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House of Representatives

The House met at 10 a.m.

The Reverend Ricky Atkins, Pastor, Courtney Baptist Church, Yadkinville, North Carolina, offered the following prayer:

Dear God, today as this session opens, we pray that Your presence will be before us and everyone who serves in the decision-making process of our Nation. We pray for direction which will lead our Nation to be a strong and unified Nation and continue the legacies of our forefathers. May we be granted this day decisions which will be pleasing to You and decisions which will change the course of history.

We pray for all our military personnel. We lift them before You today and ask for their protection as they perform their duties. May grace abound with them as they, in harm's way, defend our country. We pray for those who are in need across our Nation, people who are without the basic needs to survive. May they receive relief by Your hand, which will be beneficial to them. Guide us this day. 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. CARDOZA) come forward and lead the House in the Pledge of Allegiance.

Mr. CARDOZA 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 THE REVEREND RICKY ATKINS

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

Ms. FOXX. Mr. Speaker, it is my honor and privilege to introduce our guest chaplain, Reverend Richard ''Ricky'' Atkins, the head pastor of Courtney Baptist Church in Yadkinville, North Carolina, in the Fifth District.

Reverend Atkins is a vital part of the religious community in northwest North Carolina's rural mountain region. Prior to leading 350 members at Courtney Baptist Church, he served at Zephyr Baptist Church in Dobson, North Carolina, from 1995 to 2000, and at Oak Grove Baptist Church in Madison, North Carolina, from 2000 to 2005. He graduated from Fruitland Bible Institute in 2000 with an associate's degree in biblical ministries.

Reverend Atkins was born and raised in Mt. Airy, North Carolina. He is the son of Tommy and Rebecca Atkins, whose support was instrumental in helping him get to Washington today. Reverend Atkins and his wife, Debbie, currently reside in Yadkinville with their two children Alison and Lee.

Reverend Atkins' life has been one of service to God and his community. Throughout the years he has brightened and enriched the lives of many others. It is an honor to have him serve as our guest chaplain. I hope that his words of prayer will remain with all of us as we do the people's work today.

ON THE CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT, H.R. 4472

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

Mr. KELLER. Madam Speaker, I rise today in strong support of the Children's Safety and Violent Crime Reduction Act, because it is a commonsense way to protect our schoolchildren from pedophiles. Isn't it a matter of common sense to allow a local school district in Orlando, Florida, to do criminal background checks on coaches, janitors and teachers who work with our children to make sure they are not convicted pedophiles from Georgia or some other State?

Isn't it common sense to protect young schoolchildren in the first place by keeping these pedophiles locked up with lengthy prison sentences?

Isn't it common sense that coddling repeated sex offenders with self-esteem courses and rehabilitation doesn't work, and that locking them up works?

It is high time that we crack down on molesters by implementing these commonsense reforms. I urge my colleagues to vote ''yes'' on H.R. 4472 today.

PORT SECURITY AND REPUBLICAN FAILURES TO SECURE OUR NATION

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

Mr. CARDOZA. Madam Speaker, when the Bush administration learned that the American people wanted to allow the United Arab Emirates to operate U.S. ports, they were outraged. That outrage should be extended to this administration's pathetic record on securing our ports and our coastlines.

Since September 11th, according to the U.S. Coast Guard, the Republican Congress has shortchanged America's seaports by more than $4 billion in security improvements. It is because of this serious lack of funding that only 6 percent of the cargo coming into our ports is ever checked. Port security is so bad that in December, the 9/11 Commission gave this administration a

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grade of D for checked baggage and cargo screening.

House Democrats have tried to increase port security funding on this House floor four times over the last 4 years, and House Republicans have defeated our efforts every single time.

They are not through. Once again this year President Bush is proposing eliminating port security grants by rolling them into the larger program. This forces port officials to compete for funding against rail and mass transit programs. It's time that Republicans wake up and see the serious threat that is existing at our port facilities in America.

YALE: U.S. MILITARY NEED NOT APPLY

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

Mr. POE. Madam Speaker, the Forum for Academic and Institutional Rights, a group of mostly elitist east coast universities and law schools, moaned and groaned all the way to the Supreme Court, claiming they should not be forced to allow United States military recruiters on their campuses in order to keep their Federal funding. Monday the Supreme Court unanimously ruled against their ridiculous rant.

In a time when our Americans in uniform are fighting a global war on terror, these arrogant elitist intellectuals are making a mockery of national defense by not allowing recruiters in their historic halls. These schools willingly take billions in Federal dollars, but reject the military that protects them.

At Yale University, officials are actually willing to accept a foreign student that served as spokesman and former diplomat for the Taliban. It is a shameful and sad day when Americans willing to risk their lives for their country are kept off their campus, but an alleged former terrorist operative is welcomed with open arms. At least the Supreme Court got it right this time. Unfortunately, Yale University did not.

That's just the way it is.

URGING CONGRESSIONAL OVERSIGHT OF IRAQ

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

Mr. EMANUEL. Madam Speaker, since last month's bombing of the holiest Shiite shrine, the sectarian violence we all feared has begun to engulf Iraq. But while Iraq is on the brink of civil war, all the administration gives us are mixed messages and finger-pointing.

The U.S. Ambassador to Iraq says the country is nearing civil war and that we have opened a Pandora's box by toppling Saddam Hussein. Yet General Peter Pace, Chairman of the Joint Chiefs of Staff, has a totally different view. Over the weekend he said, ''I wouldn't put a great big smiley face on it, but I would say that things are going very, very well from everything you look at.''

Meanwhile, Secretary Rumsfeld puts the blame squarely on the press: ''From what I've seen thus far, much of the reporting in the U.S. and abroad has exaggerated the situation.''

Which is it? A Pandora's box? The brink of war? Or an exaggerated news story only to sell papers and boost ratings? Yet instead of demanding answers from the administration, this Congress has turned a blind eye.

It is time for this hear-no-evil, see-no-evil Congress to open its eyes and ears. Americans want more than mixed metaphors and finger pointing. They want a policy. They deserve real answers, and it is our job to find them. We need new priorities for America rather than the same old policies that have gotten us here.

THE ECONOMY AND FISCAL RESTRAINT

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

Mrs. BLACKBURN. Madam Speaker, we are going to keep coming down here telling the story of America's economic progress, and it is a great story. This majority is working for America, and one of those ways is we have tremendously low unemployment. This economy has created millions of new jobs, and we are expecting growth this first quarter of somewhere higher than 4 percent. Those numbers are coming out Friday. We are looking forward to it. It is remarkable. It is almost as remarkable how little attention the mainstream media has given to this data, to this great economic news.

Madam Speaker, I look forward to supporting legislation to make permanent the Bush tax relief package that has helped drive this growth. And I hope our colleagues across the aisle will start to get the message: higher taxes do not lead to more jobs.

ENERGY EFFICIENT HOMES

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

Ms. BEAN. Madam Speaker, today I rise to speak about the Energy Star Homes Act. Across my district my constituents have told me about the challenges they face in paying for the rising cost of heating their homes. In response to those concerns, I have introduced this legislation to provide an incentive to help Americans deal with this increasing burden.

Under the Environmental Protection Agency's Energy Star Program, homes are independently verified to be measurably more energy efficient than average houses. Americans who meet the guidelines of this program should have access to a tax credit to make the process of building an energy-efficient home more affordable.

My legislation will help to encourage Americans to save money and to save energy. By lowering demand for fossil fuels, we can also decrease pollution and our dependency on foreign sources of energy. I encourage my colleagues in the House to cosponsor this important legislation.

SEX TRAFFICKING AND THE OSCARS

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

Mr. PITTS. Madam Speaker, the front page of Monday's Washington Post carried a heart-wrenching story about sex trafficking in the Washington, D.C., area. The story detailed unspeakable tragedies, including the story of a 14-year-old girl forced into sexual servitude in order to meet her pimp's demand of earning him $500 a night at $50 per sex act.

Oddly enough, that wasn't the only front-page story Monday that mentioned pimps. Right above that story, The Post also reported that the song ''It's Hard Out Here for a Pimp'' was honored with an Oscar this year for being the best original song in a movie.

Should we really be shocked to read of the sexual horrors taking place on our streets when our most popular cultural awards show is handing out awards for songs that glorify prostitution and sexual violence?

This is outrageous and disgusting. Music that glorifies the men responsible for such atrocities, like exploitation of women and children, should be condemned, not celebrated with an Oscar.

PORT SECURITY: REPUBLICANS ARE NOT INTERESTED IN SECURING PORTS

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

Mrs. JONES of Ohio. Madam Speaker, I rise simply to complain again as others have about port security in the United States of America. We cannot afford to outsource our homeland security, and that is exactly what the Bush administration wants to do with the United Arab Emirates.

On Monday, March 20, from 7 p.m. to 9 p.m. in Cleveland, Ohio, at Idea Stream, 1375 Euclid Avenue, I will be hosting a town hall meeting on port security in my congressional district. Everyone is invited, and we have free parking.

The UAE deal has highlighted to the American people how vulnerable our ports remain more than 4 years after 9/11. They simply can't believe that only 6 percent of the cargo that comes into our ports is ever inspected before it is

transported throughout our Nation. This is a serious gap in our homeland security, and it could have been prevented. For 4 years my Democratic colleagues and I have tried to increase funding for port security to shore up this serious security gap. And every single year the Republican majority has opposed our efforts.

What are they waiting for?

Are House Republicans waiting for biological or chemical agents to come through our ports to be used against Americans before they finally choose to act?

