region of Darfur;

Whereas hundreds of thousands of innocent civilians have died in Darfur as a result of violence, disease, and malnutrition, and millions more have been internally displaced or sought refuge in refugee camps in neighboring Chad;

Whereas millions of the people across Sudan continue to suffer from the effects of war, including displacement and war-related disease, hunger, and malnutrition;

Whereas the United States and the international community must not neglect the humanitarian and reconstruction needs of the people of Southern Sudan;

Whereas, according to the World Food Program, more than 2,900,000 people in Southern Sudan have been severely affected by the civil war;

Whereas the people of Southern Sudan are in desperate need of reconstruction assistance to build and improve vital infrastructure components, such as an education system, a health care system, and a transportation system, that are nearly nonexistent in Southern Sudan;

Whereas the current humanitarian crisis in Southern Sudan is considered 1 of the worst in decades; and

Whereas the reconstruction process in Southern Sudan is vital to delivering the benefits of peace to the people of Southern Sudan and stability to the region: Now, therefore, be it

Resolved, That the Senate—

(1) strongly urges the new Government of National Unity of Sudan to implement fully the Comprehensive Peace Agreement in a timely manner consistent with the letter, spirit, and intent of the agreement;

(2) calls on the Government of National Unity to meet the terms of the Comprehensive Peace Agreement to achieve an equitable distribution of wealth and resources between the North and the South and to provide a full and transparent accounting of Sudan's oil revenues;

(3) urges the United States Government—

(A) to maintain appropriate pressure on the Government of National Unity to implement fully the Comprehensive Peace Agreement;

(B) to maintain sanctions and pressure on the Government of National Unity until the Comprehensive Peace Agreement has been fully implemented and the crisis in Darfur has been resolved; and

(C) to address, as appropriate, any legal barriers which prevent humanitarian and reconstruction operations in Southern Sudan;

(4) supports the continued provision of humanitarian and reconstruction assistance from the United States to the people of Southern Sudan, in addition to the assistance allocated for the people of Darfur, so that the people of Sudan may experience and appreciate the benefits of peace;

(5) strongly urges the Government of National Unity to use the Comprehensive Peace Agreement as the basis for negotiation of a peaceful resolution of the conflicts in Darfur and other areas of Sudan; and

(6) strongly urges all countries in the region and the international community to support actively the full implementation of the Comprehensive Peace Agreement.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2899. Mr. KYL (for himself and Mr. ENSIGN) proposed an amendment to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

SA 2900. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2320, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2899. Mr. KYL (for himself and Mr. ENSIGN) proposed an amendment to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; as follows:

Strike all after the first word and insert the following:

1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking ''for a 1-time only obligation and expenditure—'' and all that follows through ''2007'' the first place it appears and inserting ''$1,000,000,000 for fiscal year 2006'';

(B) by striking ''; and''; and

(C) by striking paragraph (2);

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9)).''; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking ''September 30, 2007'' and inserting ''September 30, 2006''.

SA 2900. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION FOR MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

(a) EXTENDED PERIOD OF OPEN ENROLLMENT DURING ALL OF 2006 WITHOUT LATE ENROLLMENT PENALTY.—Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w–21(e)(3)(B)) is amended—

(1) in clause (iii), by striking ''May 15, 2006'' and inserting ''December 31, 2006''; and

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

''An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).''.

(b) ONE-TIME CHANGE OF PLAN ENROLLMENT FOR MEDICARE PRESCRIPTION DRUG BENEFIT DURING ALL OF 2006.—

(1) IN GENERAL.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w–21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking ''FOR FIRST 6 MONTHS'';

(ii) in clause (i), by striking ''the first 6 months of 2006,'' and all that follows through ''is a Medicare+Choice eligible individual,'' and inserting ''2006,''; and

(iii) in clause (ii), by inserting ''(other than during 2006)'' after ''paragraph (3)''; and

(B) in paragraph (4), by striking ''2006'' and inserting ''2007'' each place it appears.

(2) CONFORMING AMENDMENT.—Section 1860D–1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended by striking ''subparagraphs (B) and (C) of paragraph (2)'' and inserting ''paragraph (2)(C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. Domenici. Mr. President, I would like to announce for the information of

the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 9, 2006 at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of:

Raymond L. Orbach, of California, to be Under Secretary for Science, Department of Energy.

Alexander A. Karsner, of Virginia, to be an Assistant Secretary of Energy Efficiency and Renewable Energy, vice David Garman.

Dennis R. Spurgeon, of Florida, to be Assistant Secretary of Energy, Nuclear Energy.

David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior, vice Sue Ellen Wooldridge.

For further information, please contact Judy Pensabene of the committee staff at (202) 224–1327.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 2, 2006, at 9:30 a.m., in open session to receive testimony on the Defense authorization request for fiscal year 2007 and the future years Defense program.

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 2, 2006, at 10 a.m. to conduct a hearing on ''Continued Examination of Implementation of the Exon-Florio Amendment: Focus on Dubai Ports World's Acquisition of P&O.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KYL. Mr. President. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 2, 2006, at 10 a.m., on USF Distributions.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 2, at 10 a.m. The purpose of this hearing is to review the proposed fiscal year 2007 Department of Interior budget.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 2, 2006, at 9 a.m., to hold a closed briefing on A Nuclear Iran: Challenges and Responses.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 2, 2006, at 10:30 a.m., to hold a hearing on A Nuclear Iran: Challenges and Responses.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, March 2, 2006, at 10 a.m. in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, March 2, 2006, at 10 a.m. for a business meeting to consider pending committee business.

Agenda

Legislation

1. S. 2128, Lobbying Transparency and Accountability Act of 2005.

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

COMMITTEE ON THE JUDICIARY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 2, 2006, at 9:30 a.m. in Senate Dirksen Office Building room 226.

I. Nominations

Jack Zouhary, to be U.S. District Judge for the Northern District of Ohio; Stephen G. Larson, to be U.S. District Judge for the Central District of California; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark, to be Director of the United States Marshals Service; and Terrance P. Flynn, to be U.S. Attorney for the Western District of New York.

II. Bills

S. 1768—A bill to permit the televising of Supreme Court proceedings, Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829—Sunshine in the Courtroom Act of 2005, Grassley, Schumer, Cornyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. —Comprehensive Immigration Reform, Chairman's Mark; S. 489, Federal Consent Decree Fairness Act, Alexander, Kyl, Cornyn, Graham, Hatch; S. 2178—Consumer Telephone Records Protection Act of 2006, Schumer, Specter, Cornyn, DeWine, Feinstein, Feingold, Kyl, Kohl, Durbin; S. 2039—Prosecutors and Defenders Incentive Act of 2005, Durbin; Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold; and S. 2292—A bill to provide relief for the Federal judiciary from excessive rent charges, Specter, Leahy, Cornyn, Feinstein.

III. Matters

S.J. Res. 1—Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 2, 2006, to hear the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, the Gold Star Wives of America, and the Military Officers Association of America. The hearing will take place in room 106 of the Dirksen Senate Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. KYL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 2, 2006 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on March 2, 2006, at 2 p.m., in open session to receive testimony on military installations, military construction, environmental programs, and base realignment and closure programs, in review of the defense authorization request for fiscal year 2007.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent at 5 p.m. on Monday, March 6, the Senate proceed to executive session to consider en bloc Calendar Nos. 517, 518, and 519. I further ask consent the following Senators be allocated 5 minutes each for debate in relation to the nominations: the two Senators from Georgia, two Senators

from West Virginia, the chairman and ranking member of the Judiciary Committee. I further ask consent at 5:30 the Senate proceed to executive session for votes on the confirmation of the nominations, in the order listed, with no intervening action or debate; further, that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

IMPLEMENTATION OF THE SUDAN PEACE AGREEMENT

Mr. FRIST. I ask unanimous consent the Senate proceed to consideration of S. Res. 388, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 388) urging the Government of the National Unity of Sudan and the Government of Southern Sudan to implement fully the Comprehensive Peace Agreement that was signed on January 9, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I applaud my Senate colleagues for supporting this resolution urging all parties in Sudan to implement fully the Comprehensive Peace Agreement that ended Sudan's decades-long civil war.

For more than 50 years, Sudan has been plagued by war and violence. In fact, since gaining independence in 1956, the people of Sudan have known only 10 years of peace. But, last January, following painstaking negotiations and numerous unsuccessful attempts at peace, the Government of Sudan in the north and the Sudan People's Liberation Movement in the south signed the Comprehensive Peace Agreement, bringing an end to Sudan's second civil war that lasted more than 20 years.

This second civil war led to the deaths of more than 2 million people, and an additional 4 million were internally displaced or became refugees. I have visited Sudan on a number of occasions, and I have met with the victims and survivors of this tragedy. The CPA offers the Sudanese people a chance at a peaceful and secure life. It is time for the agreement to be fully implemented.

In the past year, the government of Sudan and the SPLM have taken concrete steps to implement certain parts of the CPA. For example, the two sides have ratified a new national constitution and have formed a government of National Unity in Khartoum and a Government of Southern Sudan based in Juba in the south.

However, the overall pace of implementation has been slow and insufficient, and both parties have failed to meet certain benchmarks or adopt the recommendations of the commissions established to monitor the CPA's implementation. These include the formation of Joint Integrated Units, which aim to integrate forces from both the north and the south, a more equitable distribution of resources between the north and the south, and a full and transparent accounting of Sudan's oil revenues.

The implementation of the CPA is particularly urgent for the people of Southern Sudan. In this region alone, the World Food Program estimates that more than 2.9 million people were severely and adversely affected by the civil war.

Last month, I met with Mrs. Rebecca Garang. She currently serves as the Minister for Roads and Transport for the Government of Southern Sudan. She is also the wife of the late John Garang, the long-time leader of the SPLM who successfully negotiated the CPA but died tragically in a helicopter crash last summer.

During our talks, Mrs. Garang stressed the humanitarian and reconstruction needs of the Southern Sudanese people. They are in desperate need of assistance to build and improve vital infrastructure components such as an education system, a health care system, and a transportation system that are virtually non-existent in Southern Sudan.

At the end of the current six-year interim period, the CPA provides for the people of Southern Sudan to decide their own political future in a referendum. But in order to achieve John Garang's vision of a new, united Sudan, the people of Southern Sudan must see the tangible benefits of peace.

Implementing the CPA can also have a positive impact on ending the genocide in Sudan's western region of Darfur. Unfortunately, since the signing of the agreement, little progress has been made in ending this genocide. Hundreds of thousands have already died as a result of violence, disease, and malnutrition. And, millions more have been internally displaced or continue to languish in refugee camps in neighboring Chad.

However, the CPA can serve as a basis for a peacefully negotiated end to the genocide in Darfur. For this reason, it is even more vital for the full and complete implementation of the Comprehensive Peace Agreement.

Until that time, the United States should continue to apply pressure on the Government of National Unity in Khartoum to fully implement the CPA. This includes maintaining the sanctions that are currently in place.

In addition, we need to continue to expand our humanitarian and reconstruction assistance to the people of Southern Sudan. Delivering to them the real benefits of peace will strengthen their support of the CPA and for a united Sudan.

During my travels to Sudan, I have heard first-hand accounts of the violence, suffering, and insecurity endured by so many in Sudan. Much of the Sudanese population has never known or experienced any sustained period of peace, stability, or security. This needs to change.

Those in leadership in Sudan need to proceed with full implementation of the Comprehensive Peace Agreement. And, I urge the United States and the international community to take concrete, assertive steps to demonstrate their continued solidarity with the Sudanese people to help them achieve their goal of a peaceful and stable Sudan.

I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table

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

The resolution (S. Res. 388) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 388

Whereas the people of Sudan have been devastated by war for all but 10 years since Sudan gained its independence in 1956;

Whereas the second civil war in Sudan between the Government of Sudan in the north and the Sudan People's Liberation Movement in the south lasted for more than 20 years;

Whereas more than 2,000,000 people died and more than 4,000,000 people were internally displaced or became refugees as a direct or indirect result of the civil war in Sudan;

Whereas, on January 9, 2005, the Government of Sudan and the Sudan People's Liberation Movement signed the Comprehensive Peace Agreement, which ended Sudan's 21-year civil war;

Whereas the Comprehensive Peace Agreement provides for a new constitution, new arrangements for power sharing and wealth sharing, and a 6-year interim period to be followed by a referendum in Southern Sudan so that the people of Southern Sudan can decide their political future;

Whereas the parties have implemented parts of the Comprehensive Peace Agreement, such as the ratification of the new constitution and the formation of the Government of National Unity and the Government of Southern Sudan;

Whereas the overall pace of implementation of the Comprehensive Peace Agreement has been slow and insufficient;

Whereas the recommendations of many of the commissions established by the Comprehensive Peace Agreement have yet to be implemented;

Whereas 1 of the keys to a lasting and durable peace in Sudan is the full and timely implementation of the Comprehensive Peace Agreement by all sides, wholly consistent with the letter, spirit, and intent of the agreement;

Whereas, despite the signing of the Comprehensive Peace Agreement and an end to the civil war, there has been little progress made in ending the genocide in Sudan's western region of Darfur;

Whereas hundreds of thousands of innocent civilians have died in Darfur as a result of violence, disease, and malnutrition, and millions more have been internally displaced or sought refuge in refugee camps in neighboring Chad;

Whereas millions of the people across Sudan continue to suffer from the effects of war, including displacement and war-related disease, hunger, and malnutrition;

Whereas the United States and the international community must not neglect the humanitarian and reconstruction needs of the people of Southern Sudan;

Whereas, according to the World Food Program, more than 2,900,000 people in Southern Sudan have been severely affected by the civil war;

Whereas the people of Southern Sudan are in desperate need of reconstruction assistance to build and improve vital infrastructure components, such as an education system, a health care system, and a transportation system, that are nearly nonexistent in Southern Sudan;

Whereas the current humanitarian crisis in Southern Sudan is considered 1 of the worst in decades; and

Whereas the reconstruction process in Southern Sudan is vital to delivering the benefits of peace to the people of Southern Sudan and stability to the region: Now, therefore, be it

Resolved, That the Senate—

(1) strongly urges the new Government of National Unity of Sudan to implement fully the Comprehensive Peace Agreement in a timely manner consistent with the letter, spirit, and intent of the agreement;

(2) calls on the Government of National Unity to meet the terms of the Comprehensive Peace Agreement to achieve an equitable distribution of wealth and resources between the North and the South and to provide a full and transparent accounting of Sudan's oil revenues;

(3) urges the United States Government—

(A) to maintain appropriate pressure on the Government of National Unity to implement fully the Comprehensive Peace Agreement;

(B) to maintain sanctions and pressure on the Government of National Unity until the Comprehensive Peace Agreement has been fully implemented and the crisis in Darfur has been resolved; and

(C) to address, as appropriate, any legal barriers which prevent humanitarian and reconstruction operations in Southern Sudan;

(4) supports the continued provision of humanitarian and reconstruction assistance from the United States to the people of Southern Sudan, in addition to the assistance allocated for the people of Darfur, so that the people of Sudan may experience and appreciate the benefits of peace;

(5) strongly urges the Government of National Unity to use the Comprehensive Peace Agreement as the basis for negotiation of a peaceful resolution of the conflicts in Darfur and other areas of Sudan; and

(6) strongly urges all countries in the region and the international community to support actively the full implementation of the Comprehensive Peace Agreement.

TO IMPROVE THE SECURITY SITUATION IN DARFUR, SUDAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of and the Senate now proceed to S. Res. 383.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 383) calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 383) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 383

Whereas, the April 8, 2004, N'Djamena Ceasefire Agreement, calling for an end to hostilities in Darfur, Sudan, has been flagrantly violated by all parties to the agreement;

Whereas the Government of Sudan continues to commit crimes against humanity and engage in genocidal acts in Darfur;

Whereas the signing of the Comprehensive Peace Agreement between the Government of Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA) on January 9, 2005, has not resulted in an improvement of the security situation in Darfur;

Whereas United Nations Secretary-General Kofi Annan has indicated that, ''People in many parts of Darfur continue to be killed, raped, and driven from their homes by the thousands.'';

Whereas United Nations officials have stated that at least 70,000 people have died due to violence and insecurity in Darfur, but that the total may be as high as 400,000 people;

Whereas nearly 2,000,000 people have been internally displaced, 3,000,000 people are dependant on international assistance to survive, and over 200,000 people are refugees in neighboring Chad due to the conflict in Darfur;

Whereas escalating tensions along the border between Chad and Sudan have increased instability in Darfur;

Whereas neither the mandate nor the troop strength of the African Union Mission in Sudan (AMIS) is adequate to protect civilians in Darfur;

Whereas the United States has demonstrated leadership on the Sudan issue by having United States Permanent Representative to the United Nations John Bolton, in his first action as President of the United Nations Security Council, request in February 2006 that Secretary-General Annan initiate contingency planning for a transition from AMIS to a United Nations peacekeeping operation;

Whereas, although the United Nations Security Council has concurred with this recommendation and taken steps toward establishing a United Nations peacekeeping mission for Darfur, it could take up to a year for such a mission to deploy fully;

Whereas, as the deteriorating security situation in Darfur indicates, the people of Darfur cannot wait that long for security to be reestablished;

Whereas the international community currently has no plan to address the immediate security needs of the people of Darfur; and

Whereas all members of the international community must participate in efforts to stop genocide, war crimes, and crimes against humanity in Darfur: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns—

(A) the continued attacks on civilians in Darfur by the Government of Sudan and Government-sponsored militias; and

(B) the continued violations of the N'Djamena Ceasefire Agreement by the Government of Sudan and rebels in Darfur, particularly the Sudan Liberation Army;

(2) commends the Africa Union Mission in Sudan (AMIS) for its actions in monitoring the N'Djamena Ceasefire Agreement in Darfur and its role in diminishing some acts of violence;

(3) calls upon all parties to the N'Djamena Ceasefire Agreement—

(A) to abide by the terms of the N'Djamena Ceasefire Agreement; and

(B) to engage in good-faith negotiations to end the conflict in Darfur;

(4) calls upon the Government of Sudan immediately—

(A) to withdraw all military aircraft from the region;

(B) to cease all support for the Janjaweed militia and rebels from Chad; and

(C) to disarm the Janjaweed;

(5) calls on the African Union to request assistance from the United Nations and NATO to strengthen its capacity to deter violence and instability until a United Nations peacekeeping force is fully deployed in Darfur;

(6) calls upon the United Nations Security Council to approve as soon as possible, pursuant to Chapter VII of the Charter of the United Nations, a peacekeeping force for Darfur that is well trained and equipped and has an adequate troop strength;

(7) urges the President to take steps immediately to help improve the security situation in Darfur, including by—

(A) proposing that NATO—

(i) consider how to implement and enforce a declared no-fly zone in Darfur; and

(ii) deploy troops to Darfur to support the African Union Mission in Sudan (AMIS) until a United Nations peacekeeping mission is fully deployed in the region; and

(B) requesting supplemental funding to support a NATO mission in Darfur and the African Union Mission in Sudan (AMIS);

(8) calls upon NATO allies, led by the United States, to support such a mission; and

(9) calls upon NATO headquarters staff to begin prudent planning in advance of such a mission.

Mr. FRIST. Mr. President, both of these resolutions have to do with the Sudan, a country where for the last really 23 years there has been real turmoil in terms of a civil war underway that is addressed in part under S. Res. 388, the Sudan Peace Agreement, and then, more recently, over the last 3 years, in a western part of Sudan, the Darfur region, where we have seen genocide underway, as we have spelled out on the floor over the last year and talked about.

Both of these resolutions address a human tragedy that has played out over the last several years. The first, the Sudan Peace Agreement, is a reaffirmation of a peace agreement which has been made that we need to support. And it is probably the only way we can reverse what has been a tragedy that has killed about 2 million people and caused 5 million people to be displaced from their homes throughout Sudan over the last 23, 24 years.

The Darfur crisis is one that we have described on this floor many times. And as we have followed it, since February a year and a half ago, things have gotten better and worse and better and worse. Right now they are not going very well. So I appreciate Senators BIDEN and LUGAR putting forth that resolution.

EXTENDING THE EDUCATIONAL FLEXIBILITY PROGRAM OF THE EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2363, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2363) to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I rise today to express my strong support for the extension we are passing tonight of the Education Flexibility Partnership Act.

I authored the original legislation to create Ed-Flex, as it is more commonly known, back in 1999 after learning through my chairmanship of the Senate Budget Committee Task Force on Education about the excessive red tape attached to Federal education funding.

I listened to school administrators and education leaders who told me again and again about the bureaucratic challenges they faced when trying to improve education.

After seeing how a demonstration project involving 12 States achieved such impressive results in improving student performance, I wrote legislation to expand the program to all 50 States.

The Ed-Flex program gives greater flexibility to States in using Federal funds in exchange for greater accountability for student achievement.

The program does not change the amount of funding available—but it eliminates some of the strings attached. Schools must still use the Federal funds for the purposes for which they were designed, and health, safety, civil rights, and disabled requirements cannot be waived.

Ed-Flex was an early attempt at education reform aimed at improving student achievement, and paved the way for the No Child Left Behind Act just 2 years later.

It allows educators to find new ways of improving the quality of education for every child, and it set the stage for acknowledging the connection between flexibility and accountability in improving student performance.

Ed-Flex encourages innovation within America's schools and allows our students the opportunity to succeed academically and globally.

I thank Senator BURR for his leadership on this extension of Ed-Flex, and for the support of my colleagues on both sides of the aisle for their recognition of this important tool for America's students.

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 relating to the bill be printed in the RECORD.

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

The bill (S. 2363) was read the third time and passed, as follows:

S. 2363

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

SECTION 1. EDUCATIONAL FLEXIBILITY PROGRAM EXTENSION.

(a) EXTENSION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Education is authorized to carry out the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b), until the date of enactment of an Act that reauthorizes programs under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), for any State that was an Ed-Flex Partnership State on September 30, 2004.

(b) DESIGNATION.—

(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on September 30, 2004, shall be extended until the date of enactment of an Act that reauthorizes programs under part A of title I of the Elementary and Secondary Education Act of 1965, if the Secretary of Education makes the determination described in paragraph (2).

(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

ORDERS FOR FRIDAY, MARCH 3, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Friday, March 3. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. 2320, the LIHEAP funding bill.

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

PROGRAM

Mr. FRIST. Mr. President, today the Senate overwhelmingly, finally adopted the PATRIOT Act conference report with a vote of 89 to 10. We spent a great deal of time considering this bill, and I am pleased and relieved that we reached a final conclusion on this important legislation. It has a very careful balance of civil liberties and at the same time guarantees elimination of that barrier between law enforcement and our intelligence community to make sure that men and women and children and families are protected here in our homeland. It has been tough to get to this point with a lot of negotiation and a lot of delay and postponement, but finally we have completed that important bill.

We are now considering the LIHEAP bill, and we hope to complete action on that bill early next week. Also, next week we will begin work on the lobbying reform measure. We made progress on the whole effort of lobbying reform both in the Government Affairs Committee today, as well as in the Rules Committee earlier in the week.

Next week we will be busy with votes each day as we work through initially LIHEAP and then the lobbying bill. Tomorrow I will have more to say on both the sequencing and timing of the lobbying bill and LIHEAP. The next votes will occur on Monday at 5:30 in the evening on the confirmation of three district judges.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:22 p.m., adjourned until Friday, March 3, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 2, 2006:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOHN W. COX, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE CARIN M. BARTH, RESIGNED.

DEPARTMENT OF STATE

GEORGE MCDADE STAPLES, OF KENTUCKY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE W. ROBERT PEARSON, RESIGNED.

UNITED STATES POSTAL SERVICE

MICKEY D. BARNETT, OF NEW MEXICO, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2013, VICE ROBERT F. RIDER, TERM EXPIRED.

KATHERINE C. TOBIN, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2012, VICE S. DAVID FINEMAN, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. THOMAS J. LOFTUS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL CHRIS T. ANZALONE, 0000
BRIGADIER GENERAL KURT A. CICHOWSKI, 0000
BRIGADIER GENERAL THOMAS F. DEPPE, 0000
BRIGADIER GENERAL PAUL A. DETTMER, 0000
BRIGADIER GENERAL WILLIAM L. HOLLAND, 0000
BRIGADIER GENERAL RONALD R. LADNIER, 0000
BRIGADIER GENERAL ERWIN F. LESSEL III, 0000
BRIGADIER GENERAL JOHN W. MALUDA, 0000
BRIGADIER GENERAL MARK T. MATTHEWS, 0000
BRIGADIER GENERAL GARY T. MCCOY, 0000
BRIGADIER GENERAL STEPHEN J. MILLER, 0000
BRIGADIER GENERAL THOMAS J. OWEN, 0000
BRIGADIER GENERAL RICHARD E. PERRAUT, JR., 0000
BRIGADIER GENERAL POLLY A. PEYER, 0000
BRIGADIER GENERAL DOUGLAS L. RAABERG, 0000
BRIGADIER GENERAL JEFFREY A. REMINGTON, 0000
BRIGADIER GENERAL ROBERTUS C.N. REMKES, 0000
BRIGADIER GENERAL FREDERICK F. ROGGERO, 0000
BRIGADIER GENERAL MARSHALL K. SABOL, 0000
BRIGADIER GENERAL PAUL J. SELVA, 0000
BRIGADIER GENERAL RICHARD E. WEBBER, 0000
BRIGADIER GENERAL THOMAS B. WRIGHT, 0000
BRIGADIER GENERAL MARK R. ZAMZOW, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM H. WALKER IV, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH C. CARTER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. JAMES W. HOUCK, 0000

EXTENSIONS OF REMARKS

RECOGNIZING HAZEL HARVEY PEACE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BURGESS. Mr. Speaker, I am honored to rise today to recognize Hazel Harvey Peace for her commitment to the people and City of Fort Worth, Texas. Mrs. Peace is a pillar of her community through various volunteer works and a career as a devout educator.

As a Fort Worth native, Mrs. Peace began her profession as a teacher at I.M. Terrell High School. During her tenure as a teacher, she partook in several duties including service as a Counselor, Dean of Girls, and as a Vice Principal. She was a strict advocate of literacy and reading to young children which is among Mrs. Peace's many other charitable works.

For Mrs. Peace's continued efforts, she was honored in 2004 with the presentation of a professorship in Children's Library Science. In addition, Mrs. Peace was also the first African American woman to be named to a professorship at a 4-year Texas State-funded institution.

She has touched the lives of so many and which we are truly thankful. It is the servant leadership of Mrs. Peace, and those like her, which truly makes our Nation great. Once again, Mr. Speaker, it is my honor to recognize Mrs. Hazel Harvey Peace.

TRIBUTE TO HOWARD W. ''HODDY'' HANNA III

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the 2006 recipient of the National American Heritage Award, Howard W. "Hoddy" Hanna III, of Pittsburgh, Pennsylvania.

The National American Heritage Award is given by the Anti-Defamation League (ADL). The ADL is the nation's preeminent human rights organization. The organization was founded in 1913 and is dedicated in purpose and in program to defending democratic ideals, safeguarding civil rights and combating anti-Semitism, prejudice, discrimination and bigotry of all kinds. The National American Heritage Award is presented to an individual or company whose leadership and character is demonstrated both in work and in deed. It recognizes individuals who embody what is best in America—justice, freedom equality and fellowship.

Mr. Hanna will be presented with the National American Heritage Award on Thursday, March 16, 2006 at a dinner in Pittsburgh, Pennsylvania.

I ask my colleagues in the United States House of Representatives to join me in congratulating Howard W. Hanna III, the 2006 recipient of the National American Heritage Award. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a determined individual like Howard W. Hanna.

RECOGNIZING MS. ARLENE KAPLAN

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, Arlene Kaplan, a resident of Randolph, Massachusetts, was elected president of the National Ladies Auxiliary, Jewish War Veterans of the United States of America on August 19, 2005 in San Diego, California, during the organization's 77th Annual National Convention.

Born in Boston, Massachusetts, Ms. Kaplan was the eldest of the late Sally and Larry Tattlebaum's four children. After graduating from high school, she attended Hickox School for Business Skills and Quincy College for Business Courses. At age 19, she married Sumner "Sunny" Kaplan, a Navy veteran of World War II. Together, they raised three children, and are the proud grandparents of six grandchildren.

Once her children were in school, Ms. Kaplan began working for the Esselte Pendaflex Corporation, a Fortune 500 company. When her husband was elected JWV Department of Massachusetts Commander, Ms. Kaplan played a vital role in reorganizing Auxiliary 302, and served as president for its first 2 crucial years. She continues to be active in her auxiliary today.

She has served the JWV Department of Massachusetts in various capacities over the years, including as its president from 1996 to 1997. She has been a member of the JWV National Ladies Auxiliary Advisory Board and has chaired several of the organization's committees. Arlene and Sunny Kaplan have been members of Temple Beth Am in Randolph for more than 50 years.

COMMEMORATING NATIONAL BLACK HIV/AIDS AWARENESS DAY

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to commemorate National Black HIV/AIDS Awareness Day, which occurred on February 7, 2006. In its sixth year of observation, the event promotes the mobilization of the black community in an effort to educate and increase community awareness and participation about HIV/AIDS.

The event was created in February 2001 by the Community Capacity Building Coalition, a group of national non-profit organizations whose mission is to assist in creating HIV/AIDS prevention capacity building among community organizations in the black community. The coalition was funded and formulated by the Centers for Disease Control and Prevention's Division of HIV/AIDS Prevention.

The annual event emphasizes the importance of testing, education, and awareness through a unified community construct. Additionally, the day is used to remember all those who are infected as well as those who have lost their battle with the disease since its onset in the United States in 1981.

Mr. Speaker, National Black HIV/AIDS Awareness Day is a powerful combating mechanism. However, based on the current state of the disease in the African-American community as revealed by the following startling statistics and research, much more work needs to be done to halt the spread of this devastating disease.

According to the Centers for Disease Control and Prevention:

Although African-Americans comprise only 13 percent of the population, they account for 49 percent of all new AIDS cases in the nation. This is an alarming increase from the startling account of 25 percent of AIDS cases in 1985.

Results from a large study of African-American homosexual and bisexual men in five studies found 46 percent of the men to be HIV positive and 67 percent of them unaware of their status.

African-American women account for 67 percent of all newly diagnosed female AIDS cases.

Although African-American youth comprise only 15 percent of U.S. teenagers, they accounted for 66 percent of new AIDS cases reported among teens in 2003. A similar picture is found among African-American children.

Over a third of African Americans with HIV diagnoses (39 percent) were tested for HIV late in their illness and subsequently diagnosed with AIDS within one year of testing positive.