We simply cannot afford to wait any longer. It's time for House Republicans to join Democrats in supporting the funding necessary to secure our ports.

IMMIGRATION REFORM ACTION NEEDED NOW

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

Mr. PRICE of Georgia. Madam Speaker, when I look at the current state of our border security, I join my constituents in their concern. Violence at the U.S.-Mexico border is at an all-time high, going on 24 hours a day, 7 days a week, 365 days a year.

We have read in the news about a shoot-out on the border between U.S. law enforcement and a gang of drug smugglers, some of whom were dressed in Mexican military uniforms. Amazingly, several weeks ago we discovered a tunnel 2,400 feet long going under the border. Inside that tunnel were found 2 tons of illegal drugs. These are just a few examples of a flawed and broken immigration policy.

The House has taken an important first step with its passage of H.R. 4437, but this is just the first step. In the weeks and months to come, I call on my colleagues, Republicans and Democrats, Members of the House and Senate, to listen to their constituents, listen to the American people, listen to the law enforcement agents and the Border Patrol agents. We are all on the front lines of this issue, and we all share the responsibility. Every day of inaction is a day we can't afford.

IN SUPPORT OF REFORM OF THE CONGRESSIONAL BUDGET PROCESS

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

Mr. BISHOP of Georgia. Madam Speaker, I rise today with grave concern for our children and the deficit that Congress and this administration are passing on to them. How much is it? It depends on whether you rely on the President's budget or his financial report. The budget showed the deficit at $319 billion in 2005, while the more realistic financial report showed it at $760 billion, more than twice as large.

To make a long story short, the financial report of America uses a clearer, more understandable picture of Federal finances. Beyond that, the Blue Dog Coalition calls for a reform of the congressional budget process so that accrual budgeting is fairly considered in formulating Federal budgets.

Finally, I urge consideration of the Blue Dog call for honest budgeting, which builds on the Blue Dogs' fiscally sound 12-point plan, including caps on discretionary spending, PAYGO rules, that any spending increases be paid for with a revenue cut, a balanced budget amendment to the Constitution and other budget reforms.

These are dire economic times, Madam Speaker. We need to get our fiscal house in order. I urge my colleagues on the Budget Committee to consider the financial report, and I urge all of my colleagues to adopt the Blue Dog call for honest budgeting.

□ 1015

EXERCISING FINANCIAL RESTRAINT

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

Mr. BARRETT of South Carolina. Madam Speaker, our constituents did not send us to Congress to create debt and pass it on to our children and grandchildren. Yet it is estimated by the end of the fiscal year 2006, we will have a Federal budget deficit of $337 billion. There are many variables affecting this number, but government spending is out of control, bottom line.

In the coming weeks, we will debate the fiscal year 2007 Federal budget, and we will be faced with a choice to continue spending at the same level or make tough decisions to rein in spending. We cannot continue to fund everything, because if we do, we won't be able to support anything.

Later this morning, the Republican Study Committee will introduce an alternative budget. This budget allows us to renew our purpose of fiscal restraint, paying down or national debt and balance the budget. I look forward to working with my colleagues on the Budget Committee, Republicans and Democrats alike, because spending should not be a partisan issue.

TIME TO GET THE BUDGET STRAIGHT

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

Mr. SCOTT of Virginia. Madam Speaker, in a couple of days we will be taking up the budget, and as people talk about fiscal responsibility, this chart is the chart they are talking about.

This chart shows the deficit over the years, how President Clinton took a $290 billion deficit and converted it into a $238 billion surplus, and as soon as this President came in, there has been a complete collapse.

As you talk about the budget, remember this chart. When President Clinton left office, we had a projected surplus of over $5.5 trillion. Now we have for those same 10 years a projected deficit of $3.3 trillion. The war, $300 billion, that is .3. Katrina, $200 billion, that is .2. An almost $9 trillion deterioration in the deficit.

And we didn't create any jobs. When they talk about economic improvement, this is the number of jobs created since Herbert Hoover, by administration. This administration, the worst since Herbert Hoover.

We need to get our economy straight. We need to get our budget straight, and we can do it if we take the same kind of initiatives we took in the 1990s.

GOOD ECONOMIC NEWS

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

Mr. STEARNS. Madam Speaker, I rise today to shine some light on the good economic news that continues to roll in. This is further proof that Republican pro-growth policies of low taxes are working for the American people.

The economy grew at an annual rate of 1.6 percent in the final quarter of last year. January's unemployment rate fell to 4.7 percent, which is the lowest monthly rate since 2001, and lower than the average rate in the seventies, the eighties and the nineties. There have been 29 consecutive months of job gains. The economy has created over 2 million jobs over the past 12 months. Economists are now predicting that growth will clock in at an amazing 4.5 percent in the current January to March quarter.

In order for this good news to last, Congress must fight its urge to spend too much and continue to foster a positive environment for the economy for it to thrive.

A FUNDAMENTALLY INCOMPATIBLE STRATEGY ON EDUCATION

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

Mr. BISHOP of New York. Madam Speaker, if we want to maintain our edge in the global economy, we should fully fund the President's competitiveness agenda proposed in his 2007 budget. Regrettably, however, the promise of a more competitive American workforce is simultaneously undermined by his other budget proposals to freeze Pell grants for the fifth year in a row and recall the Federal portion of the Perkins loan revolving fund.

This hypocrisy builds on the Republican record on student aid: $12 billion in cuts to loan programs; failure to extend the tuition deduction; and a 3-

year-long impasse over renewing the Higher Education Act.

Madam Speaker, calling for deep cuts in access to higher education while advocating a competitive workforce is a fundamentally incompatible strategy. Where Congress dropped the ball, colleges are taking the lead in providing tuition assistance to disadvantaged students through matching grants and need-based discounts. We should be encouraging more universities to follow suit, instead of discouraging colleges and aspiring students through misguided cutbacks.

Madam Speaker, I urge my colleagues to keep this in mind as we take up the budget resolution in the weeks ahead.

WINNING THE WAR AGAINST METHAMPHETAMINE ABUSE

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

Mr. GINGREY. Madam Speaker, last night, Congress voted to give our law enforcement officials a strong tool to fight the epidemic of methamphetamine abuse. I was proud to support this legislation because I have seen the havoc meth can wreak on our children, our families, and our communities.

The 11th District of Georgia, which I represent, has felt the full consequences of this growing epidemic. In fact, one of the largest methamphetamine busts recently took place in metropolitan Atlanta. We cannot ignore what has happened in the basements and tool sheds of suburban America, because methamphetamine abuse is threatening the health and safety of all of our citizens.

As a physician, I know the harm it causes the human body, and as a parent and a grandparent, I know the devastation it can bring to our children and to our families.

Congress has taken a bold step forward toward fighting and winning the war on methamphetamine abuse. When President Bush signs this legislation into law, we will have truly made a difference in the safety of our communities.

Madam Speaker, I ask that you join me in praising this hugely important legislation.

BUSH BUDGET AND HEALTH CARE: NO SOLUTIONS, ONLY MORE PROBLEMS

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

Mrs. CHRISTENSEN. Madam Speaker, the President's budget is bad policy and bad medicine for Americans. It fails to reduce the costs of health care and prescription drugs and it fails to reduce the number of uninsured Americans. It is simply unacceptable that the President continues to ignore these pressing needs, but it is inexcusable that the President plans to make our health care problems even worse.

The President would inflict more pain on American seniors by slashing Medicare funding. His budget cuts $36 billion from Medicare payments to hospitals and home health providers over the next 5 years, which would severely limit seniors' access to much-needed health care and would force some seniors to pay more in premiums for that health care.

The Bush budget also cuts vital funding for medical research, research needed to discover health care cures for the future. Although the National Institutes of Health is responsible for much of our country's medical advancements, the President proposes real cuts in that budget for the second year in a row.

This is not a blueprint for fixing America's health care system. Instead, it can destroy it. Congress should reject this blueprint.

INTRODUCING CONTRACT WITH AMERICA RENEWED

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

Mr. PENCE. Madam Speaker, with record deficits and a national debt at nearly $8 trillion, it is time to level with the American people: we are not living within our means here in Washington, D.C.

Today, House conservatives will unveil our budget proposal for 2007. We are calling it Contract With America Renewed. Contract With America Renewed is a balanced Federal budget based on the budget passed by the House of Representatives in 1995 and was part of the Contract With America.

Now, while not every Member of the Republican Study Committee endorses every proposal in this budget, House conservatives believe that this Republican Congress should return to our 1994 roots of fiscal discipline and reform.

By enacting the Contract With America Renewed, we will balance the Federal budget, cut wasteful government spending, end outdated programs, while we protect Social Security and the President's tax cuts and provide for the national defense. We will do all of this while we actually reform entitlements to meet those obligations for future generations.

The American people know that unbridled government spending threatens our future and our freedom. They long for leaders who tell it like it is and are honest about the choices we face. The men and women of the Republican Study Committee who will unveil the Contract With America Renewed today are such leaders and these are such choices.

PORT SECURITY: ANOTHER EXAMPLE OF A WASHINGTON REPUBLICAN COVERUP

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

Mr. CLEAVER. Madam Speaker, the Bush–Dubai ports contract was a bad deal for national security when it involved six American seaports. Now it turns out the company would operate 22 U.S. ports for far more than the President said were included in the deal.

My friends, America is not secure. The majority of the voters in my home district in Missouri are appalled. They don't understand why U.S. companies cannot operate all the ports.