Additionally, in a report recently released by the Maryland AIDS Administration, the Baltimore-Towson metropolitan area, which houses my district in its entirety, is classified as having "the fifth highest AIDS case report rate of any major metropolitan area in the United States (32.8 cases per 100,000) . . . 2.2 times higher than the national average of 15.0 cases per 100,000." Within these reported cases, 89 percent are African-Americans, 62 percent are male and 65 percent are between the ages of 30–49.

These statistics are mind boggling. However, one thing remains consistent and clear. If not mitigated, the disease will continue to wreak devastation. HIV/AIDS is a pandemic that belongs to each and everyone of us and we must address it societally and holistically.

In his 2006 State of the Union address, President Bush did in fact acknowledge and address the state of HIV/AIDS in the African-American community. Specifically, he stated

that, "[a] hopeful society acts boldly to fight diseases like HIV/AIDS, which can be prevented, and treated, and defeated . . . We will . . . lead a nationwide effort, working closely with African American churches and faith-based groups, to deliver rapid HIV tests to millions, end the stigma of AIDS, and come closer to the day when there are no new infections in America."

Although a very promising and audacious statement, action speaks louder than words. With that said, I encourage this Congress post haste to reauthorize and fully fund the Ryan White CARE Act—and to strengthen it to ensure accountability and equitable access to treatment, prevention, and medical care for all affected. I urge this Administration to work in full concert of accomplishing this critical goal.

I conclude with the words of the late and great first lady of the Civil Rights Movement, Coretta Scott King, who stated that "AIDS is a global crisis, a national crisis, a local crisis and a human crisis . . . No matter where you live, AIDS is one of the most deadly killers of African Americans. And I think anyone who sincerely cares about the future of Black America had better be speaking out, calling for preventive measures and increased funding for research and treatment."

TRIBUTE TO ARKANSAS STATE SENATOR JERRY BOOKOUT

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to one of my great friends, Mr. Jerry Bookout of Jonesboro, who is one of Arkansas' greatest public servants. With more than 40 years of work in the Arkansas General Assembly, Bookout has pioneered countless reforms in education, retirement, and especially health care.

As a military veteran, elected official, and community volunteer, Bookout has devoted his entire life to public service. He worked to elevate Arkansas State College to university status, strengthened the State's retirement system, and established the first doctoral and physical therapy programs at Arkansas State University.

Although Bookout has championed many issues during his lifetime, he has worked particularly hard to improve the quality of health care in Arkansas. From chair of the American Cancer Society, to a leader in Arkansas' General Assembly, Bookout has shaped health policy for many years. His achievements earned him several distinguished positions as chair of the Senate Public Health/Senate Health Services Committee, the Senate Health Insurance and Prescription Drugs Committee, and vice-chair of the Senate Public Health, Welfare, and Labor Committee.

Bookout and his wife, the former Loretta Langford, have one son, Paul, who serves in the Arkansas House of Representatives and a daughter, Jill Rogers. He and his wife also have three grandchildren, Morgan and P.J. Bookout and Rachel Rogers.

On February 25, 2006, our community will gather at the American Cancer Society's 1st Annual Daffodil Ball to honor Jerry Bookout for his remarkable contributions to health care in Arkansas. I ask my colleagues in Congress to join me in congratulating him on this occasion and thanking him for over half a century of dedicated service, as a great friend, and a great American.

ANDREA COREY SHOWING GREAT PROMISE IN RANGEL FELLOW PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. RANGEL. Mr. Speaker, I rise to inform you of the achievements of Andrea Corey, a young lady whose aspirations and goals are contributing to her success as an international affairs scholar.

Andrea's record is cause for great pride to the International Affairs Diversity Fellow Program, which is identifying and preparing qualified minority applicants for the Foreign Service. Having obtained an International Affairs' masters through hard work and perseverance with a current 3.6 GPA, she is also a concerned citizen who will certainly change the way American diplomacy is practiced.

She is an example of what the program has achieved with Federal funding, awarding deserving minority students with grants to cover their tuition, books and fees.

Andrea Corey has already experienced the reality of the Foreign Service, having worked with Foreign-Service diplomats at the United States Embassy in the Dominican Republic and writing talking points for speeches by the United States Ambassador.

She plans on working with political economic issues at the U.S. Embassy in the Bahamas this summer, while expanding her knowledge and professional experience.

RECOGNIZING GENERAL CASIMIR PULASKI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. HIGGINS. Mr. Speaker, it is with great honor I recognize General Casimir Pulaski, a living legend who became known as the "Father of the American Cavalry" after leaving his native land Poland to defend this great country during the Revolutionary War.

A bold and dedicated soldier, Pulaski defined his selfless loyalty in a letter to George Washington in which he stated, "I came here, where freedom is being defended, to serve it, and to live or die for it."

In February of 1778, with Washington's endorsement, Pulaski submitted his plan to Congress and with their authorization he formed the Independent Corps later known as the Pulaski Legion.

During the siege of Savannah in 1779, General Pulaski paid the ultimate sacrifice and was mortally wounded; leaving a legacy of heroism that continues to inspire people around the world.

In 1910, by an order of Congress, a statue of Gen. Pulaski was erected at Pennsylvania Avenue and 13th Street in Washington, DC, paying tribute to this great hero.

My hometown of Buffalo, New York, is one of a handful of communities which have also recognized Pulaski's contributions with a statue. Monuments can also be found in Hartford, Connecticut; Philadelphia, Pennsylvania; Savannah, Georgia; and Czestochowa and Warka Poland.

On Friday, March 3, 2006, I will have the privilege to join community leaders and friends from the western New York General Pulaski Association in celebrating the legacy of General Pulaski in a wreath laying tradition at the Pulaski statue which first began in the 1930s.

Mr. Speaker, we in western New York have the great privilege of having a strong and vibrant Polish American community. Thank you for allowing me to recognize the contributions of General Pulaski, a man who has served as a patriot to not one, but two great nations.

FIRST NATIONAL STUDY OF DAY LABORERS EXPOSES ABUSE, INJURIES, H.R. 4437 WOULD MAKE MATTERS WORSE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. SCHAKOWSKY. Mr. Speaker, they pay taxes, raise children, attend church, and participate in community activities and institutions. Yet, when America's day laborers go to work, they have experiences that would shock any other upstanding community member: police harassment, violence at the hands of employers, withheld wages and conditions so dangerous that is not unusual for them to be sidelined for more than a month with work-related injuries or to work for weeks on end in pain. In Illinois and in other States in the Midwest, day laborers work under more dangerous conditions, are more likely to suffer labor abuse, and are also more likely to suffer police harassment compared to workers in other regions.

This is the vivid portrait painted by the first nationwide study of America's 117,600 day laborers. The result of research by social scientists from the University of Illinois at Chicago (UIC), the University of California at Los Angeles (UCLA), and New York's New School University, "On the Corner: Day Labor in the United States," presents findings from a survey of 264 hiring sites in 143 municipalities in 20 U.S. States and the District of Columbia.

"The goal was to document a population that, though quite visible on the corners of U.S. cities, is poorly understood by the public and by policy makers," said Nik Theodore, an assistant professor in the Urban Planning and Policy Program at UIC, and one of the study's three lead authors. "We hope to inform policy debates so that decisionmakers can devise thoughtful and effective strategies for resolving many of the problems that day laborers face."

According to the national study's findings, worker centers give a voice and power to people who often lack both. They are gateway organizations that meet immigrant workers where they are and provide them with a wealth of information and training. In all too many cases, these centers are the only "port in the storm" for low-wage immigrant workers seeking to understand U.S. labor and immigration laws, file back wage claims, and organize

against recalcitrant employers. The Latino Union of Chicago runs the only worker center for day laborers in the Midwest, located in the Albany Park neighborhood of Chicago.

If the Border Protection, Anti-Terrorism and Illegal Immigration Act (H.R. 4437) is enacted, this comprehensive community approach would come to an end. It would destroy the very institutions in our communities that have developed real solutions. Day labor centers (and the private individuals, churches and government agencies that work with them) could face thousands or even millions of dollars in fines if they assist in the process of connecting day laborers to employers. The trust that day labor centers have built with communities would be eroded as the centers become responsible for verifying workers' immigration status. Volunteers and staff of worker centers would be turned into criminals and work center property could be seized. Good work, such as providing ESL classes and job skills training or leadership development, would be equated with alien smuggling.

H.R. 4437 and bills with similar provisions don't just jeopardize the lives of some immigrants, they are attacks on all our communities. As a first-generation American and as a Congresswoman who is honored to represent one of the most richly diverse districts in the country, I believe Washington must act now on immigration reform that keeps the American dream alive—not roll back the good work that day labor centers do every day across the Nation.

I urge my colleagues to look at the national study released by UIC and UCLA, which I hope is the first of many, to help us understand the problems day laborers and immigrants face in our country.

ON THE CORNER: DAY LABOR IN THE UNITED STATES

(By Abel Valenzuela, Jr., Nik Theodore, Edwin Meléndez, and Ana Luz Gonzalez)

EXECUTIVE SUMMARY

This report profiles, for the first time, the national phenomenon of day labor in the United States. Men and women looking for employment in open-air markets by the side of the road, at busy intersections, in front of home improvement stores and in other public spaces are ubiquitous in cities across the nation. The circumstances that give rise to this labor market are complex and poorly understood. In this report, we analyze data from the National Day Labor Survey, the first systematic and scientific study of the day-labor sector and its workforce in the United States.

This portrait of day labor in the United States is based on a national survey of 2,660 day laborers. These workers were randomly selected at 264 hiring sites in 139 municipalities in 20 States and the District of Columbia. The sheer number of these sites, combined with their presence in every region in the country, reflects the enormous breadth of this labor market niche.

Our findings reveal that the day-labor market is rife with violations of workers' rights. Day laborers are regularly denied payment for their work, many are subjected to demonstrably hazardous job sites, and most endure insults and abuses by employers. The growth of day-labor hiring sites combined with rising levels of workers' rights violations is a national trend that warrants attention from policy makers at all levels of government.

In some cities, the rise of day labor has been accompanied by community tensions, in part because of inaccurate and unsubstantiated portrayals of these workers. The aim of this study is to provide sound empirical data on the day-labor phenomenon that can inform public discussions and provide the basis for thoughtful policy approaches to this complex issue.

10TH ANNIVERSARY GALA FOR THE SAGEMONT SCHOOL

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to pay tribute to the Sagemont School on the occasion of their 10th anniversary celebration.

The Sagemont School is an educational establishment in my district that provides a nurturing and stimulating learning environment that inspires each student to think critically, reach his or her maximum potential and grow into a valuable citizen of our global community.

The Sagemont School's academic program is a rigorous college-prep curriculum that includes a variety of Honors and AP courses. Sagemont is second to none when it comes to integrating state-of-the-art technology, Internet use and even additional coursework at their "virtual school" education partner, University of Miami Online High School. Sagemont also meets the needs of students with specific learning disabilities through its Mountain Peak Academy, a program that mainstreams with the school's regular program.

The Sagemont School operates two campuses in Weston, in addition to its Virtual School known as The University of Miami Online High School. The Sagemont Lower School serves students in pre-K through grade 5; the Sagemont Upper School serves grades 6 through 12. The faculty and staff at Sagemont are dedicated to parent-teacher relationships in a high-tech learning environment. With multiple computers in the classroom and an average class size of 17 students, children are learning the skills they will need to be successful both in school and later in life.

Mr. Speaker, it is my honor to acknowledge the achievements of The Sagemont School over the past decade. It is my sincere belief that the Sagemont School will continue to instill in each of their students the joy of learning, personal growth, and a sense of personal and community responsibility for many years to come.

HONORING THE 45TH ANNIVERSARY OF THE PEACE CORPS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. ROTHMAN. Mr. Speaker, I rise today in recognition of the Peace Corps, and the wonderful volunteers who enable this great institution to provide invaluable humanitarian service throughout the world.

Forty-five years ago this week, President John F. Kennedy established the Peace Corps to "promote world peace and friendship." That message has never been more important than it is today. At a time when America's image abroad needs all the help that it can get, the Peace Corps provides us with the magnificent opportunity to demonstrate to the world that we are not only a nation of great prosperity, but great generosity as well; not only a nation of incredible might, but tremendous compassion.

Since 1961, more than 182,000 volunteers have served in 138 countries. Peace Corps volunteers serve as community leaders, business advisors, ecological conservationists, information technology consultants, health and HIV/AIDS educators, agricultural workers, and school teachers. President Kennedy said of these fine women and men:

"For every young American who participates in the Peace Corps—who works in a foreign land—will know that he or she is sharing in the great common task of bringing to man that decent way of life which is the foundation of freedom and a condition of peace."

Today there are nearly 8,000 volunteers serving in 75 different countries. I would especially like to recognize the eight current volunteers from New Jersey's Ninth district: Julie Castner, Lucia Chan, Adam Kaufman, Suzanne Lee, Joseph Maggio, Reuben Man, Domenick Piccinich, and Troy Wolfe. You have made me and the people of New Jersey very proud.

Mr. Speaker, I ask my colleagues to join with me today in commending the thousands of Americans who serve and have served as Peace Corps volunteers. They are I a great credit to our country.

INTRODUCTION OF TREAT PHYSICIANS FAIRLY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. PAUL. Mr. Speaker, I rise today to introduce the Treat Physicians Fairly Act, legislation providing tax credits to physicians to compensate for the costs of providing uncompensated care. This legislation helps compensate medical professionals for the., costs imposed on them by federal laws forcing doctors to provide uncompensated medical care. The legislation also provides a tax deduction for hospitals that incur costs related to providing uncompensated care.

Under the Emergency Medical Treatment and Active Labor Act (EMTALA) physicians who work in emergency rooms are required to provide care, regardless of a person's ability to pay, to anyone who comes into an emergency room. Hospitals are also required by law to bear the full costs of providing free care to anyone who seeks emergency care. Thus, EMTALA forces medical professionals and hospitals to bear the entire cost of caring for the indigent. According to the June 2/9, 2003 edition of AM News, emergency physicians lose an average of $138,000 in revenue per year because of EMTALA. EMTALA also forces physicians and hospitals to follow costly rules and regulations. Physicians can be fined $50,000 for technical EMTALA violations!

The professional skills with which one's earns a living are property. Therefore, the clear language of the Takings Clause of the Fifth Amendment prevents Congress from

mandating that physicians and hospitals bear the entire costs of providing health care to any group.

Ironically, the perceived need to force doctors to provide medical care is itself the result of prior government interventions into the health care market. When I began practicing medicine, it was common for doctors to provide uncompensated care as a matter of charity. However, laws and regulations inflating the cost of medical services and imposing unreasonable liability standards on medical professionals even when they where acting in a volunteer capacity made offering free care cost prohibitive. At the same time, the increasing health care costs associated with the government-facilitated overreliance on third party payments priced more and more people out of the health care market. Thus, the government responded to problems created by its interventions by imposing the EMTALA mandate on physicians, in effect making health care professionals scapegoats for the harmful consequences of government health care polices.

EMTALA could actually decrease the care available for low-income Americans at emergency rooms. This is because EMTALA discourages physicians from offering any emergency care. Many physicians in my district have told me that they are considering curtailing their practices, in part because of the costs associated with the EMTALA mandates. Many other physicians are even counseling younger people against entering the medical profession because of the way the Federal Government treats medical professionals. The tax credits created in the Treat Physicians Fairly Act will help mitigate some of the burden government policies place on physicians.

The Treat Physicians Fairly Act does not remove any of EMTALA's mandates; it simply provides that physicians can receive a tax credit for the costs of providing uncompensated care. This is a small step toward restoring fairness to physicians. Furthermore, by providing some compensation in the form of tax credits, the Treat Physicians Fairly Act helps remove the disincentives to remaining active in the medical profession built into the current EMTALA law. I hope my colleagues will take the first step toward removing the unconstitutional burden of providing uncompensated care by cosponsoring the Treat Physicians Fairly Act.

WOODROW WILSON PRESIDENTIAL LIBRARY AUTHORIZATION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GOODLATTE. Mr. Speaker, today I rise to introduce the Woodrow Wilson Presidential Library Authorization Act.

As a statesman, scholar, and President, Woodrow Wilson faced economic crisis, democratic decay, and a world war. Presidential historians agree that World War I, and President Wilson's leadership, radically altered the role of diplomacy as a tool of foreign policy—a policy that established a new path for America's role in promoting democracies throughout the world. So too did Wilson's high-minded ideals craft a legacy that shaped the powers and responsibilities of the Executive Branch in times of war.

As a professor and president of Princeton University, Wilson created a more selective and accountable system for higher education. By instituting curriculum reform, Wilson revolutionized the roles of teachers and students and quickly made Princeton one of the most renowned universities in the world. Due to Wilson's legacy at Princeton, I am pleased to have the support of current President Shirley Tilghman as we seek to establish a Presidential library and museum at Wilson's birthplace in Virginia.

On April 2, 1917, President Woodrow Wilson went before a joint session of Congress to seek a Declaration of War against Germany, for "The world must be safe for democracy." Eighty-eight years later, we continue to champion that right of mankind.

In order to increase the awareness and understanding of the life, principles and accomplishments of the 28th President of the United States, I ask that you join me in co-sponsoring legislation that will enable the construction of a Presidential Library and Museum dedicated to Woodrow Wilson at his birthplace in Staunton, Virginia.

Specifically, this legislation will make grants from the National Archives for the establishment of a Presidential Library to provide educational and interpretive services to honor the life of Woodrow Wilson. To ensure that a public-private partnership exists, my legislation also mandates that no grant shall be available for the establishment of this library until a private entity has raised at least twice the amount to be allocated by the Congress. Finally, once the library is complete, this legislation states that the Federal government shall have no role or responsibility for the operation of the library.

In studying the life and times of the 28th President, we see how Woodrow Wilson affected and continues to influence how the United States responds to national and international crises. I ask my colleagues to join me in cosponsoring this legislation that would establish the Woodrow Wilson Presidential Library in Staunton, Virginia.

HONORING JUSTICE SANDRA DAY O'CONNOR

SPEECH OF

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to honor the career and character of Justice Sandra Day O'Connor.

It is fitting that this resolution comes before us during the month of March, the month set aside to celebrate the pioneering women who helped shape our country and extend the promise of equal opportunity for all.

Sandra Day O'Connor was one of those pioneers, a trailblazer for women in the legal field and the first woman to sit on the Supreme Court of the United States.

She went to law school at a time when women made up a tiny fraction of law students in this country, and a tiny fraction of practicing attorneys.

She graduated from Stanford University Law School in two years instead of the normal three, and third in a class of 102, but struggled to find a job, as few firms were willing to hire a woman.

Undeterred, she accepted a position as a deputy county attorney for San Mateo County in California, her first foray into public service, which would ultimately come to occupy most of her career.

Among other roles, she went on to serve as the first female State senate majority leader in the United States and as a justice on the Arizona Court of Appeals.

In 1981, President Ronald Reagan recognized her achievements by appointing O'Connor to the Supreme Court, the first woman in American history to be so honored.

Mr. Speaker, 40 years ago, when Sandra Day O'Connor graduated from law school, only 4 percent of law students were women. Today, thanks to Justice O'Connor and other courageous women like her, approximately half of all law students are women.

There are many things I could say in her praise, but it seems to me that that is the most eloquent testimony of her achievements.

PASTOR AND CHAPLAIN KENNETH WELLS CELEBRATES 25 YEARS OF SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor Kenneth Wells as he celebrates 25 years as the pastor for Northview Baptist Church in Lewisville. Pastor Kenneth Wells is undoubtedly the pride of the Northview Baptist community because of his unrelenting outreach to preach joy to so many.

Pastor Kenneth Wells has been enriching the lives of Lewisville community since the first Sunday at Northview Baptist Church in 1981. In addition to his church duties as Pastor, Kenneth Wells is an active member of the greater Lewisville community. He serves as chaplain for the city of Lewisville police and fire departments. He created this ministry over 25 years ago with other area pastors. Pastor Kenneth Wells, along with his wife Teresa, remain committed to serving their community and their church.

Mr. Speaker, it is with great honor that I stand here today to honor Pastor Kenneth Wells in recognition of his devotion and selflessness to those around him.

TRIBUTE TO THE NEW CASTLE BUILDERS CHAPTER OF THE ORDER OF DEMOLAY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the New Castle Builders Chapter of the Order of DeMolay for its 87th anniversary.

The New Castle Builders Chapter #39095 Order of DeMolay serves the New Castle and Lawrence County area with additional chapters in Butler, Erie, Greensburg and Pittsburgh.

The Order of DeMolay is a character-building and leadership development organization for young men between the ages of 12 and 21. The organization aims to better sons which will in turn mean better men to be better citizens and leaders in the future.

The New Castle Builders Chapter of the Order of DeMolay hold its annual meeting on Wednesday February 22, 2006, and celebrate its 87th anniversary.

I ask my colleagues in the United States House of Representatives to join me in congratulating the New Castle Builders Chapter of the Order of DeMolay for its 87th anniversary. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute an organization such as the Order of DeMolay.

RECOGNIZING MR. DAVID L. MAGIDSON

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on August 19, 2005, David L. Magidson was elected to a 1-year term as National Commander of Jewish War Veterans of the United States of America, during the organization's 101st Annual National Convention in San Diego, California.

Mr. Magidson's military service began when he joined the U.S. Army in 1968. He graduated as a 2nd lieutenant from Infantry Officer Candidate School at Fort Benning, Georgia. He also served as the Operations Officer for the Miami Field Office of the 111th Military Intelligence Group. His active duty service ended in 1971.

Mr. Magidson has held numerous positions in Post 243, including Post Commander. Additionally, he has served as Judge Advocate for the JWV Department of Florida, and as the organization's National Judge Advocate since 2001.

Mr. Magidson also serves his Jewish heritage, and is currently a member of the Commission on Social Action of the Union for Reform Judaism. In 2000, he completed a 2-year term as president of Temple Judea in Coral Gables, Florida.

Although a native of New York City, Magidson was raised in the Washington, DC, area, the son of a Department of Defense civilian who headed the Claims Division for the U.S. Marine Corps. He earned his undergraduate degree in Spanish at Franklin and Marshall College, and went on to earn a Master's degree in Latin American History from the University of Florida.

Upon his release from military service, he attended the University of Miami Law School on the G.I. Bill, and received a law degree. He also studied international law at the Escuela Libre de Derecho in Mexico City. A family man, Mr. Magidson has been happily married to his wife, Carol, for 35 years, and they have two adult children, Ben and Rebecca.

PORT SECURITY AND THE SALE OF FIRMS OPERATING TERMINALS AT U.S. PORTS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to speak about port security and the sale of firms operating terminals at U.S. ports. The proposed sale of the P&O firm—which manages terminal operations at major East Coast ports, including the Port of Baltimore—to a company controlled by the government of Dubai has made many aware for the first time that major seaports in the U.S. are operated by firms controlled by foreign interests, including foreign governments.

We have long known that we have not closed gaps in physical security at our ports. Only approximately 5 percent of the nearly 9 million containers coming into our nation are physically inspected.

These gaps exist in part because we have simply not prioritized port security. Since 9/11, more than $20 billion in federal funding has been directed to aviation security while just over $630 million has been directed to port security.

However, the proposed sale of P&O now makes us aware that not only have we overlooked physical security, we have failed to develop the systems necessary to manage the unique security issues that the increasingly global nature of port management raises.

Most U.S. ports are owned by public or quasi-public authorities. These authorities frequently lease their terminal spaces to operating companies. P&O is one such operating company—and a quick review of U.S. port facilities reveals that like P&O, many terminal operating companies active in the United States are either foreign-owned or are subsidiaries of foreign entities.

In some case, these firms not only manage ports around the world, they also run the shipping lines that travel between these ports.

These kinds of relationships may be very good for business, but our government is not comprehensively assessing what threats these relationships could pose to our national security.

The Coast Guard analyzed the P&O deal because this deal was subjected to the scrutiny of the Committee on Foreign Investments in the United States.

Under normal circumstances, no federal entity comprehensively assesses terminal operating agreements for their security implications.

Each U.S. port is responsible for developing a facility security plan, which the Coast Guard approves. Amazingly, the Coast Guard does not regularly review terminal operating agreements as part of its assessment of a port's security plan.

I believe that Congress should, at the very least, examine whether the Coast Guard should be required to review terminal operating arrangements as part of their review of port facility security plans.

In the absence of such assessments, we do not really know whether firms managing our ports have ownership or business relations that could create a security threat.

Our transportation networks are truly global and all aspects of transportation businesses have significant foreign involvement. If our government has yet to take stock of these complex business arrangements and of the threats they pose to our transportation security, what other gaps exist and what incidents more threatening than a proposed sale will reveal them?

Finally, Mr. Speaker, while we have been conducting a national dialogue over recent weeks about the extent of foreign involvement that should be allowed in the operation of our ports, ports are just one of the many pieces of sensitive infrastructure in this nation which have not been adequately secured.

As we continue to examine our national security policies, we must examine whether our current laws on foreign ownership and operating arrangements pertaining to our nation's infrastructure are in the best interests of our national security. The American people well understand that the protection of our nation should not be subject to the seemingly relentless advancement of trade at all costs.Z! EXT .022 EXTENSION OF REMARKS A02MR8 PERSONAL COMPUTERJ049060-A02MR8-022-*****-*****-Payroll No.: 17840 -Name: -Folios: 1RRF -Date: 03/02/2006 -Subformat:

TRIBUTE TO FREDDIE BRYANT

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BERRY. Mr. Speaker, it is with great honor that I rise here today to commemorate a remarkable man, Mr. Freddie Bryant, on ninety years of endurance, patience, and strength of character. His selfless acts have touched so many, especially his twelve children, who thrived under his guidance and cherish the wonderful memories of growing up in Freddie's home.

Freddie has been a hard worker his entire life. He took on family responsibilities at the age of seven when his father moved to Hughes, Arkansas, and continues to plant a garden and raise livestock to this day. Although he only has a seventh grade education, he has an equivalent of a Ph.D. degree in agriculture, teaching, leadership, business, counseling, and theology.

According to Freddie's family—he does it all. He continues to sow and reap his land where he built the house, barn, and pasture from trees he cut down himself. Freddie always has a way to make a situation work. He would walk for miles with his old horse Pearl and a cotton sack on his back to feed his twelve children. When his eldest child wanted to attend college, he took a job at the granary in Helena, Arkansas, until he could send every one of his kids to college. To this day, whenever he meets a stranger, he always says ''let me tell you about my children.''

His children remember his ambition and sacrifice with such admiration. They remember the smells of childhood that bring them back so fondly to the shack in Lexa, Arkansas. Many events happened in this home that helped them grow into notable members of society. Throughout it all, it was in the arms of a loving father that guided them in the right direction.

Freddie Bryant has been married to the former Josephine Dunlap of Lexa, Arkansas, for 67 years. Josephine is a valiant woman, whose determination to raise her family goes unmatched.

On March 11, 2006 the community will meet to honor and celebrate the 90th birthday of

this simple yet great man who only refers to himself as ''Fanny's Boy.'' I ask my colleagues in the U.S. House of Representatives to join me in wishing Freddie many more years of happiness, and thanking him for his service as a great father and great American.

CONGRATULATIONS ON SENATE PASSAGE OF LEGISLATION CREATING CARIBBEAN-AMERICAN HERITAGE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. RANGEL. Mr. Speaker, I rise today to express my congratulations to Rep. BARBARA LEE of California for her leadership in championing legislation that would designate a national Caribbean-American Heritage month.

I am looking forward to the signing of this legislation by the President and to having the first celebration of Caribbean-American Heritage Month later this year. We as a nation will enthusiastically participate in this celebration in recognition and gratitude for the contributions made by our Caribbean-American communities. We have been richly blessed by this immigrant community who have followed and achieved their American dream through hard work and devotion to self-improvement.

As you know Mr. Speaker, the United States Senate earlier this month unanimously approved the legislation, H. Con. Res. 51, introduced by Rep. LEE last year. Last summer, the bill was approved by the House of Representatives and had 81 co-sponsors and support from more than 40 non-governmental organizations working on Caribbean-American issues. As the most senior Democratic woman on the House International Relations Committee, and a member of the Western Hemisphere Subcommittee, Rep. LEE has worked to strengthen U.S.-Caribbean relations and wanted to raise awareness about the role that Caribbean people and their descendants have played in the United States by introducing the bill.

As an original co-sponsor of H. Con. Res. 51, I am ecstatic that the lawmakers on both sides of the aisle in the House and the Senate lent their support to such a worthy bill. The Caribbean people have been a blessing both to the 15th Congressional District of New York and the country. There have been many influential Caribbean-Americans in U.S. history who have changed the fabric of this fine nation. Shirley Chisolm, the first African-American Congresswoman and first African-American woman candidate for President, had familial roots in Barbados. The parents of Colin Powell, the first African-American Secretary of State, were Jamaican. In the area of the arts, Celia Cruz, the world-renowned queen of Salsa music, was Cuban, while the parents of Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role, hailed from the Bahamas.

It is undeniable that great patriots of the United States have cultural roots in the beautiful countries of the Caribbean. Mr. Speaker, please join me again in congratulating Rep. LEE on her hard work to advance this legislation and lawmakers in both the House of Representatives and the Senate on passing H. Con. Res. 51. I also hope you will join me in urging the President to designate the month of June for annual national recognition of Caribbean-American Heritage Month.

CELEBRATING THE ANNIVERSARY OF THE ''BLUE & GOLD'' WITH CUB SCOUT PACK 60

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. HIGGINS. Mr. Speaker, it is with great pleasure I recognize the young men from Cub Scout Pack 60 from Buffalo, New York as they celebrate the traditions and contributions of the Boy Scouts of America on this the 76th anniversary of Cub Scouting.

Since 1910 Cub Scouts have embraced their motto ''Do Your Best'' and promoted the values of: citizenship, compassion, cooperation, courage, faith, health, honesty, perseverance, positive attitude, resourcefulness, respect, and responsibility among its membership.

Today we have more than 885,000 Cub Scouts across America, learning valuable life lessons through the scouting program, who will be the next generation of leaders.

On Sunday, March 5, 2006 Pack 60 will celebrate the Anniversary of Scouting with a ''Blue & Gold'' dinner; blue representing truth, spirituality, steadfast loyalty and the sky above and gold which stands for warm sunlight, good cheer and happiness.

Mr. Speaker, thank you for the opportunity to recognize Cub Scout Pack 60 whose members have learned at a very young age the importance of teamwork and giving back to one's community. We should be proud knowing they are this Nation's future.

H.R. 4682, THE HONEST LEADERSHIP AND OPEN GOVERNMENT ACT: DEMOCRATS LEAD THE NATION ON LOBBYING REFORM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. SCHAKOWSKY. Mr. Speaker, our country was established as a government 'of the people, by the people, and for the people.' The Republican majority has turned it into a government of, by, and for a few of the people. We need to address the Republican culture of corruption and lead the charge to restore honor and dignity to the House of Representatives. America can do better. The American public deserves better.

Mr. Abramoff and his associates have clearly broken the law. It takes two to tango. I believe Republican Members of Congress who put America up for sale should also be held accountable for their corrupt dealings and ''pay for play'' politics that put special interests first at the expense of the priorities of the American people.

Americans pay when lobbyists are granted special access in the legislative process and democratic procedures are abandoned on the floor of the House. Americans pay for the cost of corruption in many ways: a prescription drug bill that puts the greed of pharmaceutical companies ahead of the need of senior citizens for affordable prescription drugs; energy legislation that gives tax breaks and subsidies to oil companies while Americans pay record prices at the pump and for home-heating; and a waiver of liability so that vaccine manufacturers can profit while Americans can be hurt.

To end this culture of corruption and restore integrity and openness to the House, Democratic Leader PELOSI and my Democratic colleagues have introduced the Honest Leadership and Open Government Act that will eliminate the K Street Project that trades legislative access for Republican-only employment, stop the revolving door between government and lobbyists, end the ''dead of night'' special interest provisions, prohibit cronyism in key appointments, and eliminate contracting abuses like those benefiting Halliburton. I support this bill, and I urge my colleagues to enact and vigorously enforce needed reforms.

I am, however, concerned with the proposal to ban all privately-funded congressional travel without making a distinction between social or recreational trips and educational travel. Travel that includes lobbyists funding lawmakers to go to luxurious resorts for golf trips is abuse of House rules, and I believe we need to put an end to it.

But fact-finding trips on the other hand are an important way to educate members of Congress about issues. Banning them would make it harder for Members to get real-world understanding of matters that arise on Capitol Hill. I want to make sure that nonprofit organizations, whether they undertake no lobbying or devote a very small percentage of their budgets to lobbying, are not precluded from taking members on these trips because of this bill. I look forward to working with my colleagues on this issue.

The intention of our Founding Fathers was for Congress to be a marketplace of ideas. Democrats are leading the effort to once again put power where it belongs—in the hands of the American people. I look forward to enacting real reform that addresses serious ethical abuses, increases the transparency and openness of government, and enforces the rules and laws already on the books.

RECOGNIZING MR. RONALD L. BOOK

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on Saturday, February 25, 2006, Ronald L. Book was awarded the Anti-Defamation League's Torch of Liberty Award, which recognizes outstanding individuals who have exhibited humanitarian concerns and whose efforts bring together people of all races, religions and ethnic backgrounds.

Mr. Book serves as a member of the University Outreach Development Council at Florida International University and is Board Member Emeritus of the Memorial Hospital Foundation and the Joe DiMaggio Children's Hospital & Foundation. He is chairman of the Dade County Homeless Trust and its executive committee and serves as outside advisor

to the Broward Community Partnership on the Homeless.

He is also an active participant in South Florida's business community. Mr. Book is a trustee and Council of 100 members of the Greater Miami Chamber of Commerce and was the Director and Special Counsel for former Florida Governor, Bob Graham's Cabinet.

Mr. Book earned a Juris Doctorate at Tulane University and a Bachelor's degree in Political Science at Florida International University. He currently practices in Aventura and Tallahassee. Of all his accomplishments, Ron and his wife, Pat, are most proud of their children, Lauren (20), Samantha (18) and Chase (13).

For his exemplary and inspirational work, reflecting the goals and aspirations of the ADL, I congratulate Ronald L. Book on this distinguished honor.

RECOGNITION OF 2006 WINTER OLYMPIC ATHLETES

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. ROTHMAN. Mr. Speaker, I rise today to recognize all of the Olympic athletes who competed last month at the Winter Games in Turin, Italy. The Olympic Games have always sought to bring people together in peace to respect universal moral principles. They give the finest athletes in the world the chance to compete with pride and honor. I am proud that three of my constituents from East Rutherford, New Jersey, in my Ninth Congressional District, competed among the world's best at the 2006 Winter Olympics. Brian Gionta, Scott Gomez, and Brian Rafalski were all members of the Men's United States Olympic Ice Hockey Team.

Mr. Speaker, I would like to especially honor these three young men who have distinguished themselves in the sport of ice hockey, and proudly represented the United States at the 2006 Winter Olympic Games in Turin, Italy.

INTRODUCTION OF THE SUNLIGHT RULE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. PAUL. Mr. Speaker, Supreme Court Justice Louis Brandeis famously said, ''Sunlight is the best disinfectant.'' In order to shine sunlight on the practices of the House of Representatives, and thus restore public trust and integrity to this institution, I am introducing the sunlight rule, which amends House rules to ensure that Members have adequate time to study a bill before being asked to vote on it. One of the chief causes of increasing public cynicism regarding Congress is the way major pieces of legislation are brought to the floor without Members having an opportunity to read the bills. This is particularly a problem with the Appropriations conference reports, which are often rushed to the floor of the House in late-night sessions at the end of the year. For example, just this past December, the House voted on the Fiscal Year 2006 Defense Appropriations Conference Report at approximately 4 a.m.—just 4 hours after the report was filed. Yet, the report contained language dealing with avian flu, including controversial language regarding immunity liability for vaccine manufacturers, that was added in the House-Senate conference on the bill. Considering legislation on important issues in this manner is a dereliction of our duty as the people's elected representatives.

My proposed rule requires that no piece of legislation, including conference reports, can be brought before the House of Representatives unless it has been available to Members and staff in both print and electronic version for at least 10 days. My bill also requires that a manager's amendment that makes substantive changes to a bill be available in both printed and electronic forms at least 72 hours before being voted on. While manager's amendments are usually reserved for technical changes, oftentimes manager's amendments contain substantive additions to or subtractions from bills. Members should be made aware of such changes before being asked to vote on a bill.

The sunlight rule provides the people the opportunity to be involved in enforcing the rule by allowing a citizen to move for censure of any House Member who votes for a bill brought to the floor in violation of this act. The sunlight rule can never be waived by the Committee on Rules or House leadership. If an attempt is made to bring a bill to the floor in violation of this rule, any member could raise a point of order requiring the bill to be immediately pulled from the House calendar until it can be brought to the floor in a manner consistent with this rule.

Mr. Speaker, the practice of rushing bills to the floor before individual Members have had a chance to study the bills is one of the major factors contributing to public distrust of Congress. Voting on bills before Members have had time to study them makes a mockery of representative government and cheats the voters who sent us here to make informed decisions on public policy. Adopting the sunlight rule is one of, if not the, most important changes to the House rules this Congress could make to restore public trust in, and help preserve the integrity of, this institution. I hope my colleagues will support this change to the House rules.

INTRODUCTION OF THE INNOVATION AND COMPETITIVENESS ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GOODLATTE. Mr. Speaker, today I rise to introduce the Innovation and Competitiveness Act.

The Framers of our system of government realized that innovation was essential to the success of the United States. They embodied this strong belief in Article I Section 8 of our Constitution, which lays the framework for our nation's copyright and patent laws. The Framers realized that American innovation was so important that it merited specific reference and protection in our founding document.

Today, America is the world leader in innovation. However, to ensure that America remains the world leader, we must again take a hard look at our policies to make sure that they still encourage inventors to create and businesses to grow and expand.

Every business and individual must weigh the advantages and the hurdles when making the decisions about whether to bring an idea to the market, expand services to other geographical areas and the like. In addition to market factors, unfortunately, today there are additional hurdles to innovation and growth—excessive litigation, as well as taxation, red tape and regulation imposed by governments.

The Innovation and Competitiveness Act is a comprehensive piece of legislation to get Congress engaged in the business of promoting innovation in America by creating additional incentives for private individuals and businesses to create and rollout new products and services so that America will remain the world leader in innovation. Government sometimes is the problem—not the answer to the problem—so the Innovation and Competitiveness Act also addresses government-imposed hurdles to innovation by clearing the way for inventors and businesses to do what they do best—create and compete.

Specifically, this legislation will promote research and development by permanently extending the R&D tax credit. Companies know best how to spend their money on research and development, not government bureaucracies.

In addition, excessive red tape and confusing rules regarding tax liability are currently stifling businesses from moving across State lines. Increasingly, States are taxing businesses outside their borders for the right to do business within the State even when those out-of-State businesses have minimal contacts with the taxing jurisdictions. Given this environment, some businesses have made the decision that it is not worth expanding to other jurisdictions because of the ambiguity about when they must pay these taxes and the fear of aggressive taxation and the resulting litigation and compliance costs. The Innovation and Competitiveness Act contains provisions to set clear, bright line rules for when out-of-State businesses would be obliged to pay taxes to a jurisdiction. This bill creates a physical presence test such that States could only collect business activity taxes from businesses with employees or property in the taxing State. This will create the clarity necessary for businesses to grow beyond State lines, and offer new and exciting products and services to consumers.

In addition, excessive litigation hampers investment and innovation. With that in mind, this legislation cracks down on frivolous lawsuits by strengthening sanctions against attorneys who file truly frivolous actions.

Furthermore, rising health care costs are one of the most difficult challenges facing individuals, businesses and manufacturing today. The Innovation and Competitiveness Act contains provisions that will allow individuals to purchase health insurance that best suits their needs and budgets, while also promoting competition in health care. In addition, our bill encourages the use of health information technology, which will improve health quality and

reduce errors by leveraging cutting edge technology to make medical records available almost instantaneously to doctors when they are needed so that they can best treat patients. Technology can help reduce paperwork and administrative burdens and thus help doctors provide the best and fastest care possible to their patients.

Finally, as we have heard, by 2010, more than 90 percent of all scientists and engineers could be living in Asia. This is a major challenge to our competitive leadership, but America must keep pace. To address this issue, the Innovation and Competitiveness Act includes provisions that will provide incentives for teachers to specialize in math, science, and other technical fields—and to remain in the classroom to educate our youth in these fields. In addition, this legislation provides incentives for students to receive degrees in technical fields with financial aid and scholarships.

The Innovation and Competitiveness Act will get Congress into the business of protecting America's place as the world leader in innovation and competitiveness, and I urge the Members of the House to support the initiatives in this important legislation.

HONORING THE NATIONAL COALITION FOR CANCER SURVIVORSHIP ON ITS 20TH ANNIVERSARY

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to congratulate the National Coalition for Cancer Survivorship based in Silver Spring, Maryland on its 20th anniversary.

For the past two decades, NCCS has worked tirelessly to advocate for quality cancer care for all Americans and to empower cancer survivors. By stressing its commitment to evidence-based advocacy, NCCS has worked with policy makers to evaluate and recommend changes in how the nation researches, regulates, finances and delivers quality cancer care.

In addition, NCCS has provided cancer survivors and their loved ones access to credible and accurate information on many important survivorship issues, especially the critical role of advocating for oneself.

I ask that all of my colleagues in the House of Representatives join me in honoring the National Coalition for Cancer Survivorship, whose leadership has provided an invaluable service to this country's more than ten million cancer survivors and the millions more affected by this devastating disease. I wish them all best in the future.

RECOGNIZING ROSS HAYNES JR. FOR HIS ENDLESS COMMUNITY SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend Ross Haynes Jr., from Fort Worth, Texas, in the heart of the 26th Congressional District of Texas, for his dedicated service to the community.

Ross Haynes Jr. makes helping his community a high priority in his life. He has dedicated time to assisting others in the community, specifically, its youth. From sports to education on life, Ross Haynes Jr. has made a difference in our lives.

From his own humble beginnings, Mr. Haynes has amassed great wealth in the form of friendship and encouragement in which he has inspired throughout his community. He has been involved with the lives of a great deal of Fort Worth's underprivileged youths through the Fort Worth Boys & Girls Club. Mr. Haynes effortlessly educates kids about the positive things to aspire for in life.

In addition, he has fulfilled his dream to open his own business along with his wife, Delessa. This alone is a phenomenal achievement for one to accomplish. Mr. Haynes serves as a most honorable role model for many by continuing to strive for one's own personal goal.

I am proud to represent Ross Haynes Jr.—a man who has given so much back to his community. Mr. Haynes's advice, council and support to the community, whether directly or indirectly, over the years, are certainly something for which to be thankful. I am grateful to represent such a wonderful citizen like Mr. Haynes.

TRIBUTE TO THE CRISIS SHELTER OF LAWRENCE COUNTY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate The Crisis Shelter of Lawrence County on the 25th anniversary of its founding.

In September of 1981 the Lawrence County Crisis Shelter opened its doors to women and children who have suffered domestic abuse. Over the past 25 years the Shelter has grown to provide free services to men, women and children that are victims/survivors of sexual assault and domestic abuse.

This year marks the 25th anniversary of the opening of the Crisis Shelter. To kick off the celebration, the shelter will be holding it's annual auction, which is scheduled to be held at the Scottish Rite Cathedral on Saturday, February 25th at 6 p.m. The funds raised at the auction help support many services offered by the shelter, including the 24–hour hotline, prevention education in schools, intervention training, and the emergency shelter.

I ask my colleagues in the United States House of Representatives to join me in honoring the 25th anniversary of The Crisis Shelter of Lawrence County. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a principled organization as The Crisis Shelter of Lawrence County.

HONORING THE SANTA BARBARA BOTANIC GARDEN UPON ITS 80TH ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to the Santa Barbara Botanic Garden board of trustees, staff and volunteers as they celebrate the 80th anniversary of the garden. The botanic garden provides many different services to the Santa Barbara community, including conservation, education and research.

As an active member of the Center for Plant Conservation, the Santa Barbara Botanic Garden is the only organization actively developing and maintaining a conservation collection of rare and endangered species in the central coast region. Through cooperation with private and public resource management agencies, seeds and living plants are collected in the wild to represent genetic and geographic variation. These conservation efforts are critical to ensuring that the areas of vast beauty and great significance are preserved so that our future generations may enjoy and learn from them.

The Botanic Garden has a comprehensive education program that includes programs for school groups, various certificate programs and excursions to such regions as Anacapa Island and Lake Cachuma. Their education program aims to increase our understanding of the role of plants in the natural world. Currently, the Botanic Garden co-sponsors programs with the Los Padres National Forest, University of California Cooperative Extension and the Gevirtz Research Center in the Graduate School of Education at the University of California, Santa Barbara. They also have a relationship with our local schools that ensures that our children learn the importance of preserving our natural treasures and allows teachers an opportunity to help students learn in an outdoor classroom environment.

Research at the Botanic Garden began in the late 1920s and has continued to be innovative and to contribute to our understanding of the natural world. Beginning in the 1960s, Dr. Ralph Philbrick (Garden Director from 1974 to 1987) expanded the Garden's floristic research of the Channel Islands. For over 40 years, Garden surveys and inventories have significantly expanded our knowledge of these remarkable offshore terrains. As a result, the Garden's herbarium includes over 30,000 specimens of the Channel Islands' vascular plants and lichens, which are consulted by researchers throughout the world. This research on the Channel Islands is of particular importance because of its status as a National Park which possesses many native plants and animals.

I am so pleased to be able to recognize all of the hard work of the trustees, staff and volunteers as a part of this 80th Anniversary celebration. I am privileged to work and live in a community that is so physically beautiful and blessed with so many dedicated individuals who work tirelessly to maintain the many things that make this area so special. Congratulations and happy anniversary!

CELEBRATING THE BIRTH OF NATHANIEL COLE ZARRELLI

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Leslie and Mike Zarrelli of Silver Spring, Maryland, on the birth of their new baby son. Nathaniel Cole was born on February 9, 2006, at 10:46 a.m., weighing 7 pounds and 4 ounces. Nathaniel has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His birth is a blessing.

RECOGNIZING AN ARTICLE BY RABBI ISRAEL ZOBERMAN, SPIRITUAL LEADER OF CONGREGATION BETH CHAVERIM IN VIRGINIA BEACH, VA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. FORBES. Mr. Speaker, I rise today to introduce an article written by Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, Virginia. The article by Rabbi Zoberman reads as follows:

I was in Israel on a mission of the ARZA (Association of the Reform Zionists of America) Rabbinical Council during the recent Palestinian elections to its legislative Council. The unexpected, stunning victory of Hamas winning 74 out of a total of 132 seats though only 44 percent of the cast votes, remains a source for analysis and a cause of concern.

The embarrassing defeat of ruling Fatah whose leader Mahmud Abbas continues to serve as a Palestinian Authority President, was primarily due to the long frustration and mounting anger caused by years of Fatah's inept management and outright corruption. Hamas cleverly ran on a Change and Reform list having already succeeded in establishing an infra-structure of supportive economic and social services to a deprived population. However, the victory took Hamas too by surprise saddling it with critical choices and decisions. Is it ready through to transform its very identity from a terrorist organization to one recognizing the State of Israel and negotiating peace with, is yet to be seen.

Essential financial support from Israel, the United States and the European Union depend on it. Hamas may likely choose a middle course of not repudiating its very nature while abstaining from military action to allow it to consolidate power, becoming in time even a greater threat to the Jewish state. A nightmarish scenario would be a hostile Hams state bordering on Israel with an extreme Muslim agenda and heavily influenced by Iran who is also behind the Hizballah in Southern Lebanon. That would pause unacceptable risks to the entire Middle East and beyond.

Our group was most warmly greeted by the new American Ambassador to Israel, Dr. Richard Jones, who reiterated President Bush's policy of fighting terrorism and non-support for a Palestinian Authority deviating from the Road Map. We also had the opportunity to meet at the historic King David Hotel with Laura King, Jerusalem Bureau Chief for the Los Angeles Times, who covered the Palestinian elections and conveyed her sense of not being surprised by the outcome.

Our memorable day visit to Jordan's fascinating Petra via the Yitzhak Rabin border crossing at Israel's most southern city of Eilat, was a reminder to appreciate anew the Israel-Jordan peace treaty of 1994. In addition to the natural wonders and rich history of the 1800 year old Nabatean city of Petra carved in Biblical red rock, the past interconnectedness of the entire region through fruitful commerce and cultural exchange should inspire once again its revitalization for benefit of all.

With hospitalized Ariel Sharon's unchanged medical condition, Acting Prime Minister Ehud Olmert's resolve has weathered the evacuation of the illegal outpost of West Bank's Amona in spite of the accompanied violence. Surely it is the first of the post-Gaza disengagement challenges that will test the emerging new leadership and the vibrant Israeli democracy, even as was revealed for the first time by the Israeli Institute for Economic and Social Research the high financial cost of 14 billion dollars investment in the territories since 1967. The centrist Kadima (''Forward'') party created by Sharon and now headed by Olmert continues with only a small drop in its strong showing in the polls toward the March 28 elections. However, the unpredictable nature of erupting Middle East events forestalls the assurity of the elections' outcome at this time. The elections will nonetheless reflect the Israeli voters verdict on Sharon's legacy of sacrificing the vision of a greater Israel for the more realistic one of a smaller Israel yet a Jewish and democratic one; an Israeli society in a far better position to tackle its demanding and urgent agenda of socio-economic dilemmas and gaps that will ultimately determine Israel's character and moral fiber so crucial for its survival.

HONORING AND PRAISING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 97TH ANNIVERSARY

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the National Association for the Advancement of Colored People (NAACP), as they celebrate the 97th anniversary of their inception. The Delaware chapter of the NAACP was founded in Wilmington, Delaware in 1909, only 1 year after the initiation of the national office. The Wilmington branch of the NAACP distinguished itself locally in the equal pay battle for teachers in Delaware. The positive impact that the Wilmington branch had on our community inspired the development of other branches around the state, including lower Sussex, Milford, Central Delaware, and Newark.

I would personally like to thank the past and present leaders of the NAACP in Delaware for their continued dedication to bring about peaceful movements for change. This illustrious organization's success can be attributed to leaders such as Reverend Maurice Moyer, Alice Dunbar Nelson, Louise L. Redding, Samuel Dawson, Gary Hammond, Littleton Mitchell, and Charles Brittingham. They are each heroes both locally and nationally.

These remarkable trailblazers have led the battle for equality in the state of Delaware. They worked to pass the local elective ''one-person, one vote,'' fought for suitable living quarters for migrant laborers, worked for fair public accommodations throughout the state, and made extensive advancements in educational equity.

The perseverance demonstrated by members of the NAACP reflects the strength of this exceptional organization. Over the past 97 years, the national organization has provided communities around the United States with strong and passionate leaders who have fought for social change. I congratulate them on the successes of the past 97 years, and I look forward to many more years of continued achievements in the future.

CONGRATULATING THE 2006 CENTRAL INDIANA BUSINESS HALL OF FAME LAUREATES

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. PENCE. Mr. Speaker, I rise today to personally congratulate Dick Johnson and Fred Klipsch, two individuals inducted into the Central Indiana Business Hall of Fame last week. These business and civic leaders are being recognized with this high honor for achieving success and contributing to the Indiana business community.

Dick Johnson exemplifies the entrepreneurial spirit that has made Indiana great. He graduated from Indiana University and started a petroleum distribution company in 1957 with a $10,000 loan co-signed by his father. In the beginning, wife Ruth and children Rick and Jenny helped out by preparing all invoices for mailing. Johnson Oil Company grew to be one of the largest independent gas distributors in the country with 200 Bigfoot stores employing 1,500 people.

Dick went on to build multiple companies from scratch, starting with very little capital to build a significant enterprise. A generous philanthropist, he and Ruth have given over $1 million to his alma mater alone.

I am proud to say that Dick has roots in my own hometown of Columbus, where he has never stopped giving back to the community. He has received numerous awards, including Columbus Community Service Award, 1997; IU Annual Distinguished Entrepreneur Award, 1994; and Columbus Small Business Person of the Year, 1988.

Another hometown hero, Fred Klipsch is the model of the successful American businessman. From humble blue-collar beginnings to the blue suits of the boardroom, he made the transition without losing the ethics and values with which he was raised.

Along the way, Fred acquired and managed several companies. Perhaps the most well-known firm is the one that bears his name: loudspeaker manufacturer Klipsch and Associates.

Managing multi-million-dollar companies didn't keep Klipsch from volunteering his services. He has been very active at Purdue University and just retired from a term as president of the Educational Choice Charitable

Trust, an organization that gives scholarships to inner-city children to attend private schools.

Fred has also worked hard to reposition the state Republican Party and is still Republican National Committeeman for the State of Indiana.

Once again, my congratulations to 2006 Central Indiana Business Hall of Fame Laureates Dick Johnson and Fred Klipsch.

INTRODUCTORY STATEMENT FOR H.R. 4843, VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. MILLER of Florida. Mr. Speaker, as chairman of the Subcommittee on Disability Assistance and Memorial Affairs of the Veterans' Affairs Committee, I am proud to introduce H.R. 4843, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

The Subcommittee's Ranking Member, SHELLEY BERKLEY, as well as full Committee Chairman STEVE BUYER and Ranking Member LANE EVANS, join me as original cosponsors of the bill.

H.R. 4843 would provide a cost-of-living adjustment to veterans' benefits effective December 1, 2006. This would affect more than 2.9 million service-connected veterans and survivors of service-connected veterans.

The VA Committee periodically reviews the service-connected disability and dependency and indemnity programs to ensure that the benefits provide reasonable and adequate compensation for disabled veterans and their families. Based on this review, Congress acts annually to provide a cost-of-living adjustment in veterans' compensation and survivor benefits.

Mr. Speaker, Congress has provided increases in these rates for every fiscal year since 1976. The Administration's fiscal year 2007 budget submission includes funding for a projected 2.6 percent increase.

I urge my colleagues to support this bill.

THANKING JUANITA CONKLING FOR HER SERVICE TO THE HOUSE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. EHLERS. Mr. Speaker, on the occasion of her retirement in April 2006, I rise to thank Mrs. Juanita Conkling for over 40 years of outstanding service to the U.S. House of Representatives.

Juanita began her career with the Federal Bureau of Investigation (FBI). After a year of service with the FBI, Juanita joined the U.S. House of Representatives on May 1, 1965, and has worked for the House Sergeant at Arms and the Chief Administrative Officer as the Payroll/Benefits Administrator in the Office of Members' Services. In this position, she has provided payroll and benefits guidance and counsel to countless Members of Congress and their families. Over the past 40 years, Juanita has assured that the Members of Congress were paid accurately and on time each month. Additionally, she has provided current and former Members of Congress with advice and counsel about their ongoing options relative to their compensation and benefits.

Juanita has been instrumental in assisting both new and departing Members of Congress—orienting new Members about their pay and benefits issues as well as counseling departing Members about their options for continuation of benefit programs. During her 40 years working for the House, Juanita's career has given her the opportunity to have many long-lasting relationships with current and former Members of Congress, their families and congressional staffs.

On behalf of the former and current Members and the House community, I extend congratulations to Juanita for her many years of dedication and outstanding contributions to the Members and the U.S. House of Representatives. We wish Juanita many wonderful years in fulfilling her retirement dreams.

TRIBUTE TO RITA J. BOARD

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of Rita J. Board, Governmental Liaison for the Internal Revenue Service. Ms. Board's career extends over a 30 year period in Parkersburg, West Virginia, serving not only the taxpayers of the Second Congressional District of West Virginia but the entire State of West Virginia. The positions she held include Taxpayer Service Specialist, Taxpayer Education Coordinator, Management Analyst in the Taxpayer Advocate Service and most recently Governmental Liaison. Ms. Board has received numerous awards in recognition and appreciation of her superior effort, dedication, and personal contribution to accomplishing the goals of the Internal Revenue Service as Congress intended.

It is impossible to estimate the enormous number of lives positively impacted by Ms. Board—small business individuals, volunteers, low income families, educational institutions, and exempt organizations.

Ms. Board played a large part in establishing an extremely successful Taxpayer Advocate Office in West Virginia that aims to work cooperatively with Congressional Offices. Ms. Board also successfully led in the establishment of an excellent relationship between the State of West Virginia and the IRS. I commend her for these contributions to the West Virginia public.

Ms. Board's family is service-oriented. Her husband, Gerald, is a retired police officer. Her daughter, Leslie, and her son, Matthew, are currently serving the public as police officers. Ms. Board has been a role model to everyone she meets.

I urge my colleagues to join me, as Rita J. Board retires from the Internal Revenue Service, in celebrating her tremendous achievements during her career and in her personal life.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. REICHERT. Mr. Speaker, on March 1, 2005, I missed roll call vote #17, honoring the contributions of Justice Sandra Day O'Connor. I was unavoidably detained chairing a subcommittee hearing on the state of interoperable communications. If I had been present, I would have voted "yes."

HONORING AND PRAISING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 97TH ANNIVERSARY

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. ENGEL. Mr. Speaker, I rise to honor an organization that has been more than a guiding force but, in fact, a leader in advancing civil rights for nearly a century. The National Association for the Advancement of Colored People continues its mission to ensure the political, educational, social, and economic equality of rights for all people. As the oldest and largest civil rights organization in the nation, the men and women working for the NAACP have sought to remove all barriers of racial discrimination through their use of legal and moral persuasion.

The NAACP won one of the nation's greatest legal victories; that was the 1954 Supreme Court decision Brown v. Board of Education. The NAACP was also a prominent power that lobbied for the passage of the Civil Rights Acts of 1957, 1960, and 1964. The Voting Rights Act of 1965 and the Fair Housing Act were also achievements of this longstanding organization. In 2005, the National Association for the Advancement of Colored People launched the Disaster Relief Fund to help Hurricane Katrina survivors in Louisiana, Mississippi, Texas, Florida, and Alabama rebuild their lives.

The NAACP was built and grew from the collective courage of thousands of people and continues to inspire the high standard of full equality to ever younger generations. As grandfather of all civil rights organizations, it has been persistent in its commitment to nonviolence, even in the face of overt and violent racial hostility. Today, on the 9th anniversary of the NAACP, it is important to celebrate how these men and women advanced their mission through reliance upon the press, the petition, the ballot, and the courts. Their premise has been that people of all races, nationalities and faiths, men and women, are created equal. All Americans must continue to uphold these standards of morality and justice.

I congratulate the NAACP and look forward to celebrating their centennial in 3 years.

RECOGNIZING THE PEACE CORPS VOLUNTEERS FROM OREGON'S 3RD DISTRICT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BLUMENAUER. Mr. Speaker, President Kennedy once stated that "Peace is a daily, a weekly, a monthly process, gradually changing opinions, slowly eroding old barriers, quietly building new structures." As we celebrate the 45th anniversary of the establishment of the Peace Corps, the truth of that statement is confirmed every day by the outstanding group of men and women promoting international understanding and progress across the globe.

During this National Peace Corps Week, I want to honor the service and commitment of the Peace Corps Volunteers from Oregon's 3rd Congressional district and express my pride in my fellow Oregonians who have chosen to devote years of their lives in service to others.

In particular, I want to recognize the current Peace Corps Volunteers whose service began in the past year: Ethan Choi (Bulgaria), Katie Conlon (Mali), Nancy Davis (Mexico), Rebecca Inman (Madagascar), Michael Lemmo (Ecuador), Cara McCarthy (Madagascar), Chris Pexton (Namibia), Jonathan Ruff (Costa Rica), Patrick Schmidt (Namibia), Candace Watson (Swaziland), Delores Watts (Malawi), Kimberly Wells (Malawi), and Malia Wetcher (Mozambique).

Their work to empower people and communities in developing countries is a crucial contribution to creating a safe and prosperous world, building bridges between America and the world, and establishing a better future for people everywhere.

CONGRATULATING MR. JIMMY FAULKNER, SR. ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BONNER. Mr. Speaker, it is with both pride and pleasure that I rise this week to honor a great man, as well as a true friend, Mr. Jimmy Faulkner, on the occasion of his 90th birthday.

Few people have enjoyed a more wonderful life than "Mr. Jimmy."

As an Air Force pilot, young Jimmy Faulkner answered his nation's call to serve and serve he did, always with distinction, valor and honor.

Upon completing his service in the Air Force, Jimmy Faulkner set out to blaze a trail of success in the world of business, spanning 42 years as the owner and publisher of a chain of south Alabama newspapers, as well as serving as president of seven radio stations. At the same time, he continued to find a way to serve his community, state and nation, first by being elected the youngest mayor in America in 1941, when he was elected mayor of his beloved Bay Minette.