Just yesterday, Homeland Security Secretary Chertoff said that handing over American ports to a Dubai company would give the U.S. a better handle on security at U.S. terminal operations. I don't know the Secretary personally, so I don't know whether or not he was serious. I do know this: American security should not be outsourced.

The only way to increase port security at our docks is to actually screen every single container that comes into the U.S. Democrats support fully funding port security to make sure that terrorists are not allowed to smuggle dangerous chemicals into our Nation. Only 6 percent of the cargo that is coming into the ports is screened. America can do better.

COMMEMORATING INTERNATIONAL WOMEN'S DAY

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

Ms. SOLIS. Madam Speaker, today I rise to commemorate International Women's Day. As cochair of the Congressional Caucus for Women's Issues, I am proud to be a part of a daylong shadow program working side by side with Iraqi women and members of the Transnational Assembly. In fact, my guest is here in the Chamber, Dr. Faiza Babakhan, who represents the National Assembly.

In just 11 days, we will mark the third anniversary of the United States' invasion of Iraq. While U.S. involvement in Iraq in the past 3 years has caused much controversy in our country, we can all agree that increasing Iraqi women's rights and political representation should be a priority.

Through the continued collaboration of American and Iraqi women in government, we can advance women's rights and women's issues around the world. But today we must also acknowledge the violence and human rights issues that affect women in places like Ciudad Juarez, Mexico, and in Guatemala where murders of women have gone unpunished for many years.

On International Women's Day, we must remember that violence and injustice against women anywhere is violence and injustice against women everywhere.

TIME TO CHANGE DIRECTION OF THE BUDGET

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

Mr. MORAN of Virginia. Madam Speaker, it has to be said, now that we are going to consider another budget, that this has been the most irresponsible fiscal management of the Federal budget that we have ever seen in our Nation's history.

When you consider the fact that of all the 42 Presidents that preceded this President, if you added all of the debt that was bought by foreign nations, none of it comes close to the amount of money that we have now borrowed from foreign nations; almost half of our debt. China, particularly in the last 5 years, has increased their debt holdings of American securities by 300 percent.

But beyond that, when you look at who have been the beneficiaries, you see that there has been smaller job creation in this administration than in any Presidential administration since the days of Herbert Hoover, who experienced, of course, the Great Depression.

Madam Speaker, we need to change this budget around, and not in the direction that the majority wants us to turn.

Madam Speaker, it has to be said, now that we are going to consider another budget, that this has been the most irresponsible fiscal management of the Federal budget that we have ever seen in our Nation's history.

When you consider the fact that of all the 42 Presidents that preceded this President, if you added up all the money borrowed from foreign countries it is cumulatively less than the amount of money that this President on his own has borrowed from foreign nations; almost half of our outstanding debt is now held by foreign countries—you have to reach that conclusion. China, particularly in the last 5 years, has increased their debt holdings of American securities by 300 percent.

But beyond that, when you look at who have been the beneficiaries of this national indebtedness, you see that it is not the working class. There has been smaller job creation in this administration than in any Presidential administration since the days of Herbert Hoover, who presided, of course, over the Great Depression. The beneficiaries of this indebtedness has been the leisure class through tax cuts.

Madam Speaker, we need to change this budget around, and not in the direction that the President and the majority of this Congress wants.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to 10 U.S.C. 6968(a), and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Naval Academy to fill the existing vacancy thereon:

Mr. KLINE, Minnesota

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

C.W. ''BILL'' JONES PUMPING PLANT

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2383) to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the ''C.W. 'Bill' Jones Pumping Plant''.

The Clerk read as follows:

H.R. 2383

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

SECTION 1. REDESIGNATION OF FACILITY.

The facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, and known as the Tracy Pumping Plant, shall be known and designated as the ''C.W. 'Bill' Jones Pumping Plant''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the ''C.W. 'Bill' Jones Pumping Plant''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1030

GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore (Mrs. CAPITO). Is there objection to the request of the gentleman from Texas?

There was no objection.

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

Madam Speaker, H.R. 2383, introduced by our colleague Mr. NUNES of California, honors the contributions made by Mr. C.W. ''Bill'' Jones to California water policy.

This bill renames the Bureau of Reclamation's pumping plant in Tracy, California, as the C.W. ''Bill'' Jones Pumping Plant. Mr. Jones was a legendary water leader in California for decades. He was appointed to the State water commission in 1968 by Governor Ronald Reagan, and served as director of the Firebaugh Canal Company for over 40 years, and as president of the Delta-Mendota Water Authority for over 20 years.

Throughout these years, Bill Jones was directly involved with the Central Valley Project, and I believe it is fitting that a major unit in this project be named in his honor.

After his passing in 2003, the California water community pursued this legislation with the blessing of the Jones family, to pay tribute to his longstanding work on California water issues.

Madam Speaker, I urge my colleagues to support this bipartisan bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, H.R. 2383 recognizes the service of the late C.W. ''Bill'' Jones to the California Water Commission and his 2 years of service as president of the Delta-Mendota Water Authority.

This legislation rightly renames the Bureau of Reclamation's Tracy Pumping Plant, which raises water from the Sacramento-San Joaquin Delta into the Delta-Mendota Canal, after Mr. Jones.

We on this side of the aisle have no objection to the enactment of H.R. 2383.

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

Mr. GOHMERT. Madam Speaker, we yield back the balance of our time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 2383.

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

A motion to reconsider was laid on the table.

SAN DIEGO WATER STORAGE AND EFFICIENCY ACT OF 2005

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1190) to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California

in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1190

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 ''San Diego Water Storage and Efficiency Act of 2005''.

SEC. 2. FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as ''Secretary''), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under subsection (d) whether the proposed reservoir and intertie project is recommended for construction.

(b) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(c) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this section.

(d) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(1) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(2) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

SEC. 3. FEDERAL RECLAMATION PROJECTS.

Nothing in this Act shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the study authorized in section 2.

SEC. 5. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Madam Speaker, H.R. 1190, introduced by our colleague, Chairman DUNCAN HUNTER from California, is the first step in expanding increasingly scarce water supplies for thousands of citizens in the San Diego area.

This bill authorizes the Bureau of Reclamation to assess the feasibility of constructing an intertie system between four reservoirs. Several of those reservoirs are significantly below capacity in most years. Once interconnected, water could then be transported to the unused space.

Growing populations and reduced water storage opportunities require us to make efficient use of the supplies that we have, and this bill does just that. Madam Speaker, I urge my colleagues to support this noncontroversial and important legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the majority has explained this legislation adequately. The bill provides the Secretary full discretion regarding Federal participation in this study and requires a local cost share that is consistent with longstanding Bureau of Reclamation policy.

Madam Speaker, we have no objection to the passage of H.R. 1190.

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

Mr. GOHMERT. Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 1190, as amended.

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

A motion to reconsider was laid on the table.

UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY PROGRAMS REAUTHORIZATION ACT OF 2005

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1578) to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

The Clerk read as follows:

S. 1578

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 ''Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005''.

SEC. 2. UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS.

Section 3 of Public Law 106–392 (114 Stat. 1602; 116 Stat. 3113) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$46,000,000'' and inserting ''$61,000,000'';

(B) in paragraph (2), by striking ''2008'' and inserting ''2010''; and

(C) in paragraph (3), by striking ''2008'' and inserting ''2010'';

(2) in subsection (b)—

(A) by striking ''$100,000,000'' and inserting ''$126,000,000'';

(B) in paragraph (1)—

(i) by striking $82,000,000'' and inserting ''$108,000,000''; and

(ii) by striking ''2008'' and inserting ''2010''; and

(C) in paragraph (2), by striking ''2008'' and inserting ''2010''; and

(3) in subsection (c)(4)—

(A) in the first sentence, by inserting ''and the Elkhead Reservoir enlargement'' after ''Wolford Mountain Reservoir''; and

(B) in the second sentence, by striking ''$20,000,000'' and inserting ''$31,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Madam Speaker, S. 1578, sponsored by Senator WAYNE ALLARD from Colorado, reauthorizes the Upper Colorado and San Juan River Basin endangered fish recovery programs.

Congresswoman CUBIN of Wyoming, a wonderful resource on the Resources Committee, is the sponsor of the House companion measures, and she should be commended for her hard work on this bill.

The dual goals of those programs are to recover four endangered fish species and to ensure that local citizens can continue to use the rivers for their economic, social and cultural needs. Unlike much of the Endangered Species Act's activities, these programs have performance measures and benchmarks to determine recovery progress. As a result, the programs enjoy broad support among various users.

This reauthorization will allow for the last installment of the needed construction projects to enhance fish recovery. I urge my colleagues to support this bipartisan bill. I applaud Mrs. CUBIN as the sponsor of the House companion measure.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

The Upper Colorado and San Juan endangered fish recovery programs are often cited as examples of good agency performance under the Endangered Species Act. The Department of the Interior has worked closely with State agencies, water users, and environmentalists to implement these fish recovery programs.

The programs are tightly managed and effective. S. 1578 will increase the cost ceiling for these important activities and will ensure the programs will continue without interruption. Madam Speaker, we strongly support the passage of S. 1578.

Mrs. CUBIN. Madam Speaker, I am the lead sponsor of H.R. 3153, the identical House measure to S.1578 under consideration today. This bill is quite simple. It will reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery programs for 2 additional years. This action is necessary to complete the capital construction of these two successful efforts.

The program's existing authorization is set to expire in fiscal year 2008. However, construction costs have increased faster than the consumer price index over the past several years due to factors such as an improved economy and increased energy costs.