Years later, Mr. Jimmy would go on to serve Baldwin, Monroe and Escambia Counties by becoming one of Alabama's most respected and influential state senators. Twice he also ran for governor of Alabama.

Still later, Mr. Jimmy's entrepreneurial talents would give him the confidence to start Loyal American Life Insurance Company. And during most of the past 50 years, he has also been associated with Volkert & Associates, one of the top engineering, architectural, planning and environmental firms in the United States.

One of Jimmy Faulkner's passions has been his lifelong dedication to improving education. He has served as a member of the Board of Directors for the Alabama Christian College in Montgomery, which was renamed Faulkner University in his honor, and Chairman of the Advisory Board for James H. Faulkner State Community College in Bay Minette. Mr. Jimmy holds seven honorary doctorate degrees in law and humane letters, and he has served on several commissions that worked to improve Alabama's secondary education system.

Jimmy Faulkner was named the North Baldwin Chamber of Commerce "Person of the Century" in 2000. In 2003, he was awarded the Alabama Press Association's "Lifetime Achievement Award" and received the Volkert Chairman's Award in 1994.

Mr. Speaker, there has been no other individual more important to south Alabama or to the life of his local community than James H. "Jimmy" Faulkner, Sr. He is an outstanding example of the quality individuals who have devoted their lives to public service, and I ask my colleagues to join with me in congratulating him on reaching this milestone. I know Mr. Jimmy's colleagues, his family and his many friends join with me in praising his significant accomplishments and extending thanks for his many efforts over the years on behalf of the First Congressional District and the entire state of Alabama.

TRIBUTE TO THE 415TH CIVIL AFFAIRS BATTALION FROM KALAMAZOO, MI.

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the members of the 415th Civil Affairs Battalion from Kalamazoo, MI who have bravely served our Nation overseas in Iraq. This Sunday, March 5th, the entire Battalion will be honored for its distinguished service in Iraq, receiving the prestigious Meritorious Unit Commendation that is bestowed upon battalions that are particularly meritorious and exceptional in their services against an armed enemy during Operation Iraqi Freedom.

In addition to the Battalion's group recognition, 100 members of the unit will also be personally awarded the Combat Action Badge, which provides special recognition to Soldiers who personally engage the enemy, or are engaged by the enemy during combat operations.

I am so proud of the 415th Battalion because they represent all of the many and diverse jobs that our troops have set out to accomplish in Iraq. For example, this Battalion has administered over 1000 reconstruction projects, implemented and managed 43 separate school reconstruction projects, provided medical screening to Iraqi citizens, even helped forge a relationship between Harvard University's medical school and Iraq's Tikrit University of Medicine.

The work of these men and women represents the positive progress that is actually going on in Iraq. The stories and accomplishments of the 415th Battalion are the ones that should truly be grabbing the headlines back home. Once again, I would like to congratulate the 415th Battalion for their much-deserved recognition and thank them on behalf of all the folks in Southwest Michigan for their great service. We are safer as a nation for your service—you make us all proud.

PUERTO RICO DEMOCRACY ACT OF 2006

HON. LUIS FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. FORTUÑO. Mr. Speaker, today, Puerto Ricans celebrate the 89th Anniversary of being granted United States citizenship by an Act of Congress. It is on this historic occasion that I, as Puerto Rico's sole representative in Congress, am proudly introducing on their behalf the Puerto Rico Democracy Act of 2006.

Since 1917, we have cherished that citizenship, and the principles of freedom and democracy for which our Nation stands. Hundreds of thousands of Puerto Ricans have fought valiantly in all wars since then to defend those principles that we so strongly value, with 50 of our own making the ultimate sacrifice in our Nation's current War on Terrorism in Iraq and Afghanistan. The bill I am introducing today honors the life and sacrifice of these heroes . . . heroes who have left their loved ones behind to defend our democratic values even as they themselves are unable to vote for their Commander in Chief.

After 108 years of being a territory of the United States, Puerto Rico's status dilemma remains unresolved. Over the years, many in Congress have expressed their willingness to respect the right of self-determination for the U.S. citizens residing in Puerto Rico yet, during that time, there has never been a federally sanctioned self-determination process.

On December 22, 2005 the President's Task Force on Puerto Rico's Status issued a comprehensive and balanced report providing options for the Island's future status and relationship with the United States. This Task Force, created by Executive Orders from President Clinton and President Bush, clearly outlines in its report a process to address Puerto Rico's century old status dilemma.

The bill that I am introducing today simply implements the recommendations of the Task Force Report in order to preserve the guiding principles found in that report, which avoid prejudice towards a particular status option, and develops alternatives that are compatible with the U.S. Constitution and basic policies of the United States.

Some will argue that Puerto Rico's status should be determined by a select few, however, I sustain that, after 108 years of waiting, the four million U.S. citizens of Puerto Rico deserve nothing less than a direct and meaningful vote. The Puerto Rico Democracy Act of

2006 guarantees that the terms and conditions of Puerto Rico's future be developed jointly and democratically by the people of Puerto Rico and the Congress and not by the whims of an elite few.

In supporting this legislation, Congress would finally sanction a real opportunity for the people of Puerto Rico to exercise their right of self-determination with a process that would allow for a direct vote from the people. The first plebiscite, which would be held during the 110th Congress, but no later than December 31, 2007, would allow the people of Puerto Rico to elect whether to remain a U.S. territory, or to pursue a path toward a constitutionally viable permanent non-territorial status. It would not be until a second plebiscite during the 111th Congress that specific non-territorial status options would be defined, should the voters decide they want to opt for a permanent, non-territorial status.

Congress has a date with history. As a territory, Puerto Rico is subject to Congressional authority under the Constitution's Territorial Clause. After 89 years as U.S. citizens, we deserve the opportunity to provide the people of Puerto Rico with a process where, through their direct vote, they can choose the status of their choice. Congress must assume its constitutional responsibility and act now; otherwise the efforts of the Presidential Task Force on Puerto Rico's Status, established by President Clinton and President Bush, would have been in vain.

I wish to thank my many colleagues, on both sides of the aisle, who have agreed to become original co-sponsors of this bill, validating the recommendations made by the President's Task Force on Puerto Rico's Status to commence a democratic process under which the people of Puerto Rico will be able to exercise their inherent right to self-determination. The four million U.S. citizens of Puerto Rico deserve no less.

TRIBUTE TO RUSSELL GWATNEY

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. FORD. Mr. Speaker, it is with honor I rise today to recognize the great achievement of Russell Gwatney, a noted and respected business leader in the great state of Tennessee and the nation at-large. Russell Gwatney, president for Gwatney Chevrolet, Chevrolet-Isuzu was recently named a finalist for the 2006 Time Magazine Quality Dealer Award.

The Time Magazine Quality Dealer Award is the automobile industry's most prestigious and highly coveted award for car dealers. The award recipients are among the nation's most successful auto dealers. Criteria for the award include recipients' demonstration of a long-standing commitment to effective community service. As a finalist, Mr. Gwatney is one of 66 automobile dealers from more than 19,500 nominees nationwide nominated for the annual award—now in its 37th year.

An Arkansas native, Mr. Gwatney grew up in the car business. His father became a Chevrolet dealer when Russell Gwatney was just 6 years old. Mr. Gwatney started selling cars in 1973 after an illness caused him to leave the University of Arkansas during his junior year. After completing undergraduate studies in 1976, Mr. Gwatney returned to the dealership in sales management, where he later became general manager in 1979 and co-dealer in 1984.

In addition to his business successes, Mr. Gwatney and his dealership have supported a wide range of organizations and philanthropic efforts in the community. As well, he has served as chairman for the St. Louis Federal Reserve Bank and also member to the executive committee of the Memphis Regional Chamber of Commerce.

Mr. Gwatney was nominated for the annual Time Magazine Quality Dealer Award by Robert V. Weaver, president of Tennessee Automotive Association. Mr. Gwatney lives in Germantown, Tennessee with his wife Elizabeth. They have three children, including their two sons John and David who have joined the family business.

Mr. Speaker, I ask you and my colleagues in the U.S. House of Representatives to join me in recognizing and commending Russell Gwatney and for this great achievement.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. OWENS. Mr. Speaker, I was absent on Tuesday, February 28, 2006, due to unavoidable circumstances in my Congressional District. Had I been present, I would have voted: "yea" to H.R. 1096—Act Commemorating the LITE, or Lifetime Innovations of Thomas Edison; "yea" to H. Res. 668—Celebrating the 40th anniversary of Texas Western's 1966 NCAA Basketball Championship and recognizing the groundbreaking impact of the title game victory on diversity in sports and civil rights in America and "yea" to H.R. 1259, to authorize the President to award a gold medal on behalf of the Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

IN RECOGNITION OF DR. WILLIAM L. LESTER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to remember and pay tribute to Dr. William L. Lester, the longtime Provost at Tuskegee University in Tuskegee, Alabama, who passed away on February 6, 2006.

Dr. Lester was dedicated to academics. He first arrived in Tuskegee University in 1968 to work as a mathematics instructor, and later left in 1970 to pursue his doctorate at Southern Methodist University. He returned to Tuskegee in 1974 to head the Mathematics Department, and later served as Assistant Provost in the Academic Affairs office. He became Tuskegee's Provost in 1984.

Dr. Lester was truly a model citizen, both for the university community and his family. His tireless work on behalf of Tuskegee helped make the institution the world-renowned university it is today. He will be sorely missed. His memory lives on through his wife, Virda, and their children.

I am privileged to have the opportunity to honor the late Dr. William L. Lester today, and appreciate the House's attention to the life and legacy of this important Alabamian.

TRIBUTE TO DEREK PARRA, CHAMPION SPEEDSKATER FOLLOWING THE CONCLUSION OF HIS PARTICPATION IN THE WINTER OLYMPICS AND IN ADVANCE OF HIS RETIREMENT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BACA. Mr. Speaker, Americans have watched with great pride as our athletes have taken part in the 2006 Winter Olympics in Torino. The greatness of the Olympics comes from the spirit of friendly international competition, and we are inspired by our athletes as they strive for excellence and represent our country with honor. During the Games, not only have we seen amazing athletic accomplishments—but also we have learned about the lives of the athletes away from the arena, as they dedicated themselves to their training and preparation, made sacrifices, overcame challenges, celebrated victories, and sometimes suffered through defeat.

Among the many stars of America's Olympic team, one shines particularly bright to the people of my District and to me personally: speedskater Derek Parra.

Derek grew up on the west side of San Bernardino, California with his father Gilbert and his brother. He attended Roosevelt Elementary and Eisenhower High School in Rialto. In fact my son, Joe Baca, Jr., went to school with him, and I attended church with Derek's father, Gilbert Parra, at St. Catherine's in Rialto.

Southern California's Inland Empire is wonderful place for children to grow up and to get involved in sports, but with the sunny climate, it is hardly a winter sports haven. So not surprisingly, Derek grew up roller skating not ice skating. He first learned to skate at the Stardust Roller Rink in Highland, where he was an inline skater. Derek first set foot on ice when he was 17 years old and was 26 when he switched from inline skating to ice skating in 1996 to pursue his Olympic dreams.

Derek was determined, focused and relentless in this pursuit. Even among his fellow athletes in a demanding sport, he was respected for the work ethic that made him an Olympic hero.

Four years ago, I rose to honor Derek after his amazing performance at the 2002 Games in Salt Lake City. At those Games, he won a gold medal in the 1,500-meter race and a silver medal in the 5,000-meter race, breaking the previous world records for both distances.

Derek Parra was the first Mexican American to ever participate in the Winter Olympics, let alone win a medal. Derek also carried proudly the flag of the United States in the opening ceremonies at Salt Lake.

Since those exciting days four years ago, a lot has changed in Derek's life. He made great

sacrifices in his personal life to continue his Olympic dreams. He moved away from loved ones in Florida to continue his training in Utah. While some athletes are able to concentrate solely on their sport, Derek has continued to work part-time in order to pay the bills. And he has experienced the breakup of his marriage. Additionally, Derek is now 35, which is young for most of us but old for a champion skater.

Yet, through all the challenges both on and off the ice, Derek earned a spot on the 2006 Olympic team and the opportunity to again represent the United States. He skated in two events: the team pursuit competition and the 1,500-meter race, in which he had set a world record on his way to gold 4 years ago. This time, however, he did not match his success in the 2002 Games—no medals, no world records.

Instead, Derek skated for the joy of competition and the thrill of representing his country on the world stage one more time. He skated for his daughter, Mia Elizabeth, who turned 4 years old in December, with the hope that she will remember watching him race against the world's best. He skated because he loves to skate and because he is proud to be an American athlete.

Having accomplished his goals, Derek is ready to retire next month, following a competition in the Netherlands. Quietly, a world away from his glorious achievements of 2002, he will hang up his skates and end his competitive career.

But Derek Parra will not be forgotten. His story will continue to inspire young people, those who dream of Olympic gold and more generally those who have big ambitions despite long odds against them. He has broken down barriers in his striving for greatness—and he has done it all with determination and dignity.

Thank you, Derek, for allowing us to share in your dreams for so long. With great appreciation and admiration I repeat what I said 4 years ago: San Bernardino is proud of you. Mexican Americans are proud of you. All Americans are proud of you. You are our hero. God bless you.

ROCKY MOUNTAIN FOREST INSECTS RESPONSE ENHANCEMENT AND SUPPORT ACT (ROCKY MOUNTAIN FIRES ACT)

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. UDALL of Colorado. Mr. Speaker, with my Colorado colleague, Representative JOHN SALAZAR, I today am introducing a bill to help protect Rocky Mountain communities from the increased risks of severe wildfire caused by large-scale infestations of bark beetles and other insects in our forests.

Entitled the Rocky Mountain Forest Insects Response Enhancement and Support—or Rocky Mountain FIRES—Act, the bill will provide the Forest Service and Interior Department with more tools and resources to respond to this serious problem.

In Colorado and other Rocky Mountain states, the risk of severe wildfires is very real. Partly, this is because of drought. But there are other contributing factors. One is that for many years, the federal government's policy emphasized fire suppression, even though fire is an inescapable part of the ecology of western forests like those in Colorado. Today, in many parts of the forests there is an accumulation of underbrush and thick stands of small diameter trees that is greater than would be the case if there had been more, smaller fires over the years. They provide the extra fuel that can turn a small fire into an intense inferno. The problem has been made worse by our growing population and increasing development in the places where communities meet the forests—the so-called ''urban interface.'' And when you add the effects of widespread infestations of insects, you have a recipe for even worse to come.

I have put a priority on reducing the wildfire risks to our communities since I was elected to Congress. In 2000, with my colleague, Representative HEFLEY, I introduced legislation to facilitate reducing the buildup of fuel in the parts of Colorado that the Forest Service, working with state and local partners, identified at greatest risk of fire—the so-called ''red zones.''

Concepts from that legislation were included in the National Fire Plan developed by the Clinton Administration and were also incorporated into the Healthy Forests Restoration Act of 2003. As a Member of the Resources Committee, I had worked to develop the version of that legislation that the committee approved in 2002, and while I could not support the different version initially passed by the House in 2003, I voted for the revised version developed in conference with the Senate later that year—the version that President Bush signed into law.

Since 2003 welcome progress has been made—in Colorado, at least—in developing community wildfire protection plans and focusing fuel-reduction projects in the priority ''red zone'' areas, two important aspects of the new law.

But at the same time nature has continued to add to the buildup of fuel in the form of both new growth and dead and dying mature trees.

This has resulted from a variety of reasons, including the fact that dense stands of even-aged trees (one result of decades of fire suppression and reduced logging) are stressed by the competition for nutrients. This stress, which has been intensified by the effects of the drought that has plagued the west for nearly a decade, makes these stands less able to resist insects.

Many species of bark beetles, such as the mountain pine beetle, are native to our forests. These insects fly to a tree—typically one that may be weakened by age, disease or lack of water and nutrients—where they burrow through the bark. If the tree is healthy, it can defend itself through the production of sap to repel and expel the invading insect. If the insect is successful, it lays its eggs in the woody material below the bark. Once the eggs hatch, they feed on the tree's fiber and disrupt the flow of water and nutrients from the tree's roots to its needles and braches. In addition, the insects bring in fungi and other invaders that further damage the tree. If enough insects are able to penetrate the tree and lay eggs, the tree dies. The offspring then mature and leave the tree flying to the next tree and the cycle begins anew.

These insects and the cycles they engender are a natural component of forest ecosystems. They help to balance tree densities and set the stage for fires and thereby the generation of new tree growth. When forests are healthy and there are adequate supplies of water, the effects of insects are relatively low-scale and isolated. But under the right conditions-such as during drought conditions or when there are dense stands of even aged trees—the insects can cause large-scale tree mortality, turning whole mountainsides and valleys rust red.

That is what has been happening in many mountainous areas in Colorado. For example, in the Fraser and upper Colorado River Valleys north of the Winter Park Ski area, the insect epidemic has decimated wide swaths of forests. Most alarmingly, areas around populated communities in these valleys from Winter Park all the way up to the west side of Rocky Mountain National Park are living with acres of dead trees, turned rust red by the insects and creating intense concern of a catastrophic wildfire that could race through these landscapes and communities.

To learn more, last year I convened a meeting in Winter Park, in Grand County, that was attended by more than 200 people, including local elected officials, homeowners, timber industry representatives, Forest Service officials, ski area employees, and other Coloradans. They offered observations on the extent of this problem and proffered suggestions on ways to better respond to it.

Based on that meeting and other conversations, draft legislation was developed that Representative SALAZAR and I circulated widely so we could obtain further comments and suggestions. The bill we are introducing today reflects much of what we heard from Coloradans and others interested in this subject.

Our goal is not to eradicate insects in our forests—nor should it be, because insects are a natural part of forest ecosystems. Instead, our intention is to make it possible for there to be more rapid responses to the insect epidemic in those areas where such responses are needed in order to protect communities from increased wildfire dangers.

The bill would add a new section to the Healthy Forests Act to specifically address insect epidemics like those now visible in the Fraser and upper Colorado River Valleys. It would apply to the entire Rocky Mountain west. It would authorize the Forest Service to identify as ''insect emergency areas'' Federal lands that have already been slated for fuel-reduction work in community wildfire protection plans and that have so many insect-killed trees that there is an urgent need for work to reduce the fire-related risks to human life and property or municipal water supplies. The Forest Service could make such a determination on its own initiative or in response to a request from any State agency or any political subdivision (such as a county, city, or other local government) of a State. If the Forest Service receives such a request, it must make a decision in response within 90 days. A designation must be made by a Regional Forester or higher-ranking official of the Forest Service.

In these emergency areas, the Forest Service or Interior Department would be authorized to remove dead or dying trees on an expedited basis, including use of a ''categorical exclusion'' from normal review under the National Environmental Policy Act (NEPA).

Although categorical exclusions from NEPA are controversial, I believe they are appropriate for these emergency situations. And because recent lawsuits have led to some confusion about the relationship of Forest Service categorical exclusions and the Appeals Reform Act, the bill would exempt such categorically-excluded projects in insect emergency areas from the Appeals Reform Act. This would make it clear that the projects categorically excluded in an insect emergency situation would not need to go through additional steps in order to enhance the rapid use of such categorically excluded projects.

As the focus of the bill is on the potential fire threats to communities from insect-killed tress and the encouragement of treatment projects in the ''community wildfire protection plan'' areas, the bill also includes provisions to help communities establish such plans.

Toward that end, the bill includes language to make clear that development of protection plans qualifies for assistance under the Federal Fire Protection and Control Act. And, more importantly, the bill provides that annually for the next five years $5 million will be diverted from the federal government's share of royalties for onshore federal oil and gas resources and made available to help Rocky Mountain communities develop their protection plans.

At the meeting in Winter Park last fall, I also heard concerns from private landowners who are doing what they can to reduce fuel loads, cut down insect-killed trees, and otherwise mitigate the fire risks on their lands.

Because some of them would like to be able to do similar work on adjacent National Forest lands, the bill makes clear that the Forest Service can award them stewardship contract or enter into agreements authorizing them to do that carry out fuel-reduction work on those lands, subject to terms and conditions set by the Forest Service. Those arrangements could provide for reimbursement by the government for their work, and the bill specifies that if their work is not reimbursed, it will be treated as a donation to the government for income-tax purposes, meaning it is deductible from income tax by people who itemize their deductions.

The bill would also encourage the Forest Service to establish ''central collection points'' where trees and other vegetative material could be deposited and made available for further uses as fuel or products.

Also at the Winter Park meeting, I heard that there are some barriers to the private sector in doing the treatment work on Forest Service land. So, the bill would allow the Forest Service to extend the length of time for stewardship contracts for thinning work in insect-emergency areas by as much as an additional 5 years beyond the current 10 year limit.

This could help attract more entities willing to do the needed treatment work in these emergency areas, as could another part of the bill that would allow people carrying out fuel-reduction projects in insect-emergency areas to exclude up to $10,000 ($20,000 for joint returns) from the amount of their income subject to federal income tax.

Finally, as trees removed to reduce fuel loads or respond to an insect emergency may have some value as a fuel, the bill would authorize the Forest Service to make grants to owners or operators of facilities that convert the removed trees and other vegetative material into energy.

Although we cannot and should not eradicate insects from our forests, we can and we should strive to help reduce the increased wildfire risks to communities that result from their increased infestations. The purpose of this bill is to provide some additional tools and resources that will enable relevant federal agencies, local communities, and residents of the Rocky Mountain region to better respond to this problem. For the benefit of our colleague, I am attaching a short outline of the bill's provisions.

The bill has 8 sections, as follows:

Section One—provides a short title and table of contents. The short title is ''Rocky Mountain Forest Insects Response Enhancement and Support (or Rocky Mountain FIRES) Act.''

Section Two—sets forth finding regarding the need for the legislation, and states the bill's purpose, which is to facilitate a swifter response by the Forest Service and Interior Department to reduce the increased risk of severe wildfires to communities in the Rocky Mountain regions caused by the effects of widespread infestations of bark beetles and other insects.

Section Three—amends the Healthy Forests Restoration Act to: Add definitions of terms; Require that in the Rocky Mountain region at least 70% of the funds allocated for hazardous fuel reduction projects be used for projects in the wildland-urban interface and lands near municipal water supplies or their tributaries that have been identified for treatment in a community wildfire protection plan; Provide for designation of insect-emergency areas by the Forest Service; Specify the effect of designation of insect-emergency areas; Specifically authorize the Forest Service to relocate or reassign personnel to respond to an insect emergency; Clarify the relationship of this part of the bill and the Appeals Reform Act; (The bill defines ''Rocky Mountain region'' as Arizona, Colorado, Idaho, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.)

Section Four—amends Healthy Forests Restoration Act to authorize help to communities preparing or revising wildfire protection plans, and provides for annual diversion (for five years) of $5 million from federal share of royalties from onshore federal oil and gas developments to fund this assistance.

Section Five—amends Federal Fire Prevention and Control Act of 1974 to clarify that development of community wildfire protection plans qualifies for assistance under that Act.

Section Six—amends biomass-grant provision of Healthy Forests Restoration Act to allow grants to facilities using biomass for wood-based products or other commercial purposes (in addition to uses now specified in the Act); to require that priority go to grants to people using biomass removed from insectemergency areas; to increase authorization to $10 million annually through 2010 (instead of $5 million annually through 2008); and to provide for establishment of central collection points for material removed from forest lands as part of hazardous-fuel reduction projects.

Section Seven—amends the Healthy Forests Restoration Act to specifically authorize Forest Service and Interior Department to award stewardship contracts to owners of lands contiguous to Federal lands (or enter into agreements with such landowners) so the landowners can do fuel-reduction work on the Federal lands and either be reimbursed for such work or authorized to treat value of such work as a donation to the United States for purposes of federal income taxes.

Section Eight—amends Internal Revenue Code to exclude from taxable income up to $10,000 ($20,000 for joint return) received from the Federal government as compensation for work done in the Rocky Mountain Region as part of an authorized hazardous-fuel reduction project or a silvicultural assessment done under section 404 of the Healthy Forests Restoration Act.

TRIBUTE TO RETIRING GENERAL LANCE W. LORD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize the long and distinguished career of General Lance W. Lord. General Lord is retiring after serving in our nation's Air Force with distinction for over 37 years.

General Lord received a Bachelor of Science in education from Otterbein College in Ohio, where he entered the Reserve Officer Training Corps Program. He earned a Master's degree in industrial management from the University of North Dakota, Grand Forks. He also attended the Squadron Officer School, Air Command and Staff College, and the Air War College at Maxwell Air Force Base.

After entering the Air Force in 1969, General Lord served four years of Minuteman II ICBM alert duty. He was the Director of the Ground-Launched Cruise Missile Program Management Office in West Germany and he was the Commander of two ICBM wings in Wyoming and North Dakota. At Vandenberg Air Force Base in California he commanded a space wing responsible for satellite launch and ballistic missile test launch operations. He led Air Force Education as the Commander of Air University at Maxwell Air Force Base and was the Assistant Vice Chief of Staff for the Headquarters U.S. Air Force. Since 2002, General Lord has been the Commander of the Air Force Space Command at Peterson Air Force Base in Colorado, where he has been responsible for the development, acquisition, and operation of the Air Force's space and missile systems.

General Lord has earned numerous decorations and badges for his outstanding efforts in the military. These decorations and badges include a Legion of Merit with two oak leaf clusters, a Meritorious Service Medal with oak leaf cluster, an Air Force Commendation Medal, an Air Force Outstanding Unit Award with oak leaf cluster, an Air Force Organizational Excellence with two oak leaf clusters, a Combat Readiness Medal, and a National Defense Service Medal with two bronze stars. He also has received many honors, including the Secretary of the Air Force Leadership Award from Air War College at Maxwell Air Force Base, the General Jimmy Doolittle Fellow Award from the Air Force Association, and the Space Champion Award from the National Defense Industrial Association.

Mr. Speaker, I know the Members of the House will join me in paying tribute to General

Lance W. Lord for his exceptional service to the United States and will wish him and his family all the best in the days ahead.

A BILL TO RATIFY A CONVEYANCE OF THE JICARILLA APACHE RESERVATION TO RIO ARRIBA COUNTY, STATE OF NEW MEXICO

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise to introduce a bill to ratify a conveyance of a portion of the Jicarilla Apache Reservation to the county of Rio Arriba, New Mexico. This legislation will bring resolution to a longstanding dispute between the Jicarilla Apache Nation and Rio Arriba County.

The dispute, which has been ongoing for nearly two decades, is over the ownership of a road on a parcel of land formerly referred to as Theis Ranch. The Jicarilla Nation purchased Theis Ranch in 1985 and, in March 1988, the Nation subsequently conveyed a trust deed for Theis Ranch to the United States. The Theis Ranch property then, by proclamation of the Secretary of the Interior, became part of the Jicarilla Reservation in September 1988.

A lawsuit was filed in October of 1987 and the District Court was asked to determine the ownership status of the disputed road. In the original lawsuit, Rio Arriba County sought to establish that the county acquired the disputed road by prescription and, therefore, the county was the road's rightful owner. However, the Jicarilla Nation contended that the Nation owned the road because the road was, and continues to be, within the boundaries of the expanded 1988 Jicarilla Reservation. On December 10, 2001, the District Court found in favor of the Jicarilla and determined that the disputed road traversed the Jicarilla Reservation in several locations. Rio Arriba County appealed the December 2001 District Court decision and the appeal is currently pending before the Court of Appeals of the State of New Mexico. In a separate yet relevant matter, Rio Arriba County appealed a February 2003 decision by the Southwest Bureau of the United States Department of the Interior to acquire a tract of land referred to as the Boyd Ranch in trust for the Jicarilla Nation. Rio Arriba's appeal of this determination is currently pending before the Interior Board of Indian Appeals.

In an effort to settle the road dispute, the Jicarilla Nation and Rio Arriba County entered into mediation. The parties successfully reached a settlement that was subsequently executed by both the Jicarilla Nation, on May 3, 2003, and Rio Arriba County, on May 15, 2003. Representatives of the Secretary of the Interior approved the settlement on June 18, 2003. The settlement agreement, which would be implemented by this legislation, provided that the Jicarilla Nation would transfer, more or less, 70.5 acres of land located with the expanded 1988 Jicarilla reservation to Rio Arriba County. In exchange for the Jicarilla Nation's land conveyance, Rio Arriba County agreed to permanently abandon any and all claims to the disputed road. The settlement also provides that the terms of the agreement do not take effect until all parties complete their respective promises in the agreement and the United States, pursuant to federal law, approves of the conveyance of this particular Jicarilla trust land to Rio Arriba County.

Both parties and the Secretary of the Interior have fully preformed the terms agreed to within the settlement agreement. All that stands between the parties to this dispute and long overdo resolution is Congressional approval. Consequently, the legislation will adjust the Jicarilla Reservation border in order to account for the transfer. At the same time, this legislation upholds Congress' trust responsibility to the Jicarilla Nation by placing restrictive covenants on the trust land transferred to the County. In other words, this legislation recognizes that the transferred land is immediately adjacent to the remainder of the Jicarilla Nation. As a result of the transferred land's proximity to the reservation, certain uses of the transferred land would have a detrimental effect on the remaining reservation. Therefore, this legislation allows the County to use the land only for "governmental purposes" and specifically prohibits the County from using the land for prisons, jails, or other incarcerated persons, and other purposes.

Mr. Speaker, I urge my colleagues to expedite passage of this very important legislation. Both the Nation and the County have waited years for this agreement to be implemented. Congress must now do their part to provide long overdo resolution.

PAYING TRIBUTE TO ALDEANE COMITO RIES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Aldeane Comito Ries, who served as a teacher and principal in the Clark County School District for 38 years. She will be recognized at the formal dedication of Aldeane Comito Ries Elementary School, which was named in her honor.

Raised in Des Moines, Iowa, Aldeane graduated from Roosevelt High School and then attended the University of Iowa. She went on to earn an undergraduate degree in elementary education, with a minor in Italian. She subsequently earned a master's degree in elementary education and is certified in counseling, administration, secondary education and vocational education.

Aldeane began her distinguished teaching career in 1962 at J.E. Manch Elementary School in Las Vegas. After teaching elementary school for 5 years at both Manch and Ruth Fyfe Elementary Schools, she moved to Farside Middle School where she taught for a year. In 1968, she was appointed as the Dean of Students at Garside and K.O. Knudson Middle Schools. After 2 years as a middle school administrator, she moved to Valley High School where she served as the Dean of Students. Following her time at Valley High School, Aldeane spent 6 years as the Dean at Chaparral High School. In 1981, she was appointed as the Assistant Principal at Chaparral and held that position for 9 years. In 1990, she was appointed to her first principalship at Valley High School. In 1993, she was the first woman to be selected to open a new metropolitan high school when she was appointed as principal of Silverado. She served there until her retirement. Since retirement, Aldeane has remained active in education by mentoring new principals. Additionally, she touches the lives of the students at Ries Elementary School by volunteering to participate in the Clark County Reads Program.

Throughout her thirty-eight years in the Clark County School District, regardless of her position, Aldeane held fast to the belief that schools should always act in the best interest of their students. Her "students first" philosophy won the hearts of the students and staff with whom she served. Her steadfast commitment to her students and the courage with which she advocated for them serve as an outstanding example for all educators.

Mr. Speaker, I am honored to recognize Mrs. Aldeane Comito Ries today on the floor of the House.

COLUMN BY THOMAS L. FRIEDMAN

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. OXLEY. Mr. Speaker, I would like to bring to the attention of the House a recent column by Thomas L. Friedman, which offers acute insights into the Dubai Ports World controversy. Mr. Friedman removes politics from the debate and presents a clear and concise evaluation of the issue.

I strongly recommend Mr. Friedman's column to my colleagues.

[From the New York Times, Feb. 24, 2006]

WAR OF THE WORLDS

(By Thomas L. Friedman)

Since 9/11, whenever the Bush team has found itself in political trouble, it has played the national security card against Democrats. It has worked so well that Karl Rove, in a recent speech to the Republican National Committee, made it a campaign theme for 2006.

He said America today faces "a ruthless enemy" and therefore needs "a commander in chief and a Congress who understand the nature of the threat and the gravity of the moment America finds itself in. President Bush and the Republican Party do. Unfortunately, the same cannot be said for many Democrats."

Mr. Rove added: "Republicans have a post–9/11 worldview, and many Democrats have a pre–9/11 worldview. That doesn't make them unpatriotic—not at all. But it does make them wrong—deeply and profoundly and consistently wrong."

I particularly like the line "that doesn't make them unpatriotic," when that was exactly the political slur Mr. Rove was trying to implant.

So I understand why Democrats were eager to turn the soft-on-terrorism card back on President Bush when it was revealed that P&O, the navigation company based in London—which has been managing the ports of New York, New Jersey, Baltimore, New Orleans, Miami and Philadelphia—had been bought by Dubai Ports World, a company owned by the Dubai monarchy in the United Arab Emirates, an Arab Gulf state, and that the Bush team had approved the Dubai takeover of the U.S. port operations.

I also understand why many Republicans are now running away from the administration. They know that if they don't distance

themselves from Mr. Bush, some Democrats are going to play this very evocative, very visual ''giving away our ports to the Arabs'' card against them in the coming elections. Yes, you reap what you sow.

But while I have zero sympathy for the political mess in which the president now finds himself, I will not join this feeding frenzy. On the pure merits of this case, the president is right. The port deal should go ahead. Congress should focus on the NSA wiretapping.

Not this.

As a country, we must not go down this road of global ethnic profiling —looking for Arabs under our beds the way we once looked for commies. If we do—if America, the world's beacon of pluralism and tolerance, goes down that road—we will take the rest of the world with us. We will sow the wind and we will reap the whirlwind.

If there were a real security issue here, I'd join the critics. But the security argument is bogus and, I would add, borderline racist. Many U.S. ports are run today by foreign companies, but the U.S. Coast Guard still controls all aspects of port security, entry and exits; the U.S. Customs Service is still in charge of inspecting the containers; and U.S. longshoremen still handle the cargos.

The port operator simply oversees the coming and going of ships, making sure they are properly loaded and offloaded in the most cost-effective manner. As my colleague David E. Sanger reported: ''Among the many problems at American ports, said Stephen E. Flynn, a retired Coast Guard commander who is an expert on port security at the Council on Foreign Relations, 'who owns the management contract ranks near the very bottom.' ''

What ranks much higher for me is the terrible trend emerging in the world today: Sunnis attacking Shiite mosques in Iraq, and vice versa. Danish caricatures of the Prophet Muhammad, and violent Muslim protests, including Muslims killing Christians in Nigeria and then Christians killing Muslims. And today's Washington Post story about how some overzealous, security-obsessed U.S. consul in India has created a huge diplomatic flap—on the eve of Mr. Bush's first visit to India—by denying one of India's most respected scientists a visa to America on the grounds that his knowledge of chemistry might be a threat. The U.S. embassy in New Delhi has apologized.

My point is simple: the world is drifting dangerously toward a widespread religious and sectarian cleavage—the likes of which we have not seen for a long, long time. The only country with the power to stem this toxic trend is America.

People across the world still look to our example of pluralism, which is like no other. If we go Dark Ages, if we go down the road of pitchfork-wielding xenophobes, then the whole world will go Dark Ages.

There is a poison loose today, and America—America at its best—is the only antidote. That's why it is critical that we stand by our principles of free trade and welcome the world to do business in our land, as long as there is no security threat. If we start exporting fear instead of hope, we are going to import everyone else's fears right back. That is not a world you want for your kids.

ON THE 45TH ANNIVERSARY OF PEACE CORPS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. HONDA. Mr. Speaker, as a former Peace Corps Volunteer, I am honored to formally recognize the agency on the 45th Anniversary of its inception and to help kick-off National Peace Corps Week. This week begins a year long celebration of Peace Corps' 45th Anniversary with events taking place across the country and throughout the world.

During National Peace Corps Week, we salute the men and women of this nation who selflessly have served abroad as Peace Corps Volunteers, as well as those current Volunteers who continue to carry out the Peace Corps mission: empowering people in developing countries through their grassroots development efforts.

Seventeen constituents of the 15th Congressional District of California are currently serving in the Peace Corps. These honorable constituents serve in almost every continent. The countries being served include Peru, Armenia, Georgia, Namibia, Benin, Bolivia, Ukraine, Moldova, Mali, Namibia, Ghana, Kenya, Kazakhstan, Thailand, and Guinea.

I am encouraged by the growth in the number of Peace Corps Volunteers and posts over the years. 7,810 Volunteers are currently in 69 posts serving 75 countries in Africa, Asia, the Caribbean, Latin America, Eastern Europe and Central Asia, the Middle East, and the Pacific Islands. As Chair of the Congressional Ethiopia and Ethiopian American Caucus, I am particularly interested in the efforts of the Peace Corps to re-instate its post in Ethiopia. I am in total support of the expansion of this worthy organization.

I fondly remember my time as a volunteer in El Salvador where I built schools and health clinics. The experience meant much to me personally and professionally, sparking a lifelong desire to serve in the public sector. I returned with a passion for teaching, and quickly put my skills, including fluency in Spanish, to use in Santa Clara County schools. Most importantly, I returned to the United States with a deeper understanding of humanity and a personal commitment to speak on behalf of the marginalized and powerless.

With that said, allow me to call your attention to the President's FY07 request for Peace Corps at $337 million. Though this is a modest increase from the FY 06 enacted level of $318.8 million, it will allow the Peace Corps to expand into two more countries. In addition, it will also optimize the number of Volunteers and staff in existing countries, strengthen and expand recruiting efforts, and maximize safety and security training and compliance efforts. I encourage my colleagues in the Foreign Operations Subcommittee to fulfill the President's request.

This week, I honor the Peace Corps and its brave Volunteers for their service to our nation and to the international community. Volunteers are providing expertise and development assistance to countries around the world, finding common ways to address global challenges, and forming bonds with people throughout the world. They make service a cultural necessity. They set a universal standard for how we are to embrace the realities of an ever-shrinking world.

The Peace Corps mission is more vital than ever, and I hope that each one of you will join me in thanking the Volunteers and the Peace Corps for their hard work in pursuit of an altruistic mission.

COMMEMORATING NATIONAL PEACE CORPS WEEK

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate National Peace Corps Week, which runs from February 27th through March 5th.

Forty-five years ago, John F. Kennedy challenged the people of the United States to serve their country: to travel to places they never dreamed they'd visit, to help people they never thought they'd meet, and to do this from the bottom of their hearts. The men and women of the Peace Corps answered and have continued to answer that call, volunteering two years out of their lives to the lives of others.

With 7,810 current volunteers, the Peace Corps has enlisted more than 182,000 men and woman and served in 138 countries to improve the lives of the less fortunate. They've been teachers and mentors to countless children. They've helped farmers grow crops, worked with small businesses to market products, and helped teach new health care practices. They've helped schools develop computer skills, and educated entire communities about the threat of HIV/AIDS.

The United States was founded on the principle that human beings, regardless of race, creed, or sex possess certain inalienable rights: the rights to life, liberty, and the pursuit of happiness. Peace Corps volunteers are the ambassadors of these rights.

In the past half-century world events have brought many challenges to Peace Corps volunteers. Yet they have always been able to adapt, responding to those in need regardless of the situation. Volunteers meet all challenges head on with innovation, determination, and compassion. For their altruism, Peace Corps volunteers deserve to be recognized for their work toward peace.

To date, the 6th District has produced over 350 Peace Corps volunteers, including the following 27 current volunteers: Troy A. Agron, who is working in Azerbaijan; Sarah W. Bartfeld, Albania; Carol A. Batz, Tonga; Zachary Burt, Morocco; Lilian Chan, Eastern Caribbean; Rustin P. Crandall, Guyana; Catherine A. Cvengros, Armenia; Ashley E. Fine, Benin; Amil A. Gehrke, Georgia; Levi Hanzel-Sello, Moldova; Sharon Kaiser, Eastern Caribbean; Connor J. Kamada, Senegal; Jenna Kay, Uganda; Paul H. Kingsbury, Panama; Anna F. Kuhn, Tanzania; Ana Alecia Lyman, Mozambique; Julia C. Miller, Burkina Faso; Priya N. Mishra, Moldova; Jonathan G. Morris, Ukraine; Lanthy Nguyen, Macedonia; Nickolette D. Patrick, Ukraine; Alyson L. Peel, Swaziland; Shaydra A. Pflaum-Scott, Macedonia; Uriah S. Reisman, Panama; Christopher Shutt, Bulgaria; Elicia F. Smith, Kenya; and Eric J. Tawney, Vanuatu.

Mr. Speaker, I ask my colleagues to join me in commemorating National Peace Corps Week and honoring the brave and selfless volunteers who have sacrificed years of their lives to make our world a better place.

HONORING SERLIN'S CAFÉ ON THE OCCASION OF ITS 60TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to honor the 60th anniversary of Serlin's Café, located in St. Paul, Minnesota.

Tucked along Payne Avenue on St. Paul's East Side, Serlin's Café is more than just a restaurant that serves incredible food. It is a neighborhood gathering place for many residents of St. Paul's East Side. Serlin's is a St. Paul landmark.

Serlin's Café first opened its doors for business on February 1, 1946—less than a year after the end of World War II. When Irv Serlin passed away in 1994, his legacy continued. His step sons, Al and Gary Halvorsen, along with their mother Doris Serlin-Johnson now own the restaurant. They continue the same great tradition of great food and outstanding service. The Halvorsens make meat loaf like how you remembered it whiling growing up, and the very best pies from scratch. The staff knows their customers by name. Serlin's unbeatable service and friendly atmosphere has made local residents—myself included—come back time and time again to Serlin's Café.

Mr. Speaker, please join me in honoring Serlin's Café for its 60 years of East Side hospitality. I commend the Halvorsens for continuing their great service and remaining committed to the residents of St. Paul.

HONORING JUSTICE SANDRA DAY O'CONNOR

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. KOLBE. Mr. Speaker, the legacy of Sandra Day O'Connor will last long after her distinguished service on the Supreme Court.

Not only does she have the distinction of being the first woman to serve on the court, but for more than twenty years she has helped to shape the legal landscape of this country with her thoughtful, carefully crafted decisions and her votes which have put her firmly in the center of American jurisprudence—exactly where the American people find themselves.

I have a special affection for Sandra Day O'Connor because we share so much in our background. We both grew up on a cattle ranch in southern Arizona. We both attended Stanford University. We both served in the Arizona Senate. When she served on the bench in Arizona and I served as chairman of the Judiciary Committee in the Senate, we both toiled through a two year process of reforming the criminal code in our state.

Wherever and however our paths have crossed, I always admired her achievements, her wit and her wisdom.

On a personal level, I have known Justice O'Connor and her husband for many years and have admired their wonderful relationship and their family. I know they look forward to getting reconnected and I wish John and Sandra all the happiness possible in the remaining years they share together.

BELLEVUE COMPANY, PACCAR, RECEIVED NATION'S HIGHEST HONOR FOR INNOVATION AND TECHNOLOGY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. REICHERT. Mr. Speaker, I rise today in praise of PACCAR, Inc., a Bellevue, Washington company that recently received the National Medal of Technology from the President of the United States. Today PACCAR celebrates the National Medal of Technology and last year PACCAR celebrated its 100th year. It's not often a company can top the kind of year that 2005 was for PACCAR, but somehow they've managed to, and in only two months.

I was proud to witness our President bestow the highest honor in technology and innovation upon PACCAR, "For [their] pioneering efforts and industry leadership in the development and commercialization of aerodynamic, lightweight trucks that have dramatically reduced fuel consumption and increased the productivity of U.S. freight transportation."

Washington's eighth Congressional District is home to many companies that are industry leaders, and I am so pleased to see one recognized at this level. PACCAR makes me proud, the State of Washington proud and the United States of America proud. As it has moved forward in its quest to increase productivity and reduce fuel consumption, PACCAR has embodied the spirit of innovation that has put America on the forefront of science and technology for most of the previous century.

Before the introduction of the Kenworth T600 model in 1985, the term "aerodynamic truck" would be considered an oxymoron. Today the legacy and influence of the T600 is apparent in the design of virtually every make of truck on the highway. The benefit to the truck buyer, the consumer, the economy, and the environment has been a dramatic reduction in fuel consumption, reduced CO_2 emissions, improved highway safety through reductions in splash and spray, and lower cost of delivery for the goods that help fuel our Nation's economy.

While much of the industry pondered the feasibility of ever breaking the 10-mile-per-gallon barrier with a heavy-duty truck, Kenworth and Peterbilt both achieved that goal with their most aerodynamic and fuel-efficient tractor-trailer combinations in real-world, cross-country tests. Achieving significant improvements in fuel economy was not without market risk and required changing what a heavy-duty "conventional" truck was supposed to look like. Initial misgivings about what some perceived as radical styling departures, were soon muted as customers realized the economic benefits of the new designs.

In the last 5 years alone, PACCAR has been widely praised. PACCAR was named one of the Top 50 Companies by Business Week magazine in 1999, 2000 and 2004 and Industry Week magazine named it one of the Top 50 Manufacturing Companies in the U.S.A. in 2005. The Wall Street Journal listed it on its Shareholder Return Honor Roll in both 2003 and 2004. PACCAR was designated the #1 International Company by the Stevie Awards in 2003 and #1 in Enterprise Management by Computerworld in 2004.

I wish PACCAR well as they begin their next hundred years of innovation and invention. PACCAR is a company that knows what it takes to succeed, and also to make this world better. I am honored to stand here today commending their achievements, and I am eager to see what they do next. Congratulations to everyone on the PACCAR team. This medal is an acknowledgment of all that you have done and worked for and a belief that your best work is yet to come.

REMEMBERING CALVIN RICHIE OF FAUQUIER COUNTY, VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. WOLF. Mr. Speaker, it is an honor for Mrs. JO ANN DAVIS of Virginia and me to remember Calvin L. "Boots" Richie, a farmer and activist deeply committed to agriculture and his fellow farmers in Fauquier County, Virginia, who passed away on February 26.

Selected by the Fauquier Times-Democrat as "Citizen of the Year" in 1994, Boots will be remembered for his countless accomplishments, including co-founding People Helping People of Fauquier County, Inc., a local charity offering immediate help to residents of Fauquier struggling against natural disaster, illness, or sudden financial hardship.

We insert for the RECORD a Fauquier Times-Democrat obituary from February 28. A Fauquier native, Boots will be deeply missed by the people of the county, and at home by his family.

[From the Fauquier Times-Democrat, Feb. 28, 2006]

"BOOTS" SUCCUMBS TO CANCER; SOUTHERN FAUQUIER FARMER WAS OUTSPOKEN ADVOCATE FOR AGRICULTURE, EDUCATION

Calvin L. "Boots" Ritchie, of Bealeton, one of Fauquier County's leading citizens for the past two decades and an active force behind a home-grown charitable organization, died at home on Feb. 27 after a long and valiant fight against cancer. He was 78.

A native son of Fauquier, Mr. Ritchie was born June 17, 1927 at Inglewood Farm, where he died.

He earned his unique nickname as a child, when he did his chores around the farm "wearing an adult-sized pair of gumboots that reached to his hips," recalled his sister, Hazel Bell, in a 1994 interview. "He was about 5 or 6 years old, and the name stuck."

He spent his entire life working in agriculture, first on the family farm and later, while engaged in custom farming. In the mid-1970s, he founded the Fauquier Grain Company.

Mr. Ritchie came to the general public's attention in 1978, when he was involved in the American Agriculture Movement.

The AAM sought 100 percent parity for farm products, and made their point by staging a memorable "Tractorcade" demonstration that passed through Fauquier into Washington, D.C.

"Our main agricultural export is grain, which is priced lower now than it was five

years ago,'' wrote Mr. Ritchie in a 1979 column in the Democrat. ''No other industry could stay in business under these circumstances, and farmers cannot be expected to, either.''

In later years, Mr. Ritchie became a driving force behind Fauquier County's purchase of development rights program.

However, it was a different crisis, far from Fauquier, that put Mr. Ritchie on a new path that would make a lasting difference for hundreds of people.

In the wake of the disaster in South Carolina caused by Hurricane Hugo in 1989, Mr. Ritchie and several of his friends founded People Helping People of Fauquier County, Inc., a nonprofit corporation for the sole purpose of helping people struggling against natural disasters, illness or sudden financial hardship.

EDUCATION ADVOCATE

In the early 1990s—after a school bond referendum held to provide funding for a second high school failed—Mr. Ritchie became active in yet another arena.

Determined to see a second high school in southern Fauquier, Mr. Ritchie persistently lobbied the School Board and pushed for the needed school bond referendum. When Liberty High School at Bealeton opened in 1994—without the funding for a football stadium—he was at the forefront of the campaign, soliciting donations and selling raffle tickets to raise the money to get the stadium built.

After Mr. Ritchie and his friends on the Principal's Advisory Committee at Liberty raised $100,000 for the stadium lights, the Board of Supervisors, then under the late Dave Mangum (Lee District), came up with the remaining $250,000 to build it.

Due to Mr. Ritchie's efforts and his growing, positive influence in Fauquier County, he was recognized as the Fauquier Times-Democrat's Citizen of the Year for 1994.

His influence continued throughout his final years, and he often spoke out on issues that were important to him. A frequent contributor to the Democrat's opinion pages, Mr. Ritchie's last letter was published here on Jan. 25, 2006.

In it, he urged the Board of Supervisors to consider giving tax money to parents who wished to opt-out of the public schools and send their children to private or Christian schools.

''The movement would be so great that I doubt that we would have to build any more new public schools,'' he said. ''The good news is that everyone wins.''

Mr. Ritchie was a longtime, active member of Mount Carmel Baptist Church near Morrisville, where he served on the Building and Grounds Committee, as well as videographer for worship services.

According to his family, one of the highlights of Boots' life was being chosen to carry the Olympic Torch.

Mr. Ritchie is survived by his wife, Gail R. Ritchie; his sons, and Glenn C. Ritchie, all of Bealeton; and his daughters, Jennifer R. Krick of Bealeton and Helen R. Ritchie of Strasburg.

Also surviving are his step-sons, Edward C. Lynskey of Annandale and William E. Lynskey of Midland; and his stepdaughters, Linda L. Ashby and Karen L. Hughes, both of Bealeton; and his sisters, Hazel R. Bell of Drayden, Md., Jennalee R. McNally, Marie R. Lee and Peggy R. Dahany, all of Fredericksburg; 11 grandchildren and four greatgrandchildren.

He was preceded in death by his parents, Wilbur Early Ritchie and Ethel Barker Ritchie; a son, Jeff A. Ritchie; and his brothers, C. Hunter Ritchie, Claude Ritchie, and Charles Dwight Ritchie.

Funeral services and interment will be private. A public memorial service will be held on Saturday, March 4 at 2 p.m. at the Liberty High School auditorium.

Memorial contributions may be made to the American Cancer Society, Relay for Life, P.O. Box 1095, Warrenton VA 20188; People Helping People, PO Box 3108, Warrenton VA 20188; or to Mount Carmel Baptist Church, 12714 Elk Run Road, Midland VA 22728.

THE ROCKY MOUNTAIN FOREST INSECT RESPONSE ENHANCEMENT AND SUPPORT ACT (ROCKY MOUNTAIN FIRES ACT)

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. SALAZAR. Mr. Speaker, it is my pleasure after working with my friend and colleague, Representative MARK UDALL, that today we will introduce legislation to assist and help protect Rocky Mountain communities. Over the past couple of years, our state has experienced horrific wildfires caused by the ongoing insect epidemic in our forests. It is time to action in order to reduce the risks and protect both life and property.

The Rocky Mountain Forest Insects Response Enhancement and Support Act, or Rocky Mountain FIRES Act, will provide the Forest Service, Interior Department and local communities with a better ability to respond to this serious and growing problem of beetle infestation.

While the various species of bark beetle are native to our forests, these insects create poor forest health conditions and are destroying our forests. A healthy tree can normally defend itself through the production of sap that creates a retardant against the insect, but current drought conditions and density of forests have impacted the production of these natural defenses and the overall health of the forests.

In my district, I am concerned that deteriorating forest health places many mountain communities at greater risk of fire. Our legislation will allow these communities to treat increased fuel risks caused by unhealthy trees and dense forest stands. In fact, we took great care to address the concerns of local communities and have crafted a bill that incorporated the input of diverse constituencies across Colorado.

Finally, I would like to stress that our goal is to provide helpful tools in the treatment of forests areas while still having the proper sideboards in place to protect the environment. We understand the insects play a role in the forest ecosystem and the goal is not eliminate them, but to allow communities and the forest service to respond quicker to catastrophically impacted areas.

This is good legislation that is needed to help protect and preserve Colorado's mountain communities. I urge my colleagues to join me in supporting this important piece of legislation.

CONGRATULATIONS TO CHRISTOPHER HOUSE OF CHICAGO

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GUTIERREZ. Mr. Speaker, I rise today to introduce a resolution congratulating Christopher House of Chicago on the occasion of its centennial celebration.

I believe Christopher House is a successful and absolutely essential organization for the livelihood and well being of the great city of Chicago. Let me explain why.

In 1906, the First Presbyterian Church of Evanston founded Christopher House as a settlement house on Chicago's North Side. Over the course of a century, it has grown in response to the needs of new immigrants and others in our community.

Today, Christopher House is a seven-site resource center that helps families overcome the consequences of poverty, enabling them to thrive. Through early childhood and youth development, parent enrichment, literacy, counseling, pregnant and parenting teen support, and the meeting of basic human needs, Christopher House is a catalyst in a family's journey towards stability, resiliency and self-sufficiency.

Christopher House is a premier human service organization that provides assistance to all in need without regard to race, creed, religion or national origin.

Shortly before his death, Cesar Chavez said, ''You are never strong enough that you don't need help.'' I think he was speaking to all of us.

Obviously, we are all touched by the 100 years of work of Christopher House. We see the lives Christopher House changes—the children who receive Head Start, the people who benefit from English as a Second Language classes, the families who are enlightened by literacy classes—and we are pleased that we can help in some small way.

So we volunteer. Or we write a check. Or we attend a fundraiser or a rally or make a donation. Or support legislation and federal funding. All of which are critically important, and we extend our gratitude to all of those who have given time, money and resources to help Christopher House.

But here is an important part of what I believe Cesar Chavez meant when he said, ''You are never strong enough that you don't need help.''

Christopher House does more than serve 3,500 children and their families in need. It does more than help teen moms who have nowhere else to turn. It does more than help children who would have few options for summer camps and tutoring programs. It does more than help kids by providing comprehensive early childhood education to families across our neediest neighborhoods.

Christopher House helps us. Christopher House helps all of us—whether we are a CEO or a partner in a law firm or a member of Congress. Because of the work that the organization's staff does every day, the lives of all of us are enriched and improved—not just the families who receive direct service.

Because Cesar Chavez was right—none of us are ever strong enough that we don't need help.

Perhaps we don't need a literacy class. But we all benefit from an educated and capable work force.

Perhaps we don't need to put our own children in Head Start. But we need to know that every child with a desire to learn and grow and reach toward their dreams has a place to go and people to help them.

Perhaps—if we're lucky—many of us will go through our lives and never have a desperate need for emergency services—for food and shelter and for clothing.

But we need to be part of a community where every person in need has somewhere to go, someone to turn to, someone who cares.

And perhaps, if we are fortunate, few of us will have a need for the day-to-day, make-or-break help that Christopher House routinely provides. But that doesn't mean we don't rely on Christopher House.

Because it comes down to this—all of us rely on Christopher House to answer this important question: Who can we count on? Who is there for us? Who cares enough to do the hardest work for the people who need help the most?

Every day, the people who devote their lives as staff and volunteers and donors to Christopher House answer those questions through their actions.

We can count on Christopher House. Christopher House is there for us. And Christopher House has been doing this vital work for 100 years, and with our support should continue for many more.

Christopher House's history means a lot to me—because it has always served precisely the population that I work with every day as a member of Congress. When it started a century ago as part of the settlement house movement, Christopher House focused closely on the population that has always been the sustaining life of our city—the immigrant community.

Today, Christopher House still serves our immigrant population—now largely Latino. It is a population whose steady influx breathes oxygen into Chicago's lungs and reimagines our city every generation.

From the time it opened, Christopher House has been there for all of us, because its leaders have understood that treating the newest Americans well means that all of us are treated better.

So, Mr. Speaker, with this resolution, we recognize Christopher House for its century of contributions to Chicago.

To the "House with a Heart," I say from the bottom of my heart—thank you very much. Thank you for enriching and improving the lives of Chicagoans for the last 100 years and we look forward to many more years of your services.

FREEDOM FOR JOSÉ DANIEL FERRER GARCÍA AND LUIS ENRIQUE FERRER GARCÍA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to remind my colleagues about José Daniel Ferrer García and his brother Luis Enrique Ferrer García, both political prisoners in totalitarian Cuba.

Mr. José Daniel Ferrer García is the regional coordinator for the Christian Liberation Movement and his brother Mr. Luis Enrique Ferrer García is also active in the same movement. They are peaceful pro-democracy activists who believe in the cause of freedom for the people of Cuba. Because of their steadfast belief in human liberty, and their constant work to bring freedom to an island enslaved by the nightmare that is the Castro regime, these courageous brothers have been a constant target of the dictatorship.

According to Amnesty International, Mr. José Daniel Ferrer García has been harassed and detained numerous times for his pro-democracy activism. In January 2002, he was forced from a bus and beaten by the tyrant's thugs because of his activities and ideals. Amnesty International reports that Mr. Luis Enrique Ferrer García, in December 1999, was sentenced to 6 months of "restricted freedom." In March 2003, as part of Castro's heinous crackdown on peaceful pro-democracy activists, both brothers were arrested. Subsequently, in two sham trials, Mr. José Daniel Ferrer García was sentenced to 25 years in the totalitarian gulag and Mr. Luis Enrique Ferrer García was sentenced to 28 years in the gulag.

While confined in the inhuman horror of Castro's gulag, both brothers have been the constant target of abuse. According to the Department of State's Country Reports on Human Rights Practices for 2004:

"On January 1, José Daniel Ferrer García reported serving 45 days in a punishment cell for protesting the suspension of correspondence and the delivery of food and medical supplies from his family. He did not receive food or water during the first 3 days of his confinement and slept on a cement floor. Authorities confiscated his Bible and prohibited any contact with other prisoners."

According to Amnesty International, Mr. Luis Enrique Ferrer García was transferred to a punishment cell for having bravely refused to militarily salute a warden of the gulag. The Department of State Country Report describes the true horrors of a punishment cell: "Prisoners sometimes were held in 'punishment cells,' which usually were located in the basement of a prison, with continuous semi-dark conditions, no available water, and a hole for a toilet." This is in addition to the grotesque depravity of the gulag that also includes beatings, isolation, denial of medical treatment to detainees, and multiple forms of abuse.

These two brothers are brilliant examples of the heroism of the Cuban people. No matter how intense the repression, no matter how horrifically brutal the consequences of a dignified struggle for liberty, the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, it is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, these two brothers are systematically tortured because of their belief in freedom, democracy, human rights and the rule of law. My Colleagues, we must demand the immediate and unconditional release of Luis Enrique Ferrer García, José Daniel Ferrer García and every political prisoner in totalitarian Cuba.

TEXAS INDEPENDENCE DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, today marks Texas Independence Day. 170 years ago today, the Texas Declaration of Independence was ratified by the Convention of 1836 at Washington-on-the-Brazos.

Just as American patriots declared their independence from the tyrannical British Empire's military domination and established the first true democracy in the modern age, Texas declared its independence from Mexico to restore their political rights.

After July 4th, 1776, democracy became a common goal for all people of the New World, but one that we would have to fight for.

Texas declared its independence after many peaceful years as a part of a Mexican federal republic because Texans lost their political rights when Mexico became dominated by military dictatorships.

In 1824, a military dictatorship took over in Mexico that abolished the Mexican constitution. Facing an even more oppressive regime than the British Empire, the Texas Declaration of Independence states that Texas's government had been "forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism."

The Texas Declaration of Independence was also fully justified because this military dictatorship had ceased to protect the lives, liberty, and property of the people of Texas—Anglos and Tejanos.

The new military dictatorship refused to provide for trial by jury, freedom of religion, or public education for their citizens.

When Texans and Tejanos peacefully protested the undemocratic changes to Mexico's government, they were imprisoned unjustly.

Failure to provide these basic rights violates the sacred contract between a government and the people, and Texans did what we still do today—stand up for our rights by declaring our independence to the world.

In response, the Mexican army marched to Texas to wage a war on the land and the people, enforcing the decrees of a military dictatorship through brute force and without any democratic legitimacy.

The struggle for Texan independence was a political struggle, not an ethnic conflict. In fact, many Texas Hispanics considered themselves Tejanos—not Mexicans—and Tejanos from all walks of life served bravely in the Texas War for Independence and sacrificed greatly.