This measure's two-year extension of the programs' existing authorization will allow the Bureau of Reclamation to continue providing cost-sharing for these programs. More specifically, S.1578 would authorize the Bureau to expend an additional $15 million in cost-sharing funds for the Upper Basin programs, while recognizing an additional $11 million in nonfederal cost-sharing.

It is important to note that this bill maintains both a cap on expenditures and a sunset provision on the time frame for those expenditures, as intended in the original authorization.

I would also like to draw attention to the bipartisan support this bill has garnered. The House bill, H.R. 3153, was introduced with 12 original cosponsors, comprised of the entire Utah and New Mexico delegations and all but one of the Colorado delegation—all of the states affected by these two programs.

I have been a strong supporter of these programs because they effectively balance the goals of continued water supply and usage with the recovery efforts of four endangered fish populations.

It is these kind of on-the-ground programs that Congress should be encouraging to ensure endangered species recovery efforts are locally supported and results-driven.

Passage of this bill represents Congress' acknowledgment that locally-driven programs with real recovery goals is the best approach toward species conservation.

Mr, UDALL of Colorado. Madam Speaker, I rise in support of this bill, and to thank Chairman POMBO and Ranking Member RAHALL for making it possible for the House to consider it today.

This bill, cosponsored by both of Colorado's Senators, will reauthorize and expand the authority of the Bureau of Reclamation to undertake capital projects for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin and the San Juan River Basin Recovery Implementation Program.

I am a cosponsor of the companion bill, H.R. 3153, which was approved by the Resources Committee last year and which is also cosponsored by my Colorado colleagues, Representatives DEGETTE, SALAZAR, and BEAUPREZ.

The Upper Colorado and San Juan recovery programs were established in 1988 and 1992, respectively, through broad-based cooperative agreements that provide for the active participation of the States of Colorado, New Mexico, Utah and Wyoming; the U.S. Fish and Wildlife Service; the Bureau of Reclamation; the National Park Service; the Western Area Power Administration; the Bureau of Land Management; the Bureau of Indian Affairs; the Jicarilla Apache Nation; the Navajo Nation; the Southern Ute Tribe; the Ute Mountain Ute Tribe; the Colorado River Energy Distributors Association; water development interests; and several environmental organizations.

These successful programs are meeting their dual objectives of recovering 4 endangered fish species—the Colorado pikeminnow, the humpback chub, the razorback sucker, and the bonytail chub—while allowing needed water development to proceed in compliance with the Endangered Species Act (ESA). Key parts of the programs are construction of fish hatcheries, fish screens, and fish passage structures as well as habitat restoration and management.

So far, these programs have provided ESA compliance for over 800 water projects that provide more than 2.5 million acre-feet of water per year.

However, because of increased construction and property acquisition costs, the amounts authorized to be appropriated for the program are no longer adequate to fulfill the program goals. In addition, the authority for capital construction projects is scheduled to terminate in 2008, even though projects currently underway cannot be completed by the program termination date.

To respond to those needs, this bill will extend the authorization through 2010, increase the amount authorized for the Federal share of project costs, and raise the limitation on the total costs of projects.

The Bureau of Reclamation has informed us that prompt action on the legislation is necessary if they are to take advantage of a window of opportunity to begin work on recovery-program projects before spring runoff and flash floods make it necessary to wait until next year.

I think we should not lose precious time. So, I am glad that the House is considering this bill today and I urge its approval.

Mr. SALAZAR. Madam Speaker, I speak today in support of the Upper Colorado River and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005. These important programs are helping us to recover four endangered fish species along the Colorado and San Juan Rivers.

It is essential to these western Colorado water communities that Congress reauthorize the program so we can continue with recovery efforts. I would also like to emphasize that both the Upper Colorado River and the San Juan River are vital water supplies to western Colorado. Over 1,000 water projects are reliant upon the waters in these rivers and tributaries. You can imagine the difficulty of trying to coordinate species recovery with the needs of so many water projects. But that is exactly what we have been able to do and I am proud of their work.

This program can serve as a national model for public and private partnerships for endangered species recovery. It allows water development in accordance to the State and Federal laws to continue while the partners work to recover the endangered fish species. As an individual water user I appreciate how this program does not pass the depletion burdens onto individual water projects and users. It is also very impressive that these partners have been able to work towards species recovery without a single lawsuit filed under the Endangered Species Act.

While water wars are historic throughout the West, this cooperative partnership among the affected parties is truly historic. This is a good bill and I urge my colleagues to support this legislation.

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

Mr. GOHMERT. Madam Speaker, we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the Senate bill, S. 1578.

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

A motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO DESIGNATE THE PRESIDENT WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME IN HOPE, ARKANSAS, AS A NATIONAL HISTORIC SITE

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4192) to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes.

The Clerk read as follows:

H.R. 4192

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

SECTION 1. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the ''President William Jefferson Clinton Birthplace Home National Historic Site''.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, H.R. 4192 was introduced by my colleague from Arkansas Mr. ROSS. Although former President Clinton lived in several other homes during his childhood, this home in Hope, Arkansas, is the one most closely identified with his youth and early development.

Former President Clinton's upbringing in Hope played a prominent role in his political campaigns. He summed up his sense of the community with the well-known phrase, ''I still believe in a place called Hope.''

Madam Speaker, inclusion of this site within the National Park System is consistent with numerous Presidential sites previously authorized, including that of the Ronald Reagan Boyhood Home in 2002.

Madam Speaker, I would also note that H.R. 4192 is supported by the entire Arkansas congressional delegation, and also has the support of State and local officials. We support H.R. 4192 and urge the adoption of this legislation by the House today.

Madam Speaker, I reserve the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in opposition to this bill. I do not object to the bill on its merits, and when I first knew that the bill was coming up, it was not a problem.

However, upon reading various articles, I do have concerns, and my constituents have concerns. I have heard from several of them. Let me make it clear that my opposition is not partisan, it is not a Republican, it is not a Democratic issue.

Regardless of your personal view of him, Mr. Clinton served this country as President for 8 years and should have his birthplace properly designated as a place in American history. However, before this Congress moves to honor the former President, I think that he has some explaining to do.

You know, most Americans are very outraged over the Dubai Ports deal with the United States, and I am even more outraged when I hear that he may have consulted with the Crown Sheik of Dubai on this deal. So let me get this straight. Not only a U.S. citizen, but also a former President gives advice.

POINT OF ORDER

Mrs. CHRISTENSEN. Madam Speaker, I make a point of order.

The SPEAKER pro tempore. The gentlewoman will state her point of order.

Mrs. CHRISTENSEN. Madam Speaker, I would state that the gentlewoman from Florida should confine her comments to the subject matter of the bill before us.

The SPEAKER pro tempore. The gentlewoman is correct that debate should be confined to the pending subject. However, the Chair currently perceives a nexus between the substance of the bill and the gentlewoman's remarks.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, how do Republicans or Democrats explain this to our constituents? How do we possibly show that we are serious about protecting the United States from terrorist nations when we are proceeding to possibly honor the birthplace of someone who may have brokered this deal?

Madam Speaker, I cannot support this bill at this time until Mr. Clinton explains his role in the Dubai Ports deal. Reportedly Mr. Clinton has accepted nearly $1 million from the UAE for strategic advice. He is not a registered foreign agent. He also tried to get his former press secretary signed as a spokesman for the UAE. When they did not hire him, Mr. Clinton turned around and spoke against the port deal, and yet there was a reported million dollars here.

Madam Speaker, I think we need to take some time and review this very, very carefully.

POINT OF ORDER.

Mrs. CHRISTENSEN. Madam Speaker, I make a point of order.

The SPEAKER pro tempore. The gentlewoman will state her point of order.

Mrs. CHRISTENSEN. Madam Speaker, the gentlewoman has strayed again from the subject matter of the bill before us. I would ask that she confine her remarks to the subject matter of the bill before us at this time.

The SPEAKER pro tempore. The rules do require that the gentlewoman consistently maintain a nexus to the substance of the bill.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, the nexus to the bill is whether or not this is the time to proceed with this bill.

And so that individuals have an opportunity actually to respond, I am going ask for a recorded vote. It is directly related to the bill. It is directly related to the security of our Nation.

□ 1045

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Madam Speaker, as the sponsor of this legislation, I rise in support of H.R. 4192, a bill to designate the William Jefferson Clinton birthplace home located in my hometown of Hope, Arkansas, as a national historic site and unit of the National Park System.

First, I would like to thank Chairman POMBO, Chairman SAXTON and Ranking Member RAHALL and Ranking Member CHRISTENSEN for their support and their assistance in moving this bill from the Resources Committee in a bipartisan manner to the floor of the United States House of Representatives.

Madam Speaker, what we have just witnessed from the gentlewoman from Florida is an example of the kind of partisan bickering that the people back home are sick and tired of. This is not a Democrat or Republican issue. This is about America, and it is about our Nation's history.

Madam Speaker, what the gentlewoman from Florida obviously does not get is the fact that this is about history. We have only had 42 Presidents in the history of this Nation; and I believe all of them, Democrat and Republican alike, if their birthplace home is still standing, it should be an historic site because it is a part of history.

I am pleased to have the entire Arkansas congressional delegation supporting this bill in a bipartisan manner including Congressman BOOZMAN from Arkansas, Congressman BERRY from Arkansas, Congressman SNYDER from Arkansas; and I am proud that this bill was passed out of the Resources Committee and placed on the suspension

calendar by our leaders in both parties that recognized it for what it is, about history, not about politics. So I am deeply, deeply saddened that one Member out of 435 has chosen to try to divide us once again by taking a history lesson and turning it into a partisan ball game.