Tejanos were in Texas before Mexico became a nation, and Tejanos cherished the freedom to run their own affairs democratically just as dearly as Anglos. When the Mexican government failed, it failed all Texans and Tejanos equally.

For example, two Tejanos who distinguished themselves in the Texas War for Independence were Captain Juan Seguin and Lorenzo de Zavala, a future Republic of Texas Vice President. The historical records are full of many other patriotic Tejanos as well.

As future President Sam Houston and other delegates signed the Texas Declaration of Independence, Mexican General Santa Ana's army besieged independence forces at the Alamo in San Antonio.

Four days after the signing, the Alamo fell with her commander Lt. Colonel William Barrett Travis, Tennessee Congressman David Crockett, and approximately 200 other Texan and Tejano defenders.

All these men were killed in action, a heroic sacrifice for Texan freedom. If this tragedy were not enough, weeks later Santa Anna's army massacred over 300 unarmed Texans at Goliad on March 27.

In a dramatic turnaround, Texans and Tejanos achieved their independence several weeks later on April 21, 1836. Roughly 900 Texans and Tejanos of the Texan army overpowered a much larger Mexican army in a surprise attack at the Battle of San Jacinto.

That battle is memorialized along the San Jacinto River with the San Jacinto Monument in Baytown, Texas in my district. The monument is larger than the Washington Monument here in D.C.

Today is an important day for Texas identity, and patriotic Texans are observing this occasion with great pride at the monument in Baytown today. If it were not for our voting schedule here in Congress, I would be at home with them for this event.

We give thanks to the many Texans from all backgrounds who sacrificed for the freedom we now enjoy. God bless Texas and God bless America.

CONGRESS MUST REMAIN CONCERNED WITH THE POST-WAR LIVES AND TRAUMAS OF AMERICA'S SOLDIERS RETURNING FROM IRAQ

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I wanted to bring to the attention of my colleagues the personal and really tragic story of one soldier's struggle to cope after returning from the war in Iraq. The San Francisco Chronicle recently reported on the life of Blake Miller, whom some Americans came to know through the media as the ''Marlboro Man'' of Iraq for his efforts in the battle of Fallujah, one of the most intense battles of the Iraq War since the invasion itself.

As the war continues to rage on and the country continues to debate how to bring it to an end, it is important to stop and look at the consequences of the war on our soldiers. America's soldiers have done everything asked of them. They and their families have endured great hardship, and many, too many in my opinion, have paid the ultimate sacrifice in this war.

I believe that we must not neglect the full experience of the soldiers and their families from this war, the trauma and stress that have severe consequences on their post-war lives. Blake Miller, a.k.a. the Marlboro Man, now suffers from post-traumatic stress disorder from his experiences in Iraq, and specifically, his involvement in the siege on Fallujah. He is really struggling, according to this news account that I am enclosing for all of my colleagues to read. As the article describes, he and those who fought with him, will forever be tormented by their experiences in Iraq.

Sadly, but not unexpectedly, Blake Miller and his family are not alone. According to an article in the Washington Post on March 1, 2006, soldiers returning from Iraq consistently reported more psychic distress than those returning from other conflicts. More than one in three soldiers and Marines who served in Iraq have sought help for mental health problems, according to Army experts.

Mr. Speaker, the President and Congress have chosen to send America's soldiers into battle in Iraq. That was not a decision that I supported because I believed then, as I do now, that the evidence of a real threat to America did not exist. But whether one supported this decision or not, every member of Congress and the President have an obligation to be concerned with the well-being of our troops both in battle and afterward. I hope that Blake Miller's story will help convey to this Congress the human suffering that this war is likely to cause for many years to come and help us to think long and hard about the consequences of the decisions we make in Congress—before we make them.

We honor Blake Miller's sacrifice and service to our country by making sure he and his family have every resource available to help them recover from this trauma and to regain a sense of normalcy in their lives and that they are not denied any needed service because of a lack of funding from this Congress or this President for medical care for veterans.

REMEMBERING RICHARD ''DICK'' QUATTRIN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to take this time to remember one of Northwest Indiana's most distinguished citizens, Richard ''Dick'' Quattrin, of Whiting, Indiana. On Sunday, February 26, 2006, Dick passed away while in Washington, D.C. As he so often did, Dick made the trip to Washington to take part in a national meeting of the American Legion. Dick will be laid to rest on Saturday, February 4, 2006, at Saint Joseph Cemetery in Hammond, Indiana.

Dick Quattrin was born on August 18, 1932, to Angelo and Laura Quattrin. He was born and raised in the Pullman-Roseland neighborhoods of Chicago before relocating to Whiting, Indiana, which he called home for over fifty years. These fifty years were spent with his beloved wife, Dorothy, who survives him. Dick is also survived by his five daughters, Lydia (Greg) Beer, Karen (Ed) Erminger, Ruth (Wayne) Rodda, Marsha (John) Jerome, and Sharon Quattrin. Dick is also survived by his brothers Norman (Laurie) Quattrin and Ron (Sandy) Quattrin, his sister-in-law Rose (Bill) Tuskan, and his loving grandchildren, whom he truly cherished: Andrew, Jason, Jennifer, Daniel, Jeffrey, Megan, Laura, Allison, Emily, and Claire.

Dick's life of service to his community goes back to his days in the United States Army, where he obtained the rank of Sergeant. Dick felt tremendous pride for his country, and he was willing to endanger his own life to protect the lives of his fellow Americans, as evidenced by his service during the Korean Conflict. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled. Throughout his professional career, Dick continued to serve the community as a member of the fire department for the City of Hammond, Indiana.

Since his discharge from the United States Army, Dick has become most well known in the community for his commitment to veterans and his involvement with the American Legion and other veterans' organizations. Dick's dedication to the American Legion is evident in the many prestigious positions he held. Dick was a past commander of American Legion Post #80 in Whiting, where he remained a constant fixture until his passing. Dick was even named to the revered post of Commander of the Department of Indiana American Legion from 1997–1998. His efforts in this position allowed him to spread his compassion and his unwavering concern for veterans far beyond the borders of Northwest Indiana. Along the way, I am sure Dick crossed paths with many more veterans whose lives were touched, knowing that such a passionate individual was fighting for them. In addition to his service to the American Legion, Dick was also an active member of the 40/8, the Veterans of Foreign Wars Walter Kleiber Post 2724, the Knights of Columbus Council 1696, and the B.P.O.E. Whiting Lodge 68.

While Dick has dedicated considerable time and energy to veterans' rights, he has always made an extra effort to give back to the community. Dick, well known in Northwest Indiana for his talents as a singer, was a member of his church choir and the ''Knight Sounds'' of the Whiting Knights of Columbus. In addition, Dick was highly respected in the community in the area of athletics, having coached the Whiting Post #80 baseball team for the past 40 years. An accomplished athlete in his own right, Dick played professional baseball as a member of the Saint Louis Browns affiliated minor league ball club.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Mr. Richard ''Dick'' Quattrin for his outstanding devotion to Indiana's First Congressional District. His unselfish and lifelong dedication to veterans and the Northwest Indiana community is worthy of the highest commendation. Dick's selflessness was an inspiration to us all, and I am proud to have represented him in Congress.

RECOGNIZING 87TH ANNIVERSARY OF LIBERATION OF KOREAN PENINSULA

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to recognize the 87th anniversary of the March 1st Movement for the liberation of the Korean peninsula from Japanese oppression. This was the day that Korea regained its independence and since then it has continued to become a major economic and cultural force on the world stage.

There is a flourishing and growing relationship between the United States and Korea. Korea is a major economic partner and our 7th largest trading partner. Whether in education, science, business, or the arts, Korea

has played and continues to play a vital role in shaping communities throughout New Jersey and the entire United States.

Several years ago, I had the distinct pleasure of traveling to Korea. While there I was able to meet with Korean government leaders, high-level U.S. military officials, and top Korean business executives. In addition, I shared a meal and conversed with troops from New Jersey's 5th Congressional District.

I was honored to take part in this informative diplomatic trip. The opportunity contributed to my understanding of what issues affect the economic, political, and military policies of Korea, and in turn, their impact on United States interests.

During the visit, I met with opposition party leader Chairman Choe, Korean cabinet members and members of the Korean Chamber of Commerce. We discussed enhancing the visibility of the important United States-Korea relationship and addressed the tensions in the region surrounding the North Korean nuclear issue. In addition, I was taken by the U.S. Army, led by General Leon Porte, Chief in Command of the United States Forces in Korea, to the Joint Security Area on the Korean Demilitarized Zone (DMZ).

Now more than ever there is a need to increase mutual understanding between the United States and Korea. The 2 countries have become increasingly important regional and global partners, as Korea has become a stronger advocate for democracy and a free-market economy. It is critical that the working relationship between the 2 countries flourish for years to come.

CELEBRATING THE LIFE OF DR. LAWRENCE W. SCOTT

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WATSON. Mr. Speaker, I rise today to memorialize the life of a distinguished American, Dr. Lawrence ''Bill'' W. Scott, who passed away on December 20, 2005.

Throughout his illustrious life, Dr. Scott could claim many ''firsts.'' In 1944, he was the first black student body president of Foshay Middle School. In 1947, he graduated with honors from Polytechnic High School, where he participated in track and field and also served as the first black student body president. In 1948, he attended the University of California at Berkeley and later became the student body ''representative at large.'' After receiving his degree from Berkeley, in 1951, Dr. Scott was drafted into the U.S. Army and stationed at Fort Lewis, Washington, where he served for 2 years during the Korean War. He eventually attained the rank of Captain.

After his discharge from the Army, Dr. Scott enrolled in the pre-med program at the University of California at Los Angeles. In 1957, the then new UCLA School of Medicine accepted Dr. Scott as its first African American medical student. Upon graduation, Dr. Scott interned at Harbor General Hospital, ultimately specializing in obstetrics and gynecology. He subsequently opened 2 women's clinics in Los Angeles.

At the age of 52 and after 14 years of medical practice, Dr. Scott returned to law school and received his J.D. from Southwestern University School of Law in 1980. After passing the bar, he initially thought he would pursue missionary work; however, he worked as a forensic attorney and represented victims in malpractice suits.

Dr. Scott's achievements, honors, and awards are numerous. He was the first African American resident at Queen of Angeles Hospital in Los Angeles. At one time, he held the record for the most infants delivered at Cedars-Sinai Medical center. He also served on the Board of Governors of the UCLA Foundation in the mid 1980s.

His interest in people and his special affection for children were evident. He enjoyed sports and was an avid tennis player. He also loved music, from jazz to the classics. He will be remembered by many for his wonderful humor and his black book of jokes.

Dr. Scott is survived by his devoted wife of 8 years, Maria; his three children—Rebecca, Brian, and Onjale Scott; his sister, Darling Scott Herod; his brother, Paul Richard Scott; mother-in-law, Loretta Domer-Wilson; and other beloved family and friends.

Dr. Scott truly enjoyed this journey called life and lived it to its fullest.

PEACE CORPS DAY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. ROYCE. Mr. Speaker, I rise today in recognition of National Peace Corps Day, which was last Tuesday, February 28th.

In my travels to Africa, I have had the chance to meet with many Peace Corps volunteers. The commitment these men and women have shown is extremely impressive and is to be commended.

The work that Peace Corps volunteers have done to address the HIV/AIDS pandemic is invaluable. Volunteers have worked hard to carry out the President's Emergency Plan for AIDS relief, and are active in 9 of the 15 Emergency Plan countries.

Mr. Speaker, I have seen the valuable work the Peace Corps is doing in Africa, and throughout the world. It deserves our recognition and support. Under the leadership of Director Gaddi Vasquez, the Peace Corps is well poised to address the rapidly evolving challenges of the developing world.

HONORING HENRY TRAVIS HOLMAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to an exemplary public servant and citizen from my congressional district. Henry Travis Holman recently retired from Mammoth Cave National Park, drawing to a close a remarkable 32 year career with the National Park Service in Kentucky.

Mr. Holman began his career with the National Park Service in 1971 as a cave guide. Two years later, he was appointed as a Park Technician for the Interpretation and Visitor Services Division. He was later reassigned to the Ranger Division, becoming a fully commissioned law enforcement officer for the National Park Service. In 1999, Mr. Holman was installed as Management Assistant for the Office of the Superintendent at Mammoth Cave National Park. In that capacity he skillfully coordinated all park projects, managed environmental compliance requirements, and developed important long-range planning initiatives. For his efforts, he received the 2003 National Park Service Honor Award for Superior Service, recognizing his many accomplishments as a top administrator.

Henry Holman's three decades of service significantly enhanced park operations and community relations at Mammoth Cave. His vast knowledge, work ethic, and attention to detail exemplify true professionalism, a legacy that will long endure among his colleagues and members of the public.

It is my great privilege to recognize Henry Holman today, before the entire U.S. House of Representatives, for his leadership and service. His unique achievements and dedication to the National Park Service mission make him an outstanding American worthy of our collective honor and appreciation.

HAPPY 45TH ANNIVERSARY TO THE PEACE CORPS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. FARR. Mr. Speaker, the week of February 27 to March 3 is Peace Corps week and on March 1st we celebrated the 45th Anniversary of the founding of the Peace Corps. Over the last 45 years Peace Corps has become one of our nation's premier international assistance programs that has focused on helping communities and individuals help themselves.

I served as a Peace Corps Volunteer in Medellin, Colombia in the mid–1960s and I can say definitively that it was a life changing experience. During my two years in Colombia, I learned that the most sustainable type of development was when locals were empowered to create their own development. I therefore worked on educating and assisting my Colombian colleagues, neighbors and friends on how to petition their local governments and make positive changes in their own lives.

In the years since I returned from Colombia thousands of Americans have served as Peace Corps Volunteers. Each of these volunteers has made a difference, large or small, in the lives of hundreds of people across the globe. Person-to-person relationships like those built by PCVs are key to greater understanding—greater American understanding of other cultures, and greater understanding of Americans by other cultures.

In this time of increasing tension between countries, now more than ever, we need programs like the Peace Corps. I urge my colleagues to support the President's FY 07 request for the Peace Corps at $337 million. We need to robustly fund Peace Corps so that during the next 45 years, Peace Corps Volunteers can continue to make a positive difference in countries all over the world.

I wish the Peace Corps a very happy 45th anniversary.

TRIBUTE TO BISHOP WALTER EMILE BOGAN, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. KILDEE. Mr. Speaker, I rise before you today with a heavy heart, as I ask my colleagues in the 109th Congress to join me in honoring the life and accomplishments of a dear friend of mine, Bishop Walter Emile Bogan, Sr. Bishop Bogan passed away at his residence on Sunday, January 8, at the age of 57. I am deeply saddened by this great loss, for Bishop Bogan was an inspiring and positive force for Genesee County, the State, and Nation. He was a true friend, and I shall miss him greatly.

Born to the union of Norma L. Bogan-Burrell and the late William Bogan in my hometown of Flint, Michigan, Walter Bogan attended and graduated from Flint Community Schools, and later went on to schools such as Saints Academy College in Lexington, MS, Moody Bible College in Chicago, and Moorhouse College in Atlanta. He also attended Flint's C.S. Mott Community College, and the University of Michigan-Flint. On July 25, 1980, he answered the Lord's call and succeeded his grandfather and mentor, Rev. Theodore Harris, as Pastor of Harris Memorial Church of God in Christ.

Over the years, Rev. Bogan became more than just a Pastor, but a spiritual leader whose guidance, vision, and commitment to spreading the Word of God helped make the Flint area a better place in which to live. Pastor Bogan constantly and selflessly gave of himself, hosting Christmas parties for neighborhood children and providing gifts for them all. In recent years, he would offer college scholarships for several young members of his congregation, in hopes of granting them opportunities they otherwise may not have had the chance to take.

In 2000, Pastor Bogan became Bishop Bogan, as he was appointed Chief Servant and Presiding Bishop of the Great Lakes Ecclesiastical Jurisdiction of Michigan, Church of God In Christ. Bishop Bogan admirably balanced his new leadership duties with powerful sermons each Sunday, which for him was a labor of love.

Bishop Bogan leaves to cherish and carry on his legacy his beautiful and devoted wife of 35 years, Dianne, sons Walter and Eric, daughter-in-law Karleen, three grandchildren, and of course the many people whom he loved and loved him in return.

Mr. Speaker, I ask the House of Representatives to join me in offering condolences to the family of Bishop Bogan, and in thanking them for sharing him with our community. My message to his congregation is as follows:

"Take my yoke upon you and learn from me, for I am meek and humble in heart." [Matthew 11:29]

It takes a strong person to be meek, a strong person to be in charge of his passions and emotions.

Bishop Walter Emile Bogan was such a person. He was strong in his love of God. He was strong in his love of the Church. He was strong in his love of family. He was strong in his pursuit of justice. He was strong in his effort to eliminate injustice. And all this deep strength, he exercised humbly, as an instrument of God's Holy Will.

Because of Bishop Bogan's strength, anchored in humility and meekness, this community is a better community. This Church is a stronger representation of the Mystical Body of Christ. All of us here in this Church are better people because of that strength of faith and action of Bishop Walter Bogan.

The greatest tribute we can render to Bishop Bogan is to emulate his love, his dedication, his humility, and his Christ-centered strength.

Bishop Bogan, as a triumphant member of the Communion of Saints, please ask Almighty God to shower His Blessings upon us that we might use our strength to carry out God's Holy Will.

CHATTAHOOCHEE TRACE NATIONAL HERITAGE CORRIDOR STUDY ACT

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. EVERETT. Mr. Speaker, today I am pleased to introduce the Chattahoochee Trace National Heritage Corridor Study Act, a bill that would direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia.

The Historic Chattahoochee Compact was signed into law in 1978, and it established the Historic Chattahoochee Commission to promote historic preservation and tourism in the Chattahoochee Valley. Since this time, the Historic Chattahoochee Commission has been involved in a heritage tourism program in eighteen Alabama and Georgia counties along the lower Chattahoochee River. Because of their exemplary work, the National Trust for Historic Preservation has cited the Historic Chattahoochee Commission as a national model for heritage corridor development.

The designation of this corridor is the final piece in the commission's development plan. It would enable them to initiate new and innovative projects to invigorate the economies of the member counties since they would be eligible to receive funding for publications and marketing for tourism, historic preservation, environmental education, outdoor recreation, and small business development. In addition to aiding historic preservation, this effort will also enhance economic development in this region.

I urge my colleagues to join me in supporting this important legislation.

HONORING COLONEL JAMES E. BEAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to a remarkable soldier and citizen from my congressional district. Colonel James E. Bean, a longtime resident of Bardstown, Kentucky, passed away peacefully January 4th at age 82. Colonel Bean was a local hero, remembered for his athletic achievements as a young man and military heroism as a fighter pilot, flying combat missions in World War II, the Korean War and the Vietnam War.

Colonel Bean was born in 1923 on a farm at Cox's Creek, KY. He graduated from Bardstown High School in 1942. A football and basketball All Star, Colonel Bean was especially remembered for being the signal caller on offense and fullback of the legendary unbeaten 1941 Bardstown High School football team. He matriculated to the University of Kentucky on a football scholarship later that fall but cut short his collegiate career soon thereafter to join the U.S. Army Air Corps. He was called to active duty in early 1943, assigned to Foster Field, Texas as an Advanced Flying School inspector. He was commissioned a Second Lieutenant in January, 1944 and assigned to the European Theater, where he flew 41 combat missions in Germany and France.

Upon his return to the United Sates, Colonel Bean completed numerous assignments testing and flying Air Force fighter aircraft. He was assigned to Nellis Air Force Base, Nevada in 1960 to establish and operate the F–105 aircraft flight training program for all Air Force units. He later carried out assignments in Japan with the 8th Tactical Fighting Wing, completing several short tours in Southeast Asia, before returning to the United States to serve as an Air Force duty officer at the Pentagon. Colonel Bean volunteered and was assigned to the 388th Tactical Fighting Wing, Korat Royal Thai Air Base, Thailand, in October, 1967.

On January 3, 1968 while flying an F–105 combat mission over North Vietnam, his aircraft was shot down near Hanoi. Colonel Bean was captured by the North Vietnamese and held as a Prisoner of War until his release March 14, 1973.

James Bean retired from the United States Air Force as a Colonel in 1974. He returned to Kentucky, where he enjoyed a peaceful retirement with his wife until his death in January. He was a member of the Bardstown High School Hall of Fame, State President of Future Farmers of America, a Shriner, Mason, Kentucky Colonel, member of the American Legion, Kentucky Pork Producers, and communicant at the Bardstown Baptist Church.

James Bean's remarkable life is one of a true American hero. His distinguished service and unique sacrifice for his country represent the very best of what it means to be an American soldier. His achievements as a citizen, especially his unwavering dedication to his family and his community, are further marks of greatness worthy of our collective respect and appreciation. It is my great privilege to honor his memory today, before the entire U.S. House of Representatives. May he rest in peace.

CONGRATULATIONS TO COLLEEN CROSBY FOR A LIFETIME OF ACTIVISM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. FARR. Mr. Speaker, I rise today to commend one of my constituents, Ms. Colleen Crosby, of Santa Cruz, California who, on Sunday, March 5, will receive the ''Lifetime Achievement Award'' from the International Women in Coffee Alliance (IWCA). I cannot imagine another person more deserving than Colleen to receive this award. Colleen is one of those rare individuals that has combined a deep compassion for others with the intelligence and drive to make a true difference in the world. Colleen has been a true leader in raising awareness of, and offering effective solutions to, the International Coffee Crisis—a crisis that affected 25 million people in some of the poorest countries in the world.

Colleen co-founded Santa Cruz Coffee Roasting Company in 1978 and in 1979 became the first Roastmistress on California's Central Coast. In her travels to coffee producing countries in Central and South America and Africa she encountered abject poverty and an economic system that kept small coffee farmers in a vicious cycle of poverty. Being the ''active activist,'' Colleen jumped headfirst into finding ways to help coffee farmers and cooperatives throughout the world. Colleen found that fair trade certification—a certification process that guarantees farmers a fair price for their coffee beans—was the most effective way of improving the lives of coffee farmers.

Colleen's record for helping coffee farmers and promoting fair trade coffee is extremely impressive. Colleen has worked with small farmers and cooperatives around the world and helped them gain better market access for their coffee, thus ensuring a better livelihood for themselves and their children. I asked Colleen to testify before the House International Relations Subcommittee on the Western Hemisphere on the coffee crisis, where she educated Members of Congress on the importance of helping coffee farmers.

Besides the Lifetime Achievement Award from IWCA, Colleen has also received a variety of commendations, including a letter of ''Special Thanks and Commendation'' for ''the extraordinary warmth and spirit on behalf of the people of Ethiopia,'' presented by His Excellency Teruheh Zenna, Acting Permanent Representative of Ethiopia to the United Nations in October, 2005; being named Santa Cruz Chamber of Commerce Woman of the Year 2005; being presented with the Gold Medallion of Brotherhood by the small coffee farmers of Nicaragua's Prodecoop; and most recently, she is the recipient of the prestigious Lifetime Achievement Award from the International Women in Coffee Alliance.

I congratulate Colleen on a lifetime of dedication to others. She truly has made the world a better place and it has been an absolute pleasure and honor to know her.

SILVIO BERLUSCONI'S APPEARANCE BEFORE CONGRESS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. McDERMOTT. Mr. Speaker, I would like to enter into the RECORD a letter that I delivered to your office today regarding an event that took place on the House floor yesterday.

MARCH 2, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House, Office of the Speaker, Washington, DC.

DEAR MR. HASTERT, I am writing to express my dismay about yesterday's appearance of Prime Minister Silvio Berlusconi of the Republic of Italy on the floor of the House of Representatives. I believe that Mr. Berlusconi's mode of address was unprecedented.

I came to the House floor expecting to hear significant words from the head of state of a major ally of our country. Instead, I had the feeling that perhaps I and the other Members in attendance were being used as extras in a campaign appearance for Mr. Berlusconi's difficult upcoming election. I can draw no other conclusion considering he addressed Congress in Italian without an interpreter, a language that I and most other Members do not speak. Though we were given the text to read, who in the Chamber was able to correlate the words delivered and lead the applause that burst forth from the audience? The address was not even broadcast by C–SPAN, presumably because it took place in a language in which most C–SPAN viewers are not fluent. My discomfort increased this morning when I read in the Financial Times that the appearance was broadcasted by stations owned by Mr. Berlusconi in Italy. This has raised concerns that the Prime Minister was improperly bending Italian equal-airtime regulations during election campaigns.

I would appreciate to hear your thoughts on this unusual use of the House Chamber, and whether it is expected to recur.

Sincerely,

JIM MCDERMOTT,
Member of Congress.

WELCOME HOME FORT KNOX 703RD EOD

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to welcome home the 703rd Explosive Ordinance Disposal Detachment of Fort Knox, Kentucky, and pay public tribute to their courageous service during their six-month deployment in Iraq.

This was the second deployment to Operation Iraqi Freedom for the 703rd. As most of us know, EOD units have one of the most dangerous jobs in Iraq. The 703rd worked with Army and Marine Brigades to recover and dispose of explosive devices throughout a large portion of northern Iraq. The entire unit returned safely home last week, reuniting with family and comrades at a 3 a.m. welcome home ceremony held at Fort Knox.

Tragically, two soldiers, Staff Sgt. Kimberly Voelz and Staff Sgt. Richard Ramey, paid the ultimate sacrifice for freedom during the unit's first deployment to Iraq.

I would like to take this opportunity to honor these returning soldiers and the memory of those who have passed, all who have selflessly stood in harm's way as the guardians of our freedom and way of life. Their distinguished service epitomizes values—duty, honor, country—that make our Nation an example of freedom and prosperity for the rest of the world.

In the spirit of Fort Knox soldiers of generations past, their courage and sacrifice significantly contributed to a supreme level of safety and readiness during uncertain times. They were selfless in their sacrifice, taking time away from their families to keep others safe. For that they deserve the admiration and thanks of a grateful nation.

It is my great privilege to recognize the 703rd EOD today, before the entire U.S. House of Representatives, for their generous service and unflinching duty to our great country. Welcome home!

TRIBUTE TO KATHRYN ELIZABETH ''BETH'' SHIELDS

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Kathryn Elizabeth ''Beth'' Shields who dedicated her life to improving opportunities for Hillsborough County's school children.

Beth spent 44 years in the Hillsborough County school system, working both as a teacher and administrator. A graduate of Hillsborough High School and the University of Tampa, with a Master's Degree from the University of South Florida, Beth launched her career as a math teacher at Memorial Junior High School, then at H.B. Plant High School.

Beth worked hard throughout her career, and as she rose through the school district's ranks, she paved the way for other women working in Hillsborough County schools. She served as dean and assistant principal at Robinson High School, principal of Coleman Junior High School and principal of H.B. Plant High School. Beth then served as district-wide assistant superintendent of personnel and assistant superintendent of instruction until she became the first female deputy superintendent in Hillsborough County schools.

During her tenure, Beth pushed for more rigorous curriculum and academic standards; she spearheaded a successful initiative to improve school attendance and helped smooth the transition when magnet schools were integrated into the school system. Beth will be remembered for her commitment to helping young people, her impressive work ethic and the many ways that she changed Hillsborough County School District for the better. Beth Shields Middle School in Ruskin stands witness to her lifetime of dedication.

At home, Beth was active in her church and in a number of community and charitable organizations, including the Southwest Florida Blood Bank, the United Way, the Tampa Coalition and the Hillsborough County Anti-Drug Abuse Advisory Council, SERVE and Athena.

On behalf of the Hillsborough County community and the countless young people she

worked for, I would like to thank Beth for all her work and extend my deepest sympathies to her family.

ON THE AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2829—OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. DREIER. Mr. Speaker, I ask unanimous consent to address the House for one minute for the purpose of making an announcement.

The Committee on Rules may meet the week of March 6th to grant a rule which could limit the amendment process for floor consideration of H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005. The Committee on Government Reform filed its report with the House on November 18, 2005. The Committee on the Judiciary ordered the bill reported today and is expected to file its report with the House tomorrow, March 3rd.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 10 a.m. on Wednesday, March 8, 2006. Members should draft their amendments to the bill as reported by the Committee on the Judiciary, which should be available on the websites of the Committee on Rules, Government Reform, and the Judiciary by tomorrow, March 3rd.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

HONORING MICHAEL R. SMITH

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to give well deserved recognition to an extraordinary law enforcement professional serving in my district. Officer Michael R. Smith, an honorable U.S. Army Veteran, is continuing his spirit of public service as a civilian police officer in Radcliff, Kentucky. Radcliff is home to the legendary Fort Knox military installation.

Officer Smith's actions, on duty and off, demonstrate a genuine concern and personal involvement in protecting safety and improving quality of life in his community. His abiding friendship with many of Radcliff's elderly citizens and attention to their needs is especially noteworthy.

I would like to publicly thank Officer Smith, on behalf of his colleagues and the citizens of Radcliff, for the example he sets in performing his job far beyond the call of duty. His sense of public service and altruistic spirit personify the term ''Peace Officer.''

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 3199, USA PATRIOT, Terrorism Prevention Reauthorization Act.

See Final Résumé of Congressional Activity (including the History of Bills) for the First Session of the 109th Congress.

Senate

Chamber Action

Routine Proceedings, pages S1593–S1663

Measures Introduced: Thirteen bills and two resolutions were introduced, as follows: S. 2352–2364, and S. Res. 387–388. **Pages S1643–44**

Measures Reported:

S. 2178, to make the stealing and selling of telephone records a criminal offense. **Page S1643**

Measures Passed:

Sudan Peace Agreement: Senate agreed to S. Res. 388, urging the Government of National Unity of Sudan and the Government of Southern Sudan to implement fully the Comprehensive Peace Agreement that was signed on January 9, 2005. **Pages S1660–61**

Darfur, Sudan: Committee on Foreign Relations was discharged from further consideration of S. Res. 383, calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection, and the resolution was then agreed to. **Page S1661**

Educational Flexibility: Senate passed S. 2363, to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999. **Page S1662**

LIHEAP Funding—Cloture Motion: Senate began consideration of S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, taking action on the following amendments proposed thereto: **Pages S1632–38**

Pending:

Kyl/Ensign Amendment No. 2899, to make available funds included in the Deficit Reduction Act of 2005 for allotments to States for the Low-Income Home Energy Assistance Program for fiscal year 2006. **Pages S1636–38**

During consideration of this measure today, Senate also took the following action:

By 66 yeas to 31 nays (Vote No. 30), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to the bill. Subsequently, the point of order that the bill was in violation of the Congressional Budget Act of 1974, was not sustained. **Page S1636**

A unanimous-consent agreement was reached providing that the vote on the motion to invoke cloture on the motion to proceed to consideration of the bill be vitiated. **Page S1632**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:45 a.m. on Friday, March 3, 2006. **Page S1662**

USA PATRIOT Act Reauthorization: By 89 yeas to 10 nays (Vote No. 29), Senate agreed to the conference report to accompany H.R. 3199, to extend and modify authorities needed to combat terrorism. **Pages S1598–S1632**

Nominations—Agreement: A unanimous-consent time agreement was reached providing that at 5 p.m., on Monday, March 6, 2006, Senate begin consideration of the nominations of Timothy C. Batten, Sr., to be United States District Judge for the Northern District of Georgia, Thomas E. Johnston, to be United States District Judge for the Southern District of West Virginia, and Aida M. Delgado-Colon, to be United States District Judge for the District of Puerto Rico, en bloc; that Senators Chambliss, Isakson, Byrd, and Rockefeller, and the Chairman, and Ranking Member of the Committee on the Judiciary, be allocated five minutes each; and

that at 5:30 p.m., Senate proceed to consecutive votes on confirmation of the nominations in the order listed. **Pages S1659–60**

Nominations Received: Senate received the following nominations:

John W. Cox, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development, vice Carin M. Barth, resigned.

George McDade Staples, of Kentucky, to be Director General of the Foreign Service.

Mickey D. Barnett, of New Mexico, to be a Governor of the United States Postal Service for a term expiring December 8, 2013.

Katherine C. Tobin, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2012.

25 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Pages S1662–63

Measures Referred: **Pages S1641–42**

Enrolled Bills Presented: **Page S1642**

Executive Communications: **Pages S1642–43**

Executives Reports of Committees: **Page S1643**

Additional Cosponsors: **Pages S1644–45**

Statements on Introduced Bills/Resolutions: **Pages S1645–58**

Additional Statements: **Page S1641**

Amendments Submitted: **Page S1658**

Notices of Hearings/Meetings: **Pages S1658–59**

Authorities for Committees to Meet: **Page S1659**

Record Votes: Two record votes were taken today. (Total—30) **Pages S1632, S1636**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:22 p.m., until 9:45 a.m., on Friday, March 3, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1662.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Committee on Appropriations: Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Department of Housing and Urban Development, after receiving testimony from Alphonso Jackson, Secretary of Housing and Urban Development.

NUCLEAR ENERGY AND POWER

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine an outline of the Global Nuclear Energy Plan and the future of nuclear power, after receiving testimony from Clay Sell, Deputy Secretary of Energy.

DEPARTMENT OF DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine the defense authorization request for fiscal year 2007 and the future years defense program, after receiving testimony from Michael W. Wynne, Secretary, and General T. Michael Moseley, USAF, Chief of Staff, both of the United States Air Force.

DEPARTMENT OF DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine military installations, military construction, environmental programs, and base realignment and closure programs in review of the defense authorization request for fiscal year 2007, after receiving testimony from Philip W. Grone, Deputy Under Secretary of Defense for Installations and Environment; Keith E. Eastin, Assistant Secretary of the Army for Installations and Environment; B.J. Penn, Assistant Secretary of the Navy for Installations and Environment; and William C. Anderson, Assistant Secretary of the Air Force for Installations, Environment, and Logistics.

DUBAI PORTS WORLD

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine implementation of the Exon-Florio Amendment, focusing on Dubai Ports World acquisition of Peninsular and Oriental Steam Navigation Company, the role of terminal operators, and U.S. Coast Guard actions under the Maritime Transportation Security Act of 2002, after receiving testimony from Robert M. Kimmitt, Deputy Secretary of the Treasury; Eric Edelman, Under Secretary of Defense for Policy; Stewart Baker, Assistant Secretary of Homeland Security for Policy; and Robert Joseph, Under Secretary of State for Arms Control and International Security.

DEPARTMENT OF DEFENSE BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2007 for the Department of Defense, after receiving testimony from Gordon England, Deputy Secretary, Admiral Edmund P. Giambastiani, Jr., U.S. Navy, Vice Chairman, Joint Chiefs of Staff, and Tina W. Jonas, Under Secretary (Comptroller), all of the Department of Defense.

UNIVERSAL SERVICE FUND DISTRIBUTIONS

Committee on Commerce, Science, and Transportation: Committee held hearings to examine proposed reforms of the Universal Service Fund (USF) distribution system, including funds for wireless infrastructure development for rural consumers, and benefits of the USF to rural America, after receiving testimony from Jeff Mao, Maine Department of Education, Augusta; Shirley Bloomfield, National Telecommunications Cooperative Association, Alexandria, Virginia, on behalf of the Coalition To Keep America Connected; Carson Hughes, Telapex, Inc., Bismarck, North Dakota, on behalf of the Wireless Independent Group; and Ben Scott, Free Press, Washington, D.C., on behalf of sundry organizations.

Hearing recessed subject to the call.

BUDGET: DEPARTMENT OF THE INTERIOR

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2007 for the Department of the Interior, after receiving testimony from Gale A. Norton, Secretary, R. Thomas Weimer, Assistant Secretary for Policy, Management and Budget, and John Trezise, Director, Office of Budget, all of the Department of the Interior.

A NUCLEAR IRAN

Committee on Foreign Relations: Committee met in closed session to receive a briefing on challenges and responses with respect to a nuclear Iran from John D. Negroponte, Director of National Intelligence, Office of the Director of National Intelligence.

A NUCLEAR IRAN

Committee on Foreign Relations: Committee concluded a hearing to examine the challenges and responses with respect to Iran's campaign to acquire nuclear weapons, focusing on limits placed on the International Atomic Energy Agency inspections and uranium enrichment, after receiving testimony from Ronald F. Lehman, Lawrence Livermore National Laboratory, Livermore, California; and Patrick Clawson, Washington Institute for Near East Policy, and Ray Takeyh, Council on Foreign Relations, both of Washington, D.C.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported S. 2128, to provide greater transparency with respect to lobbying activities, with an amendment in the nature of a substitute.

MINE SAFETY AND HEALTH

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the state of mine safety and health, after receiving testimony from David G. Dye, Acting Assistant Secretary for Mine Safety and Health, Ray McKinney, Administrator, Coal Mine Safety and Health, Mine Safety and Health Administration, both of the Department of Labor; John Howard, Director, and Jeffrey Kohler, Associate Director for Mining and Construction, both of the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services; Michael Peelish, Foundation Coal Corporation, Linthicum Heights, Maryland, on behalf of National Mining Association; Michael E. Neason, Hanson Aggregates, Louisville, Kentucky, on behalf of American Society of Safety Engineers; Thomas Novak, Virginia Tech Department of Mining and Minerals Engineering, Blacksburg; and Cecil E. Roberts, United Mine Workers of America, Fairfax, Virginia.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 2178, to make the stealing and selling of telephone records a criminal offense; and

The nominations of Jack Zouhary, to be United States District Judge for the Northern District of Ohio, Stephen G. Larson, to be United States District Judge for the Central District of California, and Terrance P. Flynn, to be United States Attorney for the Western District of New York.

Also, committee began consideration of proposed legislation to amend the Immigration and Nationality Act to provide for comprehensive reform and to provide conditional nonimmigrant authorization for employment to undocumented aliens.

VETERANS ORGANIZATIONS

Committee on Veterans Affairs: Committee concluded a hearing to examine legislative presentations of certain veterans organizations, after receiving testimony from Joseph L. Barnes, Fleet Reserve Association, Deirdre Parke Holleman, the Retired Enlisted Association, and MSGT Morgan D. Brown (Ret.), Air Force Sergeant's Association, all of Washington,

D.C.; Colonel Robert F. Norton, USA (Ret.), Military Officers Association of America, Alexandria, Virginia; and Rose Elizabeth Lee, Gold Star Wives of America, Inc., Arlington, Virginia.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 35 public bills, H.R. 4843–4877; 2 private bills, H.R. 4878–4879; and 7 resolutions, H.J. Res. 80; H. Con. Res. 350–351; and H. Res. 706–709 were introduced. **Pages H563–65**

Additional Cosponsors: **Pages H565–66**

Reports Filed: Reports were filed today as follows:

H. Res. 643, directing the Attorney General to submit to the House of Representatives all documents in the possession of the Attorney General relating to warrantless electronic surveillance of telephone conversations and electronic communications of persons in the United States conducted by the National Security Agency, adversely (H. Rept. 109–382); and

H. Res. 644, requesting the President and directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the authorization of electronic surveillance of citizens of the United States without court approved warrants, adversely (H. Rept. 109–383). **Page H563**

Chaplain: The prayer was offered today by Rev. Stephen A. Owenby, Senior Pastor, Stewartsville Baptist Church, Laurinburg, North Carolina. **Page H511**

Katrina Emergency Assistance Act of 2006: The House passed S. 1777, amended, to provide relief for the victims of Hurricane Katrina after agreeing to order the previous question without objection. **Pages H514–21**

H. Res. 702, providing for consideration of the bill (H.R. 4167), to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 216 yeas to 197 nays, Roll No. 18. **Pages H521–29, H530–39**

General debate on the bill proceeded according to H. Res. 702. After 1 hour of debate the Committee of the Whole House on the State of the Union rises leaving H.R. 4167 as unfinished business. **Page H539**

Meeting Hour: Agreed that when the House adjourns today it adjourn to meet at noon on Monday, March 6, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, March 7, 2006, for Morning Hour debate. **Page H539**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, March 8th. **Page H539**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed the Honorable Mac Thornberry and the Honorable Frank R. Wolf to act as Speaker Pro Tempore to sign enrolled bills and joint resolutions through March 7, 2006. **Page H539**

Inspector General for the House of Representatives—Appointment: The Chair announced the joint appointment by the Speaker, Majority Leader, and Minority Leader of Mr. James J. Cornell of Springfield, Virginia, as Inspector General for the United States House of Representatives to fill the existing vacancy. **Page H561**

Quorum Calls—Votes: 1 yea-and-nay vote developed during the proceedings today and appear on pages H528–29. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:20 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Rural Development. Testimony was heard from the following officials of the USDA: Thomas C. Dorr, Under Secretary, Rural Development; and W. Scott Steele, Budget Officer; and public witnesses.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water, and Related Agencies held a hearing on U.S. Army Corps of Engineers. Testimony was heard from the following officials of the Department of the Army; LTG Carl A. Strock, USA, Chief of Engineers, Corps of Engineers; and John Paul Woodley, Jr., Office of the Assistant Secretary (Civil Works).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing, and Related Programs held a hearing on Avian Influenza-International Response. Testimony was heard from the following officials of the NIH: Department of Health and Human Services: Anthony Fauci, M.D., Director, National Institutes of Allergy and Infectious Diseases; and Julie Gerberding, M.D., Director, Centers for Disease Control and Prevention; and the following officials of the Department of State: Ambassador Nancy Power, Senior Coordinator, Avian Influenza and Infectious Diseases; and Kent Hill, M.D., Assistant Administrator, Bureau of Global Health, U.S. Agency for International Development.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Administrator of EPA. Testimony was heard from Stephen L. Johnson, Administrator, EPA.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on American Competitiveness Initiative. Testimony was heard from Tom Luce, Assistant Secretary, Department of Education; and public witnesses.

MILITARY QUALITY OF LIFE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies held a hearing on U.S. Court of Appeals for Veterans Claims, the American Battle Monuments Commission, the Arlington National Cemetery, and the Armed Forces Retirement Home. Testimony was heard from William Greene, Chief Judge, U.S. Court of Appeals for Veterans Claims; the following officials of the American Battle Monuments Commission: GEN Frederick M. Franks, Jr., USA, (Ret), Chairman; and BG John W. Nicholson, USA, (Ret), Secretary; John Paul Woodley, Jr., Office of the Assistant Secretary of the Army (Civil Works); and Timothy C. Cox, Armed Forces Retirement Home.

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies held a hearing on the NSF. Testimony was heard from the following officials of the NSF: Arden L. Bement, Jr., Director; and Warren Washington, Chairman, National Science Board.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST TRANSPORTATION COMMAND

Committee on Armed Services: Held a hearing on the Fiscal Year 2007 National Defense Authorization budget request for the U.S. Transportation Command and Component Commands. Testimony was heard from the following officials of the Department of Defense: GEN Norton A. Schwartz, USAF, Commander, United States Transportation Command; GEN Duncan J. McNabb, Commander, Air Mobility Command; VADM David L. Brewer, III, USN, Commander, Military Sealift Command; and MG Charles W. Fletcher, USA, Commander, Military Surface Deployment and Distribution Command.

DUBAI PORTS WORLD DEAL—NATIONAL SECURITY IMPLICATIONS

Committee on Armed Services: Held a hearing on the National Security Implications of the Dubai Ports World Deal to Take Over Management of U.S. Ports. Testimony was heard from Ambassador Eric S. Edelman, Under Secretary, Policy, Department of Defense; the following officials of the Department of Homeland Security: Stewart Baker, Assistant Secretary, Policy, Planning and International Affairs; and RADM Thomas Gilmour, USCG, Assistant Commandant, Marine Safety, Security and Environmental Protection, U.S. Coast Guard; Alan Misenheimer, Director, Office of Arabian Peninsula and Iran Affairs, Department of State; Clay Lowery, Assistant Secretary, International Affairs, Department of the Treasury; and public witnesses.

GLOBAL POLLUTION AGREEMENTS

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials held a hearing entitled "Legislation to Implement the POPs, PIC, and LRTAP POPs Agreements." Testimony was heard from Claudia A. McMurray, Deputy Assistant

Secretary, Environment, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State; Susan B. Hazen, Principal Deputy Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, EPA; Claudia Polsky, Deputy Attorney General, Environment Section, Department of Justice, State of California; and public witnesses.

BRIEFING—TERRORIST INTENTIONS TOWARD U.S. AIRCRAFT

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment met in executive session to receive a joint briefing on terrorist intentions toward U.S. aircraft. The Subcommittees were briefed by departmental witnesses.

U.S. POLICY TOWARD PALESTINIANS—AFTERMATH OF PARLIAMENTARY ELECTIONS

Committee on International Relations: Held a hearing on United States Policy Toward the Palestinians in the Aftermath of Parliamentary Elections. Testimony was heard from the following officials of the Department of State: C. David Welch, Assistant Secretary, Bureau of Near Eastern Affairs; James R. Kunder, Assistant Administrator, Bureau for Asia and the Near East, U.S. Agency for International Development; and Keith W. Dayton, U.S. Security Coordinator.

OVERSIGHT—RIGHTS UNDER NUCLEAR NONPROLIFERATION TREATY

Committee on International Relations: Subcommittee on International Terrorism and Nonproliferation held an oversight hearing on Assessing Rights under the Nuclear Nonproliferation Treaty. Testimony was heard from public witnesses.

OVERSIGHT—WESTERN HEMISPHERE ENERGY SECURITY

Committee on International Relations: Subcommittee on Western Hemisphere held an oversight hearing on Western Hemisphere Energy Security. Testimony was heard from Karen A. Harbert, Assistant Secretary, Office of Policy and International Affairs, Department of Energy; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 2829, amended, Office of National Drug Control Policy Reauthorization Act of 2005; H.R. 4709, Law Enforcement and Phone Privacy Protection Act of 2006; H.R. 4356, Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005; H.R. 1871, amended, Volunteer Pilot Organization Protection Act of 2005; H.R. 1176, Nonprofit Athletic Organization Protection Act of 2005; and H.R. 2955, amended, Intellectual Property Jurisdiction Clarification Act of 2005.

OVERSIGHT—SCOPE AND MYTHS OF ROE V. WADE

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing entitled ''The Scope and Myths of Roe v. Wade.'' Testimony was heard from public witnesses.

SOUTHERN BORDER—LOCAL LAW ENFORCEMENT CONFRONTS VIOLENCE

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims and the Subcommittee on Crime, Terrorism, and Homeland Security held a joint oversight hearing entitled ''Outgunned and Outmanned: Local Law Enforcement Confronts Violence Along the Southern Border.'' Testimony was heard from public witnesses.

OVERSIGHT—NATIONAL PARK SERVICE'S FISCAL YEAR 2007 BUDGET

Committee on Resources: Subcommittee on National Parks held an oversight hearing on the National Park Service's Fiscal Year 2007 Budget. Testimony was heard from Fran Mainella, Director, National Park Service, Department of the Interior.

OVERSIGHT—BUREAU OF RECLAMATION/WATER PROGRAMS BUDGET

Committee on Resources: Subcommittee on Water and Power held an oversight hearing entitled ''The President's Fiscal Year 2007 Budget Requests for the Bureau of Reclamation and the Water Division of the U.S. Geological Survey.'' Testimony was heard from the following officials of the Department of the Interior: John Keys, III, Commissioner, Bureau of Reclamation; and Matthew Larsen, Chief Scientist for Hydrology, U.S. Geological Survey.

LOBBYING REFORM—ACCOUNTABILITY THROUGH TRANSPARENCY

Committee on Rules: Held a hearing entitled ''Lobbying Reform: Accountability through Transparency.'' Testimony was heard from Karen Haas, Clerk, U.S. House of Representatives; former Representative James Bacchus of Florida; James Thurber, Director, Center for Congressional and Presidential Studies, American University; Thomas Mann, Senior Fellow, The Brookings Institution; Paul Miller, President, American League of Lobbyists; Norman Ornstein, Resident Scholar, American Enterprise Institute; and Fred Wertheimer, President, Democracy 21.

Hearings continue March 9.

NASA SCIENCE MISSION DIRECTORATE—IMPACT OF FISCAL YEAR BUDGET PROPOSAL

Committee on Science: Held a hearing on NASA Science Mission Directorate: Impacts of the Fiscal Year 2007 Budget Proposal. Testimony was heard from Mary Cleave, Associate Administrator, Science Mission Directorate, NASA; and public witnesses.

OVERSIGHT—SBA'S ENTREPRENEURIAL DEVELOPMENT PROGRAMS

Committee on Small Business: Subcommittee on Workforce, Empowerment and Government Programs held an oversight hearing on the SBA's Entrepreneurial Development Programs. Testimony was heard from Cheryl Mills, Associate Deputy Administrator, Entrepreneurial Development, SBA; and public witnesses.

OVERSIGHT—CURBSIDE OPERATIONS

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit and Pipelines held an oversight hearing on Curbside Operations: Bus Safety and ADA Regulatory Compliance. Testimony was heard from Annette Sandberg, Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; and public witnesses.

OVERSIGHT—VA'S INFORMATION TECHNOLOGY BUDGET

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held an oversight hearing regarding the Department of Veterans Affairs' Fiscal Year 2007 information technology budget. Testimony was heard from Gordon Mansfield, Deputy Secretary, Department of Veterans Affairs.

SOCIAL SECURITY NUMBER HIGH-RISK ISSUES

Committee on Ways and Means: Subcommittee on Social Security continued hearings on Social Security Number High-Risk Issues. Testimony was heard from the following officials of the SSA: Patrick P. O'Carroll, Inspector General; and Martin H. Gerry, Deputy Commissioner, Disability and Income Security Programs; and Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security Issues, GAO.

BRIEFING—GLOBAL UPDATES/HOTSPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Updates/Hotspots. The Committee was briefed by departmental witnesses.

RESOLUTION OF INQUIRY

Permanent Select Committee on Intelligence: Met in executive session and ordered reported, without recommendation, H. Res. 641, Requesting the President to provide to the House of Representatives certain documents in his possession relating to electronic surveillance without search warrants on individuals in the United States.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 3, 2006

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Final Résumé of Congressional Activity

for the FIRST SESSION OF THE ONE HUNDRED NINTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 4, 2005 through December 22, 2005

	Senate	*House*	*Total*
Days in session	159	140	..
Time in session	1,222 hrs., 26′	1,067 hrs., 12′	..
Congressional Record:			
Pages of proceedings	14,425	13,189	..
Extensions of Remarks	..	2,651	..
Public bills enacted into law	50	119	169
Private bills enacted into law	..	..	..
Bills in conference	18	3	..
Measures passed, total	624	715	1,339
Senate bills	194	51	..
House bills	117	290	..
Senate joint resolutions	2	1	..
House joint resolutions	8	12	..
Senate concurrent resolutions	22	11	..
House concurrent resolutions	41	88	..
Simple resolutions	240	262	..
Measures reported, total*	287	334	621
Senate bills	227	5	..
House bills	37	186	..
Senate joint resolutions	2	..	..
House joint resolutions	..	3	..
Senate concurrent resolutions	1	..	..
House concurrent resolutions	..	6	..
Simple resolutions	20	134	..
Special reports	14	10	..
Conference reports	2	20	..
Measures pending on calendar	180	93	..
Measures introduced, total	2,618	5,703	8,321
Bills	2,169	4,653	..
Joint resolutions	27	75	..
Concurrent resolutions	75	330	..
Simple resolutions	347	645	..
Quorum calls	3	2	..
Yea-and-nay votes	366	362	..
Recorded votes	..	307	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

*These figures include all measures reported, even if there was no accompanying report. A total of 212 reports have been filed in the Senate, a total of 364 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 4, 2005 through December 22, 2005

Civilian nominations, totaling 511, disposed of as follows:	
Confirmed	325
Unconfirmed	148
Withdrawn	18
Returned to White House	20
Other Civilian nominations, totaling 2,740, disposed of as follows:	
Confirmed	1,960
Unconfirmed	780
Air Force nominations, totaling 9,860, disposed of as follows:	
Confirmed	9,723
Unconfirmed	100
Returned to White House	37
Army nominations, totaling 8,586, disposed of as follows:	
Confirmed	7,971
Unconfirmed	608
Returned to White House	7
Navy nominations, totaling 4,607, disposed of as follows:	
Confirmed	4,583
Unconfirmed	21
Returned to White House	3
Marine Corps nominations, totaling 1,382, disposed of as follows:	
Confirmed	1,380
Unconfirmed	2

Summary

Total nominations carried over from the previous Session	0
Total nominations received this Session	27,686
Total confirmed	25,942
Total unconfirmed	1,659
Total withdrawn	18
Total Returned to the White House	67

HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(109th Cong., 1st Sess.)

BILLS ENACTED INTO PUBLIC LAW (109TH, 1ST SESSION)

	Law No.
S. 5	109–2
S. 37	109–100
S. 45	109–56
S. 52	109–130
S. 55	109–93
S. 136	109–131
S. 156	109–94
S. 161	109–110
S. 167	109–9
S. 172	109–96
S. 205	109–152
S. 212	109–132
S. 252	109–69
S. 256	109–8
S. 264	109–70
S. 276	109–71
S. 279	109–133
S. 335	109–143
S. 384	109–5
S. 397	109–92
S. 467	109–144
S. 544	109–41
S. 571	109–50
S. 643	109–17
S. 652	109–153
S. 686	109–3
S. 714	109–21
S. 775	109–51
S. 904	109–52
S. 1047	109–145
S. 1234	109–111
S. 1238	109–154
S. 1281	109–155
S. 1282	109–34
S. 1285	109–101
S. 1310	109–156
S. 1340	109–75
S. 1368	109–76
S. 1395	109–57
S. 1413	109–89
S. 1481	109–157
S. 1713	109–112
S. 1752	109–83
S. 1786	109–87
S. 1858	109–88
S. 1886	109–134
S. 1892	109–158
S. 1894	109–113
S. 1988	109–159
S. 2167	109–160
H.R. 3	109–59
H.R. 6	109–58
H.R. 38	109–44
H.R. 120	109–22
H.R. 126	109–117
H.R. 241	109–1
H.R. 289	109–23
H.R. 324	109–24
H.R. 327	109–147
H.R. 358	109–146
H.R. 481	109–45
H.R. 483	109–16
H.R. 504	109–25
H.R. 539	109–118
H.R. 541	109–46
H.R. 584	109–125
H.R. 606	109–119
H.R. 627	109–26
H.R. 680	109–126
H.R. 787	109–10
H.R. 794	109–47
H.R. 797	109–136
H.R. 804	109–64
H.R. 972	109–164
H.R. 1001	109–36
H.R. 1046	109–48
H.R. 1072	109–27
H.R. 1082	109–28
H.R. 1101	109–127
H.R. 1132	109–60
H.R. 1134	109–7
H.R. 1160	109–4
H.R. 1236	109–29
H.R. 1268	109–13
H.R. 1270	109–6
H.R. 1409	109–95
H.R. 1460	109–30
H.R. 1524	109–31
H.R. 1542	109–32
H.R. 1760	109–15
H.R. 1812	109–18
H.R. 1815	109–163
H.R. 1972	109–120
H.R. 1973	109–121
H.R. 2017	109–165
H.R. 2062	109–122
H.R. 2132	109–78
H.R. 2183	109–123
H.R. 2326	109–33
H.R. 2360	109–90
H.R. 2361	109–54
H.R. 2385	109–79
H.R. 2419	109–103
H.R. 2490	109–107
H.R. 2520	109–129
H.R. 2528	109–114
H.R. 2566	109–14
H.R. 2744	109–97
H.R. 2862	109–108
H.R. 2863	109–148
H.R. 2967	109–98
H.R. 2985	109–55
H.R. 3010	109–149
H.R. 3021	109–19
H.R. 3045	109–53
H.R. 3057	109–102
H.R. 3058	109–115
H.R. 3071	109–38
H.R. 3104	109–20
H.R. 3169	109–66
H.R. 3179	109–166
H.R. 3200	109–80
H.R. 3332	109–35
H.R. 3339	109–109
H.R. 3377	109–37
H.R. 3402	109–162
H.R. 3423	109–43
H.R. 3453	109–40
H.R. 3512	109–42
H.R. 3645	109–61
H.R. 3649	109–74
H.R. 3650	109–63
H.R. 3667	109–84
H.R. 3668	109–67
H.R. 3669	109–65
H.R. 3672	109–68
H.R. 3673	109–62
H.R. 3761	109–72
H.R. 3765	109–99
H.R. 3767	109–85
H.R. 3768	109–73
H.R. 3784	109–81
H.R. 3853	109–124
H.R. 3863	109–86
H.R. 3864	109–82
H.R. 3963	109–137
H.R. 3971	109–91
H.R. 4133	109–106
H.R. 4145	109–116
H.R. 4195	109–138
H.R. 4324	109–139
H.R. 4326	109–104
H.R. 4340	109–169
H.R. 4436	109–140
H.R. 4440	109–135
H.R. 4501	109–167
H.R. 4508	109–141
H.R. 4525	109–150
H.R. 4579	109–151
H.R. 4635	109–161
H.R. 4637	109–168
H.J. Res. 19	109–11
H.J. Res. 20	109–12
H.J. Res. 38	109–142
H.J. Res. 52	109–39
H.J. Res. 59	109–49
H.J. Res. 68	109–77
H.J. Res. 72	109–105
H.J. Res. 75	109–128

BILLS VETOED

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Date of passage		Public Law	
			House	Senate	House	Senate	House 109–	Senate 109–	House	Senate	Date approved	No. 109–
To accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.	H.R. 241	Jan. 6, 2005	WM			.....	.....	.....	Jan. 6, 2005	Jan. 6, 2005	Jan. 7, 2005	1
To amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.	S. 5	Jan. 25, 2005		Jud	.....	Feb. 3, 2005	.....	0	Feb. 17, 2005	Feb. 10, 2005	Feb. 18, 2005	2
To provide for the relief of the parents of Theresa Marie Schiavo.	S. 686	Mar. 20, 2005			.....	.....	.....	.....	Mar. 21, 2005	Mar. 20, 2005	Mar. 21, 2005	3
To reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.	H.R. 1160	Mar. 8, 2005	WM EC			.....	.....	.....	Mar. 14, 2005	Mar. 15, 2005	Mar. 25, 2005	4
To extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.	S. 384	Feb. 15, 2005	GR			.....	.....	.....	Mar. 14, 2005	Feb. 16, 2005	Mar. 25, 2005	5
To amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.	H.R. 1270	Mar. 14, 2005	WM			.....	.....	.....	Mar. 16, 2005	Mar. 17, 2005	Mar. 31, 2005	6
To amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.	H.R. 1134	Mar. 7, 2005	WM	Fin			.....	.....	Mar. 14, 2005	April 13, 2005	April 15, 2005	7
To amend title 11 of the United States Code, and for other purposes.	S. 256	Feb. 1, 2005	Jud FS	Jud	April 8, 2005	Feb. 17, 2005	31	0	April 14, 2005	Mar. 10, 2005	April 20, 2005	8
To provide for the protection of intellectual property rights, and for other purposes.	S. 167	Jan. 25, 2005	Jud HA	Jud	April 12, 2005		33	.....	April 19, 2005	Feb. 1, 2005	April 27, 2005	9
To designate the United States courthouse located at 501 I Street in Sacramento, California, as the "Robert T. Matsui United States Courthouse".	H.R. 787 (S. 125)	Feb. 10, 2005	TI	EPW		Feb. 16, 2005	.....	0	April 13, 2005	April 14, 2005	April 29, 2005	10
Providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution.	H.J. Res. 19	Feb. 15, 2005	HA	RAdm			.....	.....	April 19, 2005	April 28, 2005	May 5, 2005	11
Providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.	H.J. Res. 20	Feb. 15, 2005	HA	RAdm			.....	.....	April 19, 2005	April 28, 2005	May 5, 2005	12
Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.	H.R. 1268	Mar. 11, 2005	App	App	Mar. 11, 2005	April 6, 2005	16	52	Mar. 16, 2005	April 21, 2005	May 11, 2005	13
To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.	H.R. 2566	May 24, 2005	TI WM Sci Res			.....	.....	.....	May 25, 2005	May 26, 2005	May 31, 2005	14