In my mind and in the minds of my colleagues from Arkansas there is no doubt this important property in Hope, Arkansas deserves Federal recognition. I believe the preservation of properties of historical significance is a necessary and important function of our government. The designation as a national historic site and unit of the National Park System will open the doors for further economic opportunities and prosperity for the city of Hope and all of southwest Arkansas. This site will celebrate, it will celebrate the history and educate thousands of visitors on the early life of our 42nd President of the United States of America, President William Jefferson Clinton, who came into this world on August 19, 1946, as William Jefferson Blythe, III, in Hope, Arkansas, just 3 months after his father tragically died in a car accident.

I mentioned that this has bipartisan support, Madam Speaker. This is about economic development. It is about tourism. It is about history. It is about maintaining and protecting and preserving an historic site, the birthplace home of the 42nd President of the United States of America.

Our Republican Governor in Arkansas gets it. And I want to thank him for that, and I want to share with my colleagues and make a part of the RECORD a letter I received dated yesterday from our Republican Governor, Mike Huckabee who, too, grew up in Hope, Arkansas.

It says: ''Dear Congressman ROSS: Thank you for your efforts to honor and recognize the birthplace of our 42nd President, William Jefferson Clinton, by naming his birthplace in Hope, Arkansas a national historic site. As is customary in this country to honor our former Presidents with libraries and other accolades, I cannot think of a better tribute to President Clinton than this recognition. The lasting impact this will have for the State and country is immeasurable. Not only would it provide future generations an educational look into our 42nd President and the times he lived in, but it will provide the region of our State, and specifically my native home of Hope, Arkansas, added economic opportunity and prosperity.

''H.R. 4192 is an important piece of legislation for not only the reasons mentioned above, but also for the preservation and protection of this historical site which is currently reliant upon private donations. President Clinton will forever be a true Arkansan, and this piece of legislation will allow not only Arkansas but the country the ability to properly honor him and his service.

''Again, thank you for your work on this legislation. I look forward to working with you to see its passage out of Congress this year.

''Sincerely yours, Mike Huckabee, Governor of the State of Arkansas.''

Might I add, a Republican Governor, who like myself, grew up in Hope, Arkansas.

Finally, Madam Speaker, I would like to at least read a part of a letter from Mack McLarty who was President Clinton's first White House Chief of Staff and someone who commanded respect from both sides of the aisle during those early Clinton years.

''Dear Mike: I'm writing today in support of H.R. 4192, your bill authorizing the Secretary of the Interior to designate President William Jefferson Clinton's birthplace home in Hope, Arkansas as a national historic site and unit of the National Park System. This step would be a fitting recognition of President Clinton's birthplace home in our Nation's Presidential history and ensure the preservation of the site for future generations. This site will celebrate history and educate thousands of visitors and perhaps, most importantly, it will bring jobs and economic development opportunities to southwest Arkansas.

''As you know, I was born and raised in Hope myself. My lifelong friendship with President Clinton dates back to Miss Mary's kindergarten. Not surprisingly, then, my attachment to 117 South Hervey Street is personal and heartfelt, but, more than that, I believe the Clinton birthplace stands for something larger than itself.''

Mack McLarty goes on to write that, ''As I wrote some years ago in an essay for the Arkansas Historic Preservation Program, I believe that white frame house is worthy of more than a nod of nostalgia because the values President Clinton learned there and in Hope formed the core of his political philosophy.

''In 1946 when President Clinton and I were born, Hope was the essence of small-town America. Family and faith were at the center of people's lives. Commitment to work was expected. From the schools to the churches, local businesses and charities, knowing and caring for one another was part of daily life. And as our friend, Joe Purvis, later wrote, 'It bred a sense of responsibility, because if you misbehaved, your mama knew about it before you got home.' ''

Mack McLarty continues in his letter, ''For a small boy growing up in that era, Hope lived up to its name. We had won the war. The economy was booming. The American Dream was alive. People had confidence in a future they believed was theirs to shape. It was a time of infectious optimism and seemingly limitless potential.

''I do not mean to suggest that our hometown was perfect. We never thought it was even then. Hope was segregated like the rest of the South. It had its share of human frailty and vice, but kids were taught, growing up, to respect the dignity of each individual. There was a genuine sense of community in Hope that crossed income lines and, in many ways, race as well.''

Mack McLarty continues in his letter in support of this bill, ''The young Bill Clinton, who was then Billy Blythe, understood this perhaps better than most. His father had died before he was born. His mother, determined to provide for her son, was in nurse anesthetist school in New Orleans, a brave step in an era when single mothers and working women were uncommon. Young Billy was raised those first few years primarily by his grandparents who owned a grocery on North Hazel Street across from Rose Hill Cemetery.''

I could continue, Madam Speaker, but there are others who want to speak in support of this bill on both sides of the aisle, and I applaud them and thank them for helping me restore and maintain and preserve this piece of history, as we should do for all 42 former Presidents, Democrat and Republican alike.

STATE OF ARKANSAS,
STATE CAPITOL BUILDING,
Little Rock, AR, March 7, 2006.

Hon. MIKE ROSS,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN ROSS: Thank you for your efforts to honor and recognize the birthplace of our 42nd President, William Jefferson Clinton, by naming his birthplace home in Hope, Arkansas a National Historic Site. As is customary in this country to honor our former Presidents with libraries and other accolades, I can not think of a better tribute to President Clinton than this recognition. The lasting impact this will have for the state and country is immeasurable. Not only will it provide future generations an educational look into our 42nd President and the times he lived in, but it will provide this region of our state and specifically my native home of Hope added economic opportunity and prosperity.

H.R. 4192 is an important piece of legislation for not only the reasons mentioned above, but also for the preservation and protection of this historical site, which is currently reliant upon private donations. President Clinton will forever be a true Arkansan and this piece of legislation will allow not only Arkansas but the country the ability to properly honor him and his service.

Again thank you for your work on this legislation and I look forward to working with you to see its passage out of Congress this year.

Sincerely yours,

MIKE HUCKABEE,
Governor.

Little Rock, AR, March 7, 2006.

Hon. MIKE ROSS,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MIKE: I'm writing today in support of H.R. 4192, your bill authorizing the Secretary of the Interior to designate President William Jefferson Clinton's birthplace home in Hope, Arkansas, as a National Historic Site and unit of the National Park System. This step would be a fitting recognition of President Clinton's birthplace home in our nation's presidential history—and ensure the preservation of the site for future generations. This site will celebrate history and educate thousands of visitors, and perhaps

most importantly, it will bring jobs, and economic development opportunities to southwest Arkansas.

As you know, I was born and raised in Hope myself; my lifelong friendship with President Clinton dates back to Miss Mary's kindergarten. Not surprisingly, then, my attachment to 117 South Hervey Street is personal and heartfelt; but, more than that, I believe the Clinton birthplace stands for something larger than itself.

As I wrote some years ago in an essay for the Arkansas Historic Preservation Program, I believe that white frame house is worthy of more than a nod of nostalgia, because the values President Clinton learned there and in Hope formed the core of his political philosophy.

In 1946, when President Clinton and I were born, Hope was the essence of small-town America. Family and faith were at the center of people's lives. Commitment to work was expected. From the schools to the churches, local businesses and charities, knowing and caring for one another was part of daily life. And as our friend Joe Purvis later wrote, ''It bred a sense of responsibility, because if you misbehaved your mama knew about it before you got home.''

For a small boy growing up in that era, Hope lived up to its name. We had won the war. The economy was booming. The American Dream was alive. People had confidence in a future they believed was theirs to shape. It was a time of infectious optimism and seemingly limitless potential.

I don't mean to suggest that our hometown was perfect. We never thought it was, even then. Hope was segregated, like the rest of the South. It had its share of human frailty and vice. But kids were taught, growing up, to respect the dignity of each individual. There was a genuine sense of community in Hope, that crossed income lines and, in many ways, race as well.

The young Bill Clinton, who was then Billy Blythe, understood this perhaps better than most. His father had died before he was born. His mother, determined to provide for her son, was in nurse-anesthetist school in New Orleans—a brave step in an era when single mothers, and working women, were uncommon. Young Billy was raised those first few years primarily by his grandparents, who owned a grocery on North Hazel Street, across from Rose Hill Cemetery.

That grocery store was one of the most integrated enterprises in Hope. It was a place where every customer, black or white, was treated kindly; where credit was given freely on the basis of trust; where equality was a way of life and not just an aspiration. It was also a place that catered to lower- and lower-middle income families. Young Billy saw parents working hard to make ends meet for their children.

His exposure, early on, to human effort, and to the open hearts and minds of his grandparents, helped sharpen Bill Clinton's ability to empathize and understand real people's dreams and struggles. Much of what he has stood for, first as governor and then as president—whether his national race initiative, his emphasis on service, or his efforts to expand the middle class—reflected his belief that we need to band together, that by lifting others we also raise ourselves.

The importance of community was just one of the lessons Bill Clinton took to heart on South Hervey Street. His grandparents taught him to count and read, nurturing a commitment to education he carried throughout his life. And his mother taught him, by her own powerful example, to persevere in the face of adversity. As one friend said, Virginia Kelley was like a rubber ball: ''The harder life put her down, the higher she bounced. She didn't know what the word quit meant.''

I'll always remember the October afternoon in 1991, when Bill Clinton declared from the Old State House steps his candidacy for President. ''Together we can make America great again,'' he said, ''and build a community of hope that will inspire the world.''

A community of hope—a community of Hope—inspired my childhood friend with the extraordinary confidence, courage, commitment and vision to lead our country. And when I look at 117 South Hervey Street, most remarkable for its simplicity, I am proud to say I hail from a place where a boy could grow up to be president; a place where loving families, devoted teachers, friendly and supportive neighbors gave children like Billy Blythe and me the wings to pursue our dreams.

I hope the U.S. House of Representatives will pass H.R. 4192. Thank you for your leadership on this issue, and your service to our state and our country.

Personally,

MACK MCLARTY.

Mr. GOHMERT. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Madam Speaker, I thank Congressman ROSS and Chairman POMBO. Congressman ROSS for introducing the bill, and then Chairman POMBO for getting it to the floor.

I rise in strong support of this bill. The reason that I do, before I was elected to Congress I had never been to Washington, D.C, and I came up here, I can still remember the excitement of seeing all the structures and things; and then now, as my constituents come up, taking them around, showing them the different areas, the different things of history that we preserved.

Preserving Presidential birthplaces is very, very important. It is something that we need to do. We need to do a much better job, I think, in this country of preserving structures like this in general that are so important, that tell the story of America.

One of the things that I really enjoy doing is going out to schools and I visit with the kids. I was on the school board for 7 years, and I sit down and visit with them, and one of the main reasons I am there is I want them to understand that a guy like me that was on the school board, had a small business, was on the school board, grew up very much like they did, in western Arkansas, that the sky is the limit, that they can work hard and basically achieve anything they want.

Bill Clinton is truly an example of that. And certainly as they go through the structure that we are trying to preserve, I think it really shows that a young guy that grew up as much of America is growing up, maybe at some times maybe a little bit worse than much of America is growing up, but growing up in humble circumstances, having a dream, able to achieve the governorship of Arkansas, and then go on to become the most powerful man in the world. I think it is a great story. I think it is one that kids will be able to relate to and certainly show that, again, if they step forward that the sky is the limit.

As MIKE said, this has great support from the State of Arkansas, great support from our congressional delegation, and then also from our Governor, Governor Huckabee, that we would like to do what President Clinton did in the future, also from Hope, and he was very, very supportive as the letter indicates.

Again, I speak in strong support of this bill and I urge its adoption.

Mrs. CHRISTENSEN. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mrs. CAPITO). The gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) has 10 minutes remaining.

Mrs. CHRISTENSEN. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Madam Speaker, I am pleased to rise in support of H.R. 4192, to designate the birthplace of our 42nd President, William Jefferson Clinton, as a national historic site and a unit of the National Park System.

Currently, the Clinton birthplace home is owned and operated by a nonprofit Clinton birthplace foundation. While they are doing an excellent job of maintaining this site for the public viewing and educational purposes, by becoming part of the National Park System the Clinton birthplace will now be able to take full advantage of the National Park Service's vast resources.

As a member of the Committee on Resources and at Mr. ROSS' request, I have been down to southwest Arkansas to see the Clinton birthplace for myself, and I can personally attest to the great pride that fellow Arkansans feel for this site.

Not only is Mr. William Jefferson Clinton a source of pride for the folks in his home State of Arkansas, but he is also a representative of the symbol of hope for millions of both Americans and those throughout the world who have seen his work. And you just need to tour the Clinton library to see the respect he received throughout the globe by the tributes housed at the library.

I believe every Presidential birthplace should be preserved and protected as part of our Nation's history regardless of political party.

I would like to also recognize that Speaker HASTERT and Chairman POMBO have brought this bill to the floor. And I want to commend them for doing so in a nonpartisan manner, not treating this issue as a political football, but one of worthy legislation that deserves our support.

I urge my colleagues to support H.R. 4192.

□ 1100

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

Mrs. CHRISTENSEN. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER), my colleague.

Mr. SNYDER. Madam Speaker, it is starting to be a pattern here of the Arkansans lining up here in support of

this bill, both Republican and Democrat, but it is the kind of bill that in any State we would all do the same thing, Republican or Democrat, to preserve this kind of a historic place.

Obviously, we are all very much aware that during his time in office President Clinton was a controversial figure. Any President is these days, but what we are talking about is preserving the childhood home, the birthplace home, of this President.

As a person who is the child of a single-parent household, I think it is important that we enrich those sites that have been preserved so this story can be told also, that no longer are our Presidents, like Abraham Lincoln, reading by firelight because there was no electricity in those days, but in this modern era that any child in America, regardless of background, can rise above that background, take those values that he learns and, regardless of party affiliation, go on to achieve great things in this country.

So I think this is very important. I am very much appreciative of Mr. HASTERT and Mr. POMBO for allowing this bill to come to the floor. Our Republican Governor, Governor Huckabee, is also supportive. And also, thanks today to the people of Hope who have kept this site in a state of suspended animation and preserved it while their Federal Government catches up with them in recognizing the significance of preserving and maintaining for all time this modest home.

Mr. GOHMERT. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), my friend.

Mr. KELLER. Madam Speaker, I thank the gentleman for yielding me the time, and I just want to say I intend to vote for this. I think it is worthy of being designated as an historic site.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, will the gentleman yield?

Mr. KELLER. I yield to the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I thank the gentleman for yielding.

As I said before, my decision to call for a recorded vote is based on the future of our country and the fact that we need to have the information out there about Mr. Clinton's involvement in the Dubai port, the whole issue.

It is about hope, certainly about Hope, Arkansas. I hope to vote for this bill. I had hoped to vote for the bill because I had hoped that Mr. Clinton would do the right thing and register as a foreign agent. That not happening is the reason why I am objecting to the bill at this time.

I also believe that we need to preserve birthplaces of our Presidents, and had we had enough time, I just would have asked the leadership to postpone this vote. I wanted to vote for this bill, but the more information that comes out about the millions of dollars that have been paid by the UAE to Mr. Clinton just gives many Americans the lack of hope for our security. That is exactly why I am going to call for the yeas and nays.

It is not against President Clinton. It is not against him, but rather, I wish we had more time so that the public would know exactly how involved he was in what that million dollars bought when it came to the Dubai port issue.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

This bill, H.R. 4192, would give the home most closely associated with the 42nd President of the United States the designation that other Presidents have had. It is about naming this boyhood home as a national historic site. It is not about policy, and in 2002, Members on both sides of the aisle, regardless of any disagreements they may have had over any of President Reagan's policies, came together and wholeheartedly supported the designation of the Ronald Reagan Boyhood Home as a national historic site.

In his Presidency, William Jefferson Clinton gave many Americans who were at that time left behind and left out and left on the fringes of American society reasons to hope. It is fitting that we recognize his 8 years of service to this country as our President and designate his home in Hope, Arkansas, as the Clinton Boyhood Home National Historic Site.

I would urge all of my colleagues on both sides of the aisle to support this bill, as we have supported so many others for Presidents in the past.

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

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

I appreciate my colleagues across the aisle. You are right, this is not a partisan issue when we are talking about the birthplace of a President. Frankly, here I am making the motion, and I never voted for President Clinton. I was not a big fan of President Clinton, but you are right, also: he came from extraordinary circumstances and rose to the highest position in this country.

I mean, he and I apparently had very different lifestyles growing up. I never consumed a drop of alcohol, and when I was underage, I never not only did not inhale, I never smoked.

There are so many things different in our backgrounds, and he ought to be an inspiration to every child out there, whether leaning toward being Republican or Democrat. That President Bill Clinton, with the things that he had in his background, could reach the Nation's highest office. I mean, any of you should know that it is not out of your reach either. It is extraordinary what he accomplished.

But there is an old political adage that says, democracy ensures that a people govern no better than they deserve. In 1992 and 1996, whether any of us like it or not, America deserved Bill Clinton, and that is who we elected. It is now a fact he has been a President. It is now a fact that his birthplace should be a historical site, and I understand the concerns of the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), my friend. Maybe there will be a room dedicated to all the money made from the UAE, but that is someone else's determination.

The fact is it is a historical place. It deserves that designation, and, hopefully, people will be inspired for years to come that this is America. It does not matter what your background is; you can rise to the highest office in the land, and you should be inspired by that.

For that reason, I would urge the passage of this bill.

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

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 4192.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are requested. All those in favor of taking this vote by the yeas and nays will rise and remain standing until counted. A sufficient number having arisen, the yeas and nays are ordered.

PARLIAMENTARY INQUIRY

Mr. ROSS. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROSS. Madam Speaker, I do not see a sufficient number standing.

The SPEAKER pro tempore. Under the Constitution, one-fifth of those present is a sufficient number.

Mr. ROSS. Madam Speaker, I only see one Member standing on this motion.

The SPEAKER pro tempore. The Chair's count is not subject to question, and the Chair observed a sufficient number.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4472) to protect children, to secure the safety of judges,

prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4472

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Children's Safety and Violent Crime Reduction Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

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

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.
Sec. 112. Registry requirements for jurisdictions.
Sec. 113. Registry requirements for sex offenders.
Sec. 114. Information required in registration.
Sec. 115. Duration of registration requirement.
Sec. 116. In person verification.
Sec. 117. Duty to notify sex offenders of registration requirements and to register.
Sec. 118. Jessica Lunsford Address Verification Program.
Sec. 119. National Sex Offender Registry.
Sec. 120. Dru Sjodin National Sex Offender Public Website.
Sec. 121. Public access to sex offender information through the Internet.
Sec. 122. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.
Sec. 123. Actions to be taken when sex offender fails to comply.
Sec. 124. Immunity for good faith conduct.
Sec. 125. Development and availability of registry management software.
Sec. 126. Federal duty when State programs not minimally sufficient.
Sec. 127. Period for implementation by jurisdictions.
Sec. 128. Failure to comply.
Sec. 129. Sex Offender Management Assistance (soma) Program.
Sec. 130. Demonstration project for use of electronic monitoring devices.
Sec. 131. Bonus payments to States that implement electronic monitoring.
Sec. 132. Access to national crime information databases.
Sec. 133. Limited immunity for National Center for Missing and Exploited Children with respect to CyberTipline.
Sec. 134. Treatment and management of sex offenders in the Bureau of Prisons.
Sec. 135. GAO studies on feasibility of using driver's license registration processes as additional registration requirements for sex offenders.
Sec. 136. Assistance in identification and location of sex offenders relocated as a result of a major disaster.
Sec. 137. Election by Indian tribes.
Sec. 138. Registration of prisoners released from foreign imprisonment.
Sec. 139. Sex offender risk classification study.
Sec. 140. Study of the effectiveness of restricting the activities of sex offenders to reduce the occurrence of repeat offenses.

Subtitle B—Criminal Law Enforcement of Registration Requirements

Sec. 151. Amendments to title 18, United States Code, relating to sex offender registration.
Sec. 152. Federal Investigation of sex offender violations of registration requirements.
Sec. 153. Sex offender apprehension grants.
Sec. 154. Use of any controlled substance to facilitate sex offense, and prohibition on Internet sales of date rape drugs.
Sec. 155. Repeal of predecessor sex offender Program.
Sec. 156. Assistance for prosecution of cases cleared through use of DNA backlog clearance funds.
Sec. 157. Grants to combat sexual abuse of children.
Sec. 158. Expansion of training and technology efforts.
Sec. 159. Revocation of probation or supervised release.

Subtitle C—Office on Sexual Violence and Crimes Against Children

Sec. 161. Establishment.
Sec. 162. Director.
Sec. 163. Duties and functions.

TITLE II—DNA FINGERPRINTING

Sec. 201. Technical amendment.
Sec. 202. Stopping Violent Predators Against Children.
Sec. 203. Model code on investigating missing persons and deaths.

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN

Sec. 301. Assured punishment for violent crimes against children.
Sec. 302. Kenneth Wrede fair and expeditious habeas review of State criminal convictions.
Sec. 303. Rights associated with habeas corpus proceedings.
Sec. 304. Study of interstate tracking of persons convicted of or under investigation for child abuse.

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN

Sec. 401. Increased penalties for sexual offenses against children.
Sec. 402. Sense of Congress with respect to prosecutions under Section 2422(b) of title 18, United States Code.
Sec. 403. Grants for Child Sexual Abuse Prevention Programs.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

Sec. 501. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and State child abuse registries; suspension and subsequent elimination of Opt-Out.
Sec. 502. Access to Federal crime information databases for certain purposes.
Sec. 503. Penalties for coercion and enticement by sex offenders.
Sec. 504. Penalties for conduct relating to child prostitution.
Sec. 505. Penalties for sexual abuse.
Sec. 506. Sex offender submission to search as condition of release.
Sec. 507. Kidnapping jurisdiction.
Sec. 508. Marital communication and adverse spousal privilege.
Sec. 509. Abuse and neglect of Indian children.
Sec. 510. Jimmy Ryce Civil commitment program.
Sec. 511. Jimmy Ryce State civil commitment programs for sexually dangerous persons.
Sec. 512. Mandatory penalties for sex-trafficking of children.
Sec. 513. Sexual abuse of wards.
Sec. 514. No limitation for prosecution of felony sex offenses.
Sec. 515. Child abuse reporting.

TITLE VI—CHILD PORNOGRAPHY PREVENTION

Sec. 601. Findings.
Sec. 602. Strengthening Section 2257 to ensure that children are not exploited in the production of pornography.
Sec. 603. Additional recordkeeping requirements.
Sec. 604. Prevention of distribution of child pornography used as evidence in prosecutions.
Sec. 605. Authorizing civil and criminal asset forfeiture in child exploitation and obscenity cases.
Sec. 606. Prohibiting the production of obscenity as well as transportation, distribution, and sale.
Sec. 607. Guardians ad litem.

TITLE VII—COURT SECURITY

Sec. 701. Judicial branch security requirements.
Sec. 702. Additional amounts for United States Marshals Service to protect the judiciary.
Sec. 703. Protections against malicious recording of fictitious liens against Federal judges and Federal law enforcement officers.
Sec. 704. Protection of individuals performing certain official duties.
Sec. 705. Report on security of Federal prosecutors.
Sec. 706. Flight to avoid prosecution for killing peace officers.
Sec. 707. Special penalties for murder, kidnapping, and related crimes against Federal judges and Federal law enforcement officers.
Sec. 708. Authority of Federal judges and prosecutors to carry firearms.
Sec. 709. Penalties for certain assaults.
Sec. 710. David March and Henry Prendes protection of federally funded public safety officers.
Sec. 711. Modification of definition of offense and of the penalties for, influencing or injuring officer or juror generally.
Sec. 712. Modification of tampering with a witness, victim, or an informant offense.
Sec. 713. Modification of retaliation offense.
Sec. 714. Inclusion of intimidation and retaliation against witnesses in State prosecutions as basis for Federal prosecution.
Sec. 715. Clarification of venue for retaliation against a witness.
Sec. 716. Prohibition of possession of dangerous weapons in Federal court facilities.
Sec. 717. General modifications of Federal murder crime and related crimes.
Sec. 718. Witness protection grant program.
Sec. 719. Funding for State courts to assess and enhance court security and emergency preparedness.
Sec. 720. Grants to States for threat assessment databases.
Sec. 721. Grants to States to protect witnesses and victims of crimes.

Sec. 722. Grants for young witness assistance.
Sec. 723. State and local court eligibility.

TITLE VIII—REDUCTION AND PREVENTION OF GANG VIOLENCE

Sec. 801. Revision and extension of penalties related to criminal street gang activity.
Sec. 802. Increased penalties for interstate and foreign travel or transportation in aid of racketeering.
Sec. 803. Amendments relating to violent crime.
Sec. 804. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.
Sec. 805. Increased penalties for violent crimes in aid of racketeering activity.
Sec. 806. Murder and other violent crimes committed during and in relation to a drug trafficking crime.
Sec. 807. Multiple interstate murder.
Sec. 808. Additional racketeering activity.
Sec. 809. Expansion of rebuttable presumption against release of persons charged with firearms offenses.
Sec. 810. Venue in capital cases.
Sec. 811. Statute of limitations for violent crime.
Sec. 812. Clarification to hearsay exception for forfeiture by wrongdoing.
Sec. 813. Transfer of juveniles.
Sec. 814. Crimes of violence and drug crimes committed by illegal aliens.
Sec. 815. Listing of immigration violators in the National Crime Information Center database.
Sec. 816. Study.

TITLE IX—INCREASED FEDERAL RESOURCES TO PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS

Sec. 901. Grants to State and local prosecutors to combat violent crime and to protect witnesses and victims of crimes.
Sec. 902. Reauthorize the gang resistance education and training projects program.
Sec. 903. State and local reentry courts.

TITLE X—CRIME PREVENTION

Sec. 1001. Crime prevention campaign grant.
Sec. 1002. The Justice for Crime Victims Family Act.

TITLE XI—NATIONAL CHILD ABUSE AND NEGLECT REGISTRY ACT

Sec. 1101. Short title.
Sec. 1102. National registry of substantiated cases of child abuse.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

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

SEC. 102. DECLARATION OF PURPOSE.

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

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

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

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

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

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

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

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

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

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

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

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.

(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

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

In this title the following definitions apply:

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

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

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 137, a federally recognized Indian tribe.

(3) SEX OFFENDER.—The term ''sex offender'' means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated as a juvenile delinquent for, a sex offense.

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

(A) An offense (unless committed by a parent) involving kidnapping.

(B) An offense (unless committed by a parent) involving false imprisonment.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F) Possession, production, or distribution of child pornography.

(G) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(H) Any conduct that by its nature is a sex offense against a minor.

(I) Video voyeurism, as described in section 1801 of title 18, United States Code.

(J) Any attempt or conspiracy to commit an offense described in this paragraph.

(5) TIER I SEX OFFENDER.—The term ''tier I sex offender'' means a sex offender whose offense is punishable by imprisonment for one year or less.

(6) TIER II SEX OFFENDER.—The term ''tier II sex offender'' means a sex offender who is not a Tier III sex offender whose offense—

(A) is punishable by imprisonment for more than one year; or

(B) occurs after the offender becomes a tier I sex offender.

(7) TIER III SEX OFFENDER.—The term ''tier III sex offender'' means a sex offender whose offense is punishable by imprisonment for more than one year and—

(A) involves a crime of violence as defined in section 16 of title 18, United States Code, against the person of another, except a crime of violence consisting of an abusive sexual contact, as defined in section 2246;

(B) is an offense where the victim had not attained the age of 13 years; or

(C) occurs after the offender becomes a tier II sex offender.

(8) AMY ZYLA EXPANSION OF SEX OFFENSE DEFINITION.—The term ''sex offense'' means—

(A) a State, local, tribal, foreign, or other criminal offense that has an element involving a sexual act or sexual contact with another or an attempt or conspiracy to commit such an offense, but does not include an offense involving consensual sexual conduct where the victim was an adult or was at least 13 years old and the offender was not more than 4 years older than the victim;

(B) a State, local, tribal, foreign, or other specified offense against a minor;

(C) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code) under section 1201, 1591, or 1801, or chapter 109A, 110, or 117, of title 18, United States Code, or any other Federal offense designated by the Attorney General for the purposes of this paragraph; or

(D) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note).

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

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

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

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

(13) CONVICTED.—The term ''convicted'' or a variant thereof, used with respect to a sex offense, includes adjudicated deliquent as a juvenile for that offense.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

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

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

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

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

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

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

(c) KEEPING THE REGISTRATION CURRENT.—A sex offender must inform each jurisdiction involved, not later than 3 days after each change of residence, employment, or student status.

(d) INITIAL REGISTRATION OF SEX OFFENDERS UNABLE TO COMPLY WITH SUBSECTION (b).—The Attorney General shall prescribe rules for the registration of sex offenders convicted before the enactment of this Act or its implementation in a particular jurisdiction, and for other categories of sex offenders who are unable to comply with subsection (b).

(e) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, and a minimum term of imprisonment that is no less than 90 days, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

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

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

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

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

(4) The name and address of the place where the sex offender is employed or will be employed.

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

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

(7) A photograph of the sex offender.

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

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

(10) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.

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

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

(1) A statement of the facts of the offense giving rise to the requirement to register under this title, including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense.

(2) The criminal history of the sex offender.

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

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current for a period (excluding any time the sex offender is in custody or civilly committed) of—

(1) 20 years, if the offender is a tier I sex offender;

(2) 30 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person, provide a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

(1) every six months, if the offender is a tier I sex offender;

(2) every 3 months, if the offender is a tier II sex offender; and

(3) every month, if the offender is a tier III sex offender.

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

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

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

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

(3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

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

(b) VERIFICATION.—In the Program, an appropriate official shall verify the residence of each registered sex offender not less than—

(1) semi-annually, if the offender is a tier I sex offender;

(2) quarterly, if the offender is a tier II sex offender; and

(3) monthly, if the offender is a tier III sex offender.

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

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

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

(b) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) ESTABLISHMENT.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the ''Website'').

(b) INFORMATION TO BE PROVIDED.—The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) IN GENERAL.—Except as provided in subsection (b), each jurisdiction shall make available on the Internet all information about each sex offender in the registry, except for the offender's Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this information in a manner that is readily accessible to the public.

(b) EXCEPTION.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a tier I sex offender whose offense is a juvenile adjudication.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Program (hereinafter in this section referred to as the ''Program'').

(b) PROGRAM NOTIFICATION.—Except as provided in subsection (c), not later than 5 days after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate data bases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is employed, or is a student.

(3) Each jurisdiction where the sex offender resides, works, or attends school, and each jurisdiction from or to which a change of residence, work, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) The community at large.

(c) EXCEPTION.—In the case of a tier I sex offender whose offense is a juvenile adjudication, the Attorney General may authorize limitation of the entities to which the Program notification is given when the Attorney General determines it is consistent with public safety to do so.

SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate State, local, and tribal law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

The Attorney General shall develop and support software for use to establish, maintain, publish, and share sex offender registries.

SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT MINIMALLY SUFFICIENT.

If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, the Department of Justice shall, to the extent practicable, carry out the duties imposed on that jurisdiction by this title.

SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

Each jurisdiction shall implement this title not later than 2 years after the date of the enactment of this Act. However, the Attorney General may authorize up to two one-year extensions of the deadline.

SEC. 128. FAILURE TO COMPLY.

(a) IN GENERAL.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, substantially to implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3570 et seq.).

(b) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this title shall be reallocated under that program to jurisdictions that have not failed to implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(c) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the ''SOMA program'') under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) APPLICATION.—The chief executive of a jurisdiction shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than two years after the date of the enactment of this Act is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than one year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than two years after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2006 through 2008.

SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.

(a) PROJECT REQUIRED.—The Attorney General shall carry out a demonstration project under which the Attorney General makes grants to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

(b) USE OF FUNDS.—The jurisdiction may use grant amounts under this section directly, or through arrangements with public or private entities, to carry out programs under which the whereabouts of sex offenders are monitored by electronic monitoring devices.

(c) PARTICIPANTS.—Not more than 10 jurisdictions may participate in the demonstration project at any one time.

(d) FACTORS.—In selecting jurisdictions to participate in the demonstration project, the Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.

(3) The threat to public safety posed by those sex offenders who fail to comply with registration requirements.

(4) Any other factor the Attorney General considers appropriate.

(e) DURATION.—The Attorney General shall carry out the demonstration project for fiscal years 2007, 2008, and 2009.

(f) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(g) ONE-TIME REPORT AND RECOMMENDATIONS.—Not later than April 1, 2008, the Attorney General shall submit to Congress a report—

(1) assessing the effectiveness and value of programs funded by this section;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT ELECTRONIC MONITORING.

(a) IN GENERAL.—A jurisdiction that, within 3 years after the date of the enactment of this Act, has in effect laws and policies described in subsection (b) shall be eligible for a bonus payment described in subsection (c), to be paid by the Attorney General from any amounts available to the Attorney General for such purpose.

(b) ELECTRONIC MONITORING LAWS AND POLICIES.—

(1) IN GENERAL.—Laws and policies referred to in subsection (a) are laws and policies that ensure that electronic monitoring is required of a person if that person is released after being convicted of a sex offense in which an individual who has not attained the age of 18 years is the victim.

(2) MONITORING REQUIRED.—The monitoring required under paragraph (1) is a system that actively monitors and identifies the person's location and timely reports or records the person's presence near or within a crime scene or in a prohibited area or the person's departure from specified geographic limitations.

(3) DURATION.—The electronic monitoring required by paragraph (1) shall be required of the person—

(A) for the life of the person, if—

(i) an individual who has not attained the age of 12 years is the victim; or

(ii) the person has a prior sex conviction (as defined in section 3559(e) of title 18, United States Code); and

(B) for the period during which the person is on probation, parole, or supervised release for the offense, in any other case.

(4) JURISDICTION REQUIRED TO MONITOR ALL SEX OFFENDERS RESIDING IN JURISDICTION.—In addition, laws and policies referred to in subsection (a) also include laws and policies that ensure that the jurisdiction frequently monitors each person residing in the jurisdiction for whom electronic monitoring is required, whether such monitoring is required under this section or under section 3563(a)(9) of title 18, United States Code.

(c) BONUS PAYMENTS.—The bonus payment referred to in subsection (a) is a payment equal to 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3570 et seq.).

SEC. 132. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28, United States Code) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) CONDITIONS OF ACCESS.—The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN WITH RESPECT TO CYBERTIPLINE.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following new subsection:

''(g) LIMITATION ON LIABILITY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions as defined by this section.

''(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

''(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.''.

SEC. 134. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(f) SEX OFFENDER MANAGEMENT.—

''(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

''(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during prerelease custody.

''(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

''(2) REGIONS.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.''.

SEC. 135. GAO STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of a sex offender relocated as a result of a major disaster.

SEC. 137. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this subtitle as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this subtitle to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(2) IMPUTED ELECTION IN CERTAIN CASES.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not implemented the requirements of this subtitle and is not likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(1) NONDUPLICATION.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to sex offenders subject to the tribe's jurisdiction.

SEC. 138. REGISTRATION OF PRISONERS RELEASED FROM FOREIGN IMPRISONMENT.

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about persons entering the United States who are required to register under this title.

SEC. 139. SEX OFFENDER RISK CLASSIFICATION STUDY.

(a) STUDY.—The Attorney General shall conduct a study of risk-based sex offender classification systems, which shall include an analysis of—

(1) various risk-based sex offender classification systems;

(2) the methods and assessment tools available to assess the risks posed by sex offenders;

(3) the efficiency and effectiveness of risk-based sex offender classification systems, in comparison to offense-based sex offender classification systems, in—

(A) reducing threats to public safety posed by sex offenders; and

(B) assisting law enforcement agencies and the public in identifying the most dangerous sex offenders;

(4) the resources necessary to implement, and the legal implications of implementing, risk-based sex offender classification systems for sex offender registries; and

(5) any other information the Attorney General determines necessary to evaluate risk-based sex offender classification systems.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

(c) STUDY CONDUCTED BY TASK FORCE.—The Attorney General may establish a task force to conduct the study and prepare the report required under this section. Any task force established under this section shall be composed of members, appointed by the Attorney General, who—

(1) represent national, State, and local interests; and

(2) are especially qualified to serve on the task force by virtue of their education, training, or experience, particularly in the fields of sex offender management, community education, risk assessment of sex offenders, and sex offender victim issues.

SEC. 140. STUDY OF THE EFFECTIVENESS OF RESTRICTING THE ACTIVITIES OF SEX OFFENDERS TO REDUCE THE OCCURRENCE OF REPEAT OFFENSES.

(a) STUDY.—The Attorney General shall conduct a study to evaluate the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses by such sex offenders. The study shall evaluate—

(1) the effectiveness of methods of monitoring and restricting the activities of sex offenders, including restrictions—

(A) on the areas in which sex offenders can reside, work, and attend school;

(B) limiting access by sex offenders to the Internet or to specific Internet sites;

(C) preventing access by sex offenders to pornography and other obscene materials; and

(D) imposed as part of supervised release or probation conditions;

(2) the ability of law enforcement agencies and courts to enforce such restrictions; and

(3) the efficacy of any other restrictions that may reduce the occurrence of repeat offenses by sex offenders.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the study under this section.

Subtitle B—Criminal Law