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Date of passage		Public Law	
			House	Senate	House	Senate	House 109–	Senate 109–	House	Senate	Date approved	No. 109–
To designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the "Robert M. La Follette, Sr. Post Office Building".	H.R. 1760	April 21, 2005	GR	HS&GA			.....	.....	May 16, 2005	May 26, 2005	June 17, 2005	15
To designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse".	H.R. 483	Feb. 1, 2005	TI	EPW		June 9, 2005	.....	0	April 13, 2005	June 15, 2005	June 29, 2005	16
To amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.	S. 643	Mar. 16, 2005		ANF	.....		.....	.....	June 13, 2005	April 21, 2005	June 29, 2005	17
To amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.	H.R. 1812	April 25, 2005	EC	HEL&P	June 7, 2005		104	.....	June 13, 2005	June 22, 2005	June 29, 2005	18
To reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.	H.R. 3021	June 22, 2005	WM			.....	.....	.....	June 29, 2005	June 30, 2005	July 1, 2005	19
To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.	H.R. 3104	June 29, 2005	TI WM Sci Res			.....	.....	.....	June 30, 2005	June 30, 2005	July 1, 2005	20
To amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.	S. 714	April 6, 2005		CST	.....	June 7, 2005	.....	76	June 28, 2005	June 24, 2005	July 9, 2005	21
To designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".	H.R. 120	Jan. 4, 2005	GR	HS&GA			.....	.....	Feb. 1, 2005	June 29, 2005	July 12, 2005	22
To designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building".	H.R. 289	Jan. 6, 2005	GR	HS&GA			.....	.....	Feb. 1, 2005	June 29, 2005	July 12, 2005	23
To designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building".	H.R. 324	Jan. 25, 2005	GR	HS&GA			.....	.....	Feb. 15, 2005	June 29, 2005	July 12, 2005	24
To designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building".	H.R. 504	Feb. 1, 2005	GR	HS&GA			.....	.....	April 20, 2005	June 29, 2005	July 12, 2005	25
To designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office".	H.R. 627	Feb. 8, 2005	GR	HS&GA			.....	.....	May 16, 2005	June 29, 2005	July 12, 2005	26

To designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the ''Judge Emilio Vargas Post Office Building''.	H.R. 1072	Mar. 3, 2005	GR	HS&GA			.....	.....	April 20, 2005	June 29, 2005	July 12, 2005	27
To designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the ''Francis C. Goodpaster Post Office Building''.	H.R. 1082	Mar. 3, 2005	GR	HS&GA			.....	.....	May 4, 2005	June 29, 2005	July 12, 2005	28
To designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the ''Mayor Tony Armstrong Memorial Post Office''.	H.R. 1236	Mar. 10, 2005	GR	HS&GA			.....	.....	April 26, 2005	June 29, 2005	July 12, 2005	29
To designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the ''Captain Mark Stubenhofer Post Office Building''.	H.R. 1460	April 5, 2005	GR	HS&GA			.....	.....	April 6, 2005	June 29, 2005	July 12, 2005	30
To designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the ''Ed Eilert Post Office Building''.	H.R. 1524	April 6, 2005	GR	HS&GA			.....	.....	April 26, 2005	June 29, 2005	July 12, 2005	31
To designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the ''Honorable Judge George N. Leighton Post Office Building''.	H.R. 1542	April 12, 2005	GR	HS&GA			.....	.....	May 4, 2005	June 29, 2005	July 12, 2005	32
To designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the ''Floyd Lupton Post Office''.	H.R. 2326	May 12, 2005	GR	HS&GA			.....	.....	June 13, 2005	June 29, 2005	July 12, 2005	33
To amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.	S. 1282	June 21, 2005	EC			.....	.....	.....	June 29, 2005	June 21, 2005	July 12, 2005	34
To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.	H.R. 3332	July 19, 2005	TI WM Sci Res			.....	.....	.....	July 19, 2005	July 19, 2005	July 20, 2005	35
To designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the ''Sergeant Byron W. Norwood Post Office Building''.	H.R. 1001	Mar. 1, 2005	GR	HS&GA			.....	.....	April 20, 2005	June 29, 2005	July 21, 2005	36
To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.	H.R. 3377	July 21, 2005	TI WM Res Sci			.....	.....	.....	July 21, 2005	July 21, 2005	July 22, 2005	37
To permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term.	H.R. 3071	June 27, 2005	HA			.....	.....	.....	June 30, 2005	July 13, 2005	July 27, 2005	38
Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.	H.J. Res. 52	May 26, 2005	WM			.....	.....	.....	June 21, 2005	July 19, 2005	July 27, 2005	39

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To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.	H.R. 3453	July 27, 2005	TI WM Res Sci			.....	.....	.....	July 27, 2005	July 27, 2005	July 28, 2005	40
To amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.	S. 544	Mar. 8, 2005	EC	HEL&P			.....	.....	July 27, 2005	July 21, 2005	July 29, 2005	41
To provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.	H.R. 3512	July 28, 2005	TI WM Res Sci			.....	.....	.....	July 29, 2005	July 29, 2005	July 30, 2005	42
To amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.	H.R. 3423	July 25, 2005	EC			.....	.....	.....	July 26, 2005	July 27, 2005	Aug. 1, 2005	43
To designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.	H.R. 38	Jan. 4, 2005	Res	ENR	June 14, 2005		125	.....	June 27, 2005	July 26, 2005	Aug. 2, 2005	44
To further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.	H.R. 481	Feb. 1, 2005	Res	ENR	June 8, 2005		107	.....	June 27, 2005	July 26, 2005	Aug. 2, 2005	45
To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.	H.R. 541	Feb. 2, 2005	Res	ENR			.....	.....	April 12, 2005	July 26, 2005	Aug. 2, 2005	46
To correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes.	H.R. 794	Feb. 14, 2005	Res	IA			.....	.....	April 12, 2005	July 26, 2005	Aug. 2, 2005	47
To authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming.	H.R. 1046	Mar. 2, 2005	Res			.....	.....	.....	May 16, 2005	July 26, 2005	Aug. 2, 2005	48
Expressing the sense of Congress with respect to the women suffragists who fought and won the right of women to vote in the United States.	H.J. Res. 59	July 14, 2005	GR			.....	.....	.....	July 25, 2005	July 28, 2005	Aug. 2, 2005	49
To designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building".	S. 571	Mar. 9, 2005	GR	HS&GA			.....	.....	July 25, 2005	June 29, 2005	Aug. 2, 2005	50
To designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the "Boone Pickens Post Office".	S. 775	April 13, 2005	GR	HS&GA			.....	.....	July 25, 2005	June 29, 2005	Aug. 2, 2005	51
To designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building".	S. 904	April 26, 2005	GR	HS&GA			.....	.....	July 26, 2005	June 29, 2005	Aug. 2, 2005	52

To implement the Dominican Republic-Central America-United States Free Trade Agreement.	H.R.	3045	June 23, 2005	WM		July 25, 2005	.....	182	.....	July 28, 2005	July 28, 2005	Aug. 2, 2005	53
Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.	H.R.	2361	May 13, 2005	App	App	May 13, 2005	June 10, 2005	80	80	May 19, 2005	June 29, 2005	Aug. 2, 2005	54
Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.	H.R.	2985	June 20, 2005	App	App	June 20, 2005	June 24, 2005	139	89	June 22, 2005	June 30, 2005	Aug. 2, 2005	55
To amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.	S.	45	Jan. 24, 2005		HEL&P Jud	.....		.....	.....	July 27, 2005	July 19, 2005	Aug. 2, 2005	56
To amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.	S.	1395	July 13, 2005			.....	.....	.....	.....	July 27, 2005	July 13, 2005	Aug. 2, 2005	57
To ensure jobs for our future with secure, affordable, and reliable energy.	H.R.	6	April 18, 2005	EC EWf FS Agr Res Sci WM TI			.....	.....	.....	April 21, 2005	June 28, 2005	Aug. 8, 2005	58
To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.	H.R.	3	Feb. 9, 2005	TI		Mar. 7, 2005	.....	12	.....	Mar. 10, 2005	May 17, 2005	Aug. 10, 2005	59
To provide for the establishment of a controlled substance monitoring program in each State.	H.R.	1132	Mar. 3, 2005	EC		July 27, 2005	.....	191	.....	July 27, 2005	July 29, 2005	Aug. 11, 2005	60
Making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.	H.R.	3645	Sept. 2, 2005	App Bud			.....	.....	.....	Sept. 2, 2005	Sept. 2, 2005	Sept. 2, 2005	61
Making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.	H.R.	3673	Sept. 7, 2005	App Bud			.....	.....	.....	Sept. 8, 2005	Sept. 8, 2005	Sept. 8, 2005	62
To allow United States courts to conduct business during emergency conditions, and for other purposes.	H.R.	3650	Sept. 6, 2005	Jud			.....	.....	.....	Sept. 7, 2005	Sept. 8, 2005	Sept. 9, 2005	63
To exclude from consideration as income certain payments under the national flood insurance program.	H.R.	804	Feb. 15, 2005	FS	BHUA	April 14, 2005	July 29, 2005	44	.....	July 12, 2005	Sept. 8, 2005	Sept. 20, 2005	64
To temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.	H.R.	3669	Sept. 7, 2005	FS			.....	.....	.....	Sept. 8, 2005	Sept. 12, 2005	Sept. 20, 2005	65
To provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.	H.R.	3169	June 30, 2005	EWf			.....	.....	.....	Sept. 7, 2005	Sept. 15, 2005	Sept. 21, 2005	66

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			House	Senate	House	Senate	House 109–	Senate 109–	House	Senate	Date approved	No. 109–
To provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.	H.R. 3668	Sept. 7, 2005	EWf			.....	.....	.....	Sept. 8, 2005	Sept. 15, 2005	Sept. 21, 2005	67
To provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.	H.R. 3672	Sept. 7, 2005	WM Bud			.....	.....	.....	Sept. 8, 2005	Sept. 15, 2005	Sept. 21, 2005	68
To direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.	S. 252	Feb. 1, 2005	Res	ENR		Mar. 14, 2005	.....	38	Sept. 13, 2005	July 26, 2005	Sept. 21, 2005	69
To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.	S. 264	Feb. 2, 2005	Res	ENR		Mar. 10, 2005	.....	33	Sept. 13, 2005	July 26, 2005	Sept. 21, 2005	70
To revise the boundary of the Wind Cave National Park in the State of South Dakota.	S. 276	Feb. 3, 2005	Res	ENR		Mar. 8, 2005	.....	21	Sept. 13, 2005	July 26, 2005	Sept. 21, 2005	71
To provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.	H.R. 3761	Sept. 14, 2005	EWf			.....	.....	.....	Sept. 20, 2005	Sept. 21, 2005	Sept. 23, 2005	72
To provide emergency tax relief for persons affected by Hurricane Katrina.	H.R. 3768	Sept. 14, 2005	WM Bud			.....	.....	.....	Sept. 15, 2005	Sept. 15, 2005	Sept. 23, 2005	73
To ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.	H.R. 3649	Sept. 6, 2005	TI WM Res			.....	.....	.....	Sept. 13, 2005	Sept. 15, 2005	Sept. 29, 2005	74
To amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.	S. 1340	June 30, 2005		EPW	.....	Aug. 31, 2005	.....	125	Sept. 20, 2005	Sept. 9, 2005	Sept. 29, 2005	75
To extend the existence of the Parole Commission, and for other purposes.	S. 1368	July 1, 2005			.....	.....	.....	.....	Sept. 21, 2005	July 1, 2005	Sept. 29, 2005	76
Making continuing appropriations for the fiscal year 2006, and for other purposes.	H.J. Res. 68	Sept. 27, 2005	App Bud			.....	.....	.....	Sept. 29, 2005	Sept. 30, 2005	Sept. 30, 2005	77
To extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.	H.R. 2132	May 5, 2005	EWf	HEL&P			.....	.....	Sept. 20, 2005	Sept. 27, 2005	Sept. 30, 2005	78
To extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.	H.R. 2385	May 17, 2005	GR	CST HS&GA	July 12, 2005		164	.....	July 13, 2005	Sept. 26, 2005	Sept. 30, 2005	79
To amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.	H.R. 3200	July 11, 2005	VA	VA	July 20, 2005		177	.....	July 26, 2005	Sept. 27, 2005	Sept. 30, 2005	80
To temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.	H.R. 3784	Sept. 15, 2005	EWf	HEL&P			.....	.....	Sept. 20, 2005	Sept. 26, 2005	Sept. 30, 2005	81
A bill to assist individuals with disabilities affected by Hurricane Katrina or Hurricane Rita through vocational rehabilitation services.	H.R. 3864	Sept. 22, 2005	EWf			.....	.....	.....	Sept. 28, 2005	Sept. 28, 2005	Sept. 30, 2005	82
To amend the United States Grain Standards Act to reauthorize that Act.	S. 1752	Sept. 22, 2005			.....	.....	.....	.....	Sept. 28, 2005	Sept. 22, 2005	Sept. 30, 2005	83

To designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the ''Karl Malden Station''.	H.R.	3667	Sept. 7, 2005	GR	HS&GA			.....	.....	Sept. 21, 2005	Sept. 27, 2005	Oct. 4, 2005	84
To designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the ''Jacob L. Frazier Post Office Building''.	H.R.	3767	Sept. 14, 2005	GR			.....	.....	.....	Sept. 21, 2005	Sept. 27, 2005	Oct. 4, 2005	85
To provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster.	H.R.	3863	Sept. 22, 2005	EWf Bud			.....	.....	.....	Sept. 27, 2005	Sept. 30, 2005	Oct. 7, 2005	86
To authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.	S.	1786	Sept. 28, 2005	TI			.....	.....	.....	Oct. 6, 2005	Sept. 28, 2005	Oct. 7, 2005	87
To provide for community disaster loans	S.	1858	Oct. 7, 2005			.....	.....	.....	.....	Oct. 7, 2005	Oct. 7, 2005	Oct. 7, 2005	88
To redesignate the Crowne Plaza in Kingston, Jamaica, as the Colin L. Powell Residential Plaza.	S.	1413	July 15, 2005	TI			.....	.....	.....	Oct. 6, 2005	July 15, 2005	Oct. 13, 2005	89
Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.	H.R.	2360	May 13, 2005	App	App	May 13, 2005	June 16, 2005	79	83	May 17, 2005	July 14, 2005	Oct. 18, 2005	90
To provide assistance to individuals and States affected by Hurricane Katrina.	H.R.	3971	Oct. 6, 2005	WM EC			.....	.....	.....	Oct. 6, 2005	Oct. 7, 2005	Oct. 20, 2005	91
To prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.	S.	397	Feb. 16, 2005			.....	.....	.....	.....	Oct. 20, 2005	July 29, 2005	Oct. 26, 2005	92
To adjust the boundary of Rocky Mountain National Park in the State of Colorado.	S.	55	Jan. 24, 2005		ENR	.....	Mar. 8, 2005	.....	19	Oct. 18, 2005	July 26, 2005	Oct. 26, 2005	93
To designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.	S.	156	Jan. 25, 2005		ENR	.....	Feb. 28, 2005	.....	13	Oct. 18, 2005	July 26, 2005	Oct. 26, 2005	94
To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.	H.R.	1409	Mar. 17, 2005	IR			.....	.....	.....	Oct. 18, 2005	Oct. 24, 2005	Nov. 8, 2005	95
To amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.	S.	172	Jan. 26, 2005	EC	HEL&P		July 27, 2005	.....	110	Oct. 26, 2005	July 29, 2005	Nov. 9, 2005	96
Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.	H.R.	2744	June 3, 2005	App	App	June 2, 2005	June 27, 2005	102	92	June 8, 2005	Sept. 22, 2005	Nov. 10, 2005	97
To designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the ''Rosa Parks Federal Building''.	H.R.	2967	June 17, 2005	TI			.....	.....	.....	Oct. 26, 2005	Nov. 1, 2005	Nov. 11, 2005	98
To extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.	H.R.	3765	Sept. 14, 2005	TI	EPW			.....	.....	Sept. 20, 2005	Oct. 7, 2005	Nov. 11, 2005	99

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To extend the special postage stamp for breast cancer research for 2 years.	S. 37	Jan. 24, 2005	GR EC AS-H	HS&GA		Sept. 26, 2005	.....	140	Oct. 27, 2005	Sept. 27, 2005	Nov. 11, 2005	100
To designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".	S. 1285	June 22, 2005		EPW	.....	Oct. 26, 2005	.....	0	Nov. 2, 2005	Oct. 26, 2005	Nov. 11, 2005	101
Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.	H.R. 3057	June 24, 2005	App	App	June 24, 2005	June 30, 2005	152	96	June 28, 2005	July 20, 2005	Nov. 14, 2005	102
Making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.	H.R. 2419	May 18, 2005	App	App	May 18, 2005	June 16, 2005	86	84	May 24, 2005	July 1, 2005	Nov. 19, 2005	103
To authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).	H.R. 4326	Nov. 15, 2005	AS-H			.....	.....	.....	Nov. 16, 2005	Nov. 18, 2005	Nov. 19, 2005	104
Making further continuing appropriations for the fiscal year 2006, and for other purposes.	H.J. Res. 72	Nov. 16, 2005	App			.....	.....	.....	Nov. 17, 2005	Nov. 18, 2005	Nov. 19, 2005	105
To temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.	H.R. 4133	Oct. 25, 2005	FS		Nov. 7, 2005	.....	274	.....	Nov. 16, 2005	Nov. 18, 2005	Nov. 21, 2005	106
To designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".	H.R. 2490	May 19, 2005	GR	HS&GA			.....	.....	June 27, 2005	Nov. 8, 2005	Nov. 22, 2005	107
Making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.	H.R. 2862	June 10, 2005	App	App	June 10, 2005	June 23, 2005	118	88	June 16, 2005	Sept. 15, 2005	Nov. 22, 2005	108
To designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the "James T. Molloy Post Office Building".	H.R. 3339	July 19, 2005	GR	HS&GA			.....	.....	July 26, 2005	Nov. 8, 2005	Nov. 22, 2005	109
To provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership.	S. 161	Jan. 25, 2005		ENR	.....	Mar. 16, 2005	.....	40	Nov. 15, 2005	July 26, 2005	Nov. 22, 2005	110
To increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.	S. 1234	June 14, 2005		VA	.....	Sept. 21, 2005	.....	138	Nov. 16, 2005	Nov. 16, 2005	Nov. 22, 2005	111
An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments, and for other purposes.	S. 1713	Sept. 15, 2005		FR	.....		.....	.....	Oct. 26, 2005	Sept. 21, 2005	Nov. 22, 2005	112
To amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.	S. 1894	Oct. 19, 2005	WM			.....	.....	.....	Nov. 9, 2005	Oct. 19, 2005	Nov. 22, 2005	113

Making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.	H.R.	2528	May 23, 2005	App	App	May 23, 2005	July 21, 2005	95	105	May 26, 2005	Sept. 22, 2005	Nov. 30, 2005	114
Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.	H.R.	3058	June 24, 2005	App	App	June 24, 2005	July 26, 2005	153	109	June 30, 2005	Oct. 20, 2005	Nov. 30, 2005	115
To direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.	H.R.	4145	Oct. 26, 2005	HA			.....	.....	.....	Nov. 18, 2005	Nov. 18, 2005	Dec. 1, 2005	116
To amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.	H.R.	126	Jan. 4, 2005	Res	ENR		Oct. 19, 2005	.....	154	Mar. 14, 2005	Nov. 16, 2005	Dec. 1, 2005	117
To designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.	H.R.	539	Feb. 2, 2005	Res	ENR	June 14, 2005	Oct. 19, 2005	126	155	Sept. 13, 2005	Nov. 16, 2005	Dec. 1, 2005	118
To authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.	H.R.	606	Feb. 2, 2005	Res	ENR		Oct. 19, 2005	.....	157	May 23, 2005	Nov. 16, 2005	Dec. 1, 2005	119
To direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.	H.R.	1972	April 28, 2005	Res		Nov. 10, 2005	.....	289	.....	Nov. 15, 2005	Nov. 16, 2005	Dec. 1, 2005	120
To make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.	H.R.	1973	April 28, 2005	IR		Oct. 28, 2005	.....	260	.....	Nov. 7, 2005	Nov. 16, 2005	Dec. 1, 2005	121
To designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the ''Randall D. Shughart Post Office Building''.	H.R.	2062	May 3, 2005	GR	HS&GA			.....	.....	Sept. 27, 2005	Nov. 18, 2005	Dec. 1, 2005	122
To designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the ''Vincent Palladino Post Office''.	H.R.	2183	May 5, 2005	GR	HS&GA			.....	.....	July 13, 2005	Nov. 18, 2005	Dec. 1, 2005	123
To designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.	H.R.	3853	Sept. 21, 2005	GR	HS&GA			.....	.....	Oct. 18, 2005	Nov. 18, 2005	Dec. 1, 2005	124
To authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.	H.R.	584	Feb. 2, 2005	Res	ENR		Oct. 19, 2005	.....	156	Mar. 14, 2005	Nov. 16, 2005	Dec. 7, 2005	125
To direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.	H.R.	680	Feb. 9, 2005	Res			Nov. 7, 2005	.....	175	Mar. 14, 2005	Nov. 18, 2005	Dec. 7, 2005	126
To revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.	H.R.	1101	Mar. 3, 2005	Res	ENR		Oct. 27, 2005	.....	172	May 23, 2005	Nov. 16, 2005	Dec. 7, 2005	127
Making further continuing appropriations for the fiscal year 2006, and for other purposes.	H.J. Res.	75	Dec. 17, 2005	App			.....	.....	.....	Dec. 17, 2005	Dec. 17, 2005	Dec. 18, 2005	128

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			House	Senate	House	Senate	House 109–	Senate 109–	House	Senate	Date approved	No. 109–
To provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.	H.R. 2520	May 23, 2005	EC			.....	.....	.....	May 24, 2005	Dec. 16, 2005	Dec. 20, 2005	129
To direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.	S. 52	Jan. 24, 2005	Res	ENR		Mar. 30, 2005	.....	43	Dec. 6, 2005	July 26, 2005	Dec. 20, 2005	130
To authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park..	S. 136	Jan. 24, 2005	Res EWf	ENR		April 28, 2005	.....	63	Dec. 6, 2005	July 26, 2005	Dec. 20, 2005	131
To amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.	S. 212	Jan. 31, 2005	Res	ENR		Feb. 23, 2005	.....	10	Dec. 6, 2005	July 26, 2005	Dec. 20, 2005	132
To amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.	S. 279	Feb. 3, 2005	Res	IA			.....	.....	Dec. 6, 2005	July 26, 2005	Dec. 20, 2005	133
To authorize the transfer of naval vessels to certain foreign recipients.	S. 1886	Oct. 18, 2005	IR			.....	.....	.....	Dec. 6, 2005	Oct. 18, 2005	Dec. 20, 2005	134
To amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.	H.R. 4440	Dec. 6, 2005	WM			.....	.....	.....	Dec. 7, 2005	Dec. 16, 2005	Dec. 22, 2005	135
To amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.	H.R. 797	Feb. 14, 2005	FS	IA		Oct. 27, 2005	.....	160	April 6, 2005	Nov. 8, 2005	Dec. 22, 2005	136
To amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.	H.R. 3963	Sept. 29, 2005	TI		Nov. 14, 2005	.....	293	.....	Dec. 7, 2005	Dec. 16, 2005	Dec. 22, 2005	137
To authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.	H.R. 4195	Nov. 1, 2005	Res	ENR	Dec. 6, 2005		323	.....	Dec. 6, 2005	Dec. 16, 2005	Dec. 22, 2005	138
To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.	H.R. 4324	Nov. 15, 2005	TI	HS&GA			.....	.....	Nov. 18, 2005	Dec. 15, 2005	Dec. 22, 2005	139
To provide certain authorities for the Department of State, and for other purposes.	H.R. 4436	Dec. 6, 2005	IR GR			.....	.....	.....	Dec. 14, 2005	Dec. 15, 2005	Dec. 22, 2005	140
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.	H.R. 4508	Dec. 13, 2005	TI			.....	.....	.....	Dec. 14, 2005	Dec. 16, 2005	Dec. 22, 2005	141

Recognizing Commodore John Barry as the first flag officer of the United States Navy.	H.J. Res. 38	Mar. 17, 2005	AS-H			.....	.....	.....	Dec. 14, 2005	Dec. 16, 2005	Dec. 22, 2005	142
To reauthorize the Congressional Award Act	S. 335	Feb. 9, 2005	EWf	HS&GA		June 23, 2005	.....	87	Dec. 14, 2005	July 14, 2005	Dec. 22, 2005	143
To extend the applicability of the Terrorism Risk Insurance Act of 2002.	S. 467	Feb. 18, 2005		BHUA	.....	Nov. 16, 2005	.....	0	Dec. 7, 2005	Nov. 18, 2005	Dec. 22, 2005	144
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.	S. 1047	May 17,		BHUA	.....	July 29, 2005	.....	0	Dec. 13, 2005	Nov. 18, 2005	Dec. 22, 2005	145
To require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.	H.R. 358	Jan. 25, 2005	FS WM	BHUA	June 15, 2005		134	.....	June 27, 2005	Nov. 18, 2005	Dec. 22, 2005	146
To allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.	H.R. 327	Jan. 25, 2005	Res			.....	.....	.....	Dec. 7, 2005	Dec. 14, 2005	Dec. 22, 2005	147
Making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.	H.R. 2863	June 10, 2005	App	App	June 10, 2005	Sept. 28, 2005	119	141	June 20, 2005	Oct. 7, 2005	Dec. 30, 2005	148
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.	H.R. 3010	June 21, 2005	App	App	June 21, 2005	July 14, 2005	143	103	June 24, 2005	Oct. 27, 2005	Dec. 30, 2005	149
To temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.	H.R. 4525	Dec. 14, 2005	EWf			.....	.....	.....	Dec. 17, 2005	Dec. 22, 2005	Dec. 30, 2005	150
To amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits.	H.R. 4579	Dec. 16, 2005	EWf EC WM			.....	.....	.....	Dec. 17, 2005	Dec. 22, 2005	Dec. 30, 2005	151
To authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.	S. 205	Jan. 31, 2005	Res	ENR		Mar. 9, 2005	.....	24	Dec. 19, 2005	July 26, 2005	Dec. 30, 2005	152
To provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.	S. 652	Mar. 17, 2005	Res	ENR		Oct. 19, 2005	.....	147	Dec. 19, 2005	Nov. 16, 2005	Dec. 30, 2005	153
To amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.	S. 1238	June 14, 2005		ENR	.....	Oct. 19, 2005	.....	152	Dec. 19, 2005	Nov. 16, 2005	Dec. 30, 2005	154
To authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.	S. 1281	June 21, 2005		CST	.....	July 26, 2005	.....	108	Nov. 18, 2005	Sept. 28, 2005	Dec. 30, 2005	155
To authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area.	S. 1310	June 24, 2005		ENR	.....	Dec. 8, 2005	.....	194	Dec. 19, 2005	Dec. 16, 2005	Dec. 30, 2005	156
To amend the Indian Land Consolidation Act to provide for probate reform.	S. 1481	July 26, 2005	Res			.....	.....	.....	Dec. 19, 2005	July 26, 2005	Dec. 30, 2005	157

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			House	Senate	House	Senate	House 109–	Senate 109–	House	Senate	Date approved	No. 109–
To amend Public Law 107-153 to modify a certain date.	S. 1892	Oct. 19, 2005			.....	Dec. 8, 2005	.....	201	Dec. 19, 2005	Dec. 16, 2005	Dec. 30, 2005	158
To authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.	S. 1988	Nov. 9, 2005	IR AS-H			.....	.....	.....	Dec. 18, 2005	Nov. 9, 2005	Dec. 30, 2005	159
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 July 1, 2006.	S. 2167	Dec. 21, 2005			.....	.....	.....	.....	Dec. 22, 2005	Dec. 21, 2005	Dec. 30, 2005	160
To reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2006, and for other purposes.	H.R. 4635	Dec. 18, 2005	WM			.....	.....	.....	Dec. 19, 2005	Dec. 22, 2005	Dec. 30, 2005	161
To authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.	H.R. 3402	July 22, 2005	Jud	Jud	Sept. 22, 2005		233	.....	Sept. 28, 2005	Dec. 16, 2005	Jan. 5, 2006	162
To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.	H.R. 1815 (S. 1042)	April 26, 2005	AS-H	AS-S	May 20, 2005	May 17, 2005	89	69	May 25, 2005	Nov. 15, 2005	Jan. 6, 2006	163
To authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes.	H.R. 972	Feb. 17, 2005	IR AS-H Jud EC		Nov. 18, 2005 Dec. 8, 2005	.....	317	.....	Dec. 14, 2005	Dec. 22, 2005	Jan. 10, 2006	164
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.	H.R. 2017	April 28, 2005	IR EC			.....	.....	.....	Dec. 6, 2005	Dec. 22, 2005	Jan. 10, 2006	165
To reauthorize and amend the Junior Duck Stamp Conservation and Design Program Act of 1994.	H.R. 3179	June 30, 2005	Res			.....	.....	.....	Dec. 19, 2005	Dec. 22, 2005	Jan. 10, 2006	166
To amend the Passport Act of June 4, 1920, to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.	H.R. 4501	Dec. 13, 2005	IR			.....	.....	.....	Dec. 18, 2005	Dec. 22, 2005	Jan. 10, 2006	167
To make certain technical corrections in amendments made by the Energy Policy Act of 2005.	H.R. 4637	Dec. 18, 2005	EC			.....	.....	.....	Dec. 19, 2005	Dec. 22, 2005	Jan. 10, 2006	168
To implement the United States-Bahrain Free Trade Agreement.	H.R. 4340	Nov. 16, 2005	WM		Dec. 6, 2005	.....	318	.....	Dec. 7, 2005	Dec. 13, 2005	Jan. 11, 2006	169

TABLE OF COMMITTEE ABBREVIATIONS

Agr .....Agriculture
ANF .....Agriculture, Nutrition, and Forestry
App .....Appropriations
AS-H .....Armed Services (House)
AS-S .....Armed Services (Senate)
BHUA ....Banking, Housing, and Urban Affairs
Bud .....Budget
CST .....Commerce, Science, and Transportation
EC .....Energy and Commerce
ENR .....Energy and Natural Resources
EPW .....Environment and Public Works

EWf .....Education and the Workforce
Fin .....Finance
FS .....Financial Services
FR .....Foreign Relations
HS .....Homeland Security
HS&GA ..Homeland Security and Governmental Affairs
GR .....Government Reform
HEL&P ..Health, Education, Labor and Pensions
HA .....House Administration
IA .....Indian Affairs
IR .....International Relations
Jud .....Judiciary
R .....Rules
RAdm ....Rules and Administration
Res .....Resources
Sci .....Science
SB .....Small Business
TI .....Transportation and Infrastructure
VA .....Veterans' Affairs
WM .....Ways and Means

NOTE. –The bill in parentheses is a companion measure.

Next Meeting of the SENATE

9:45 a.m., Friday, March 3

Senate Chamber

Program for Friday: Senate will continue consideration of S. 2320, LIHEAP Funding bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 p.m., Monday, March 6

House Chamber

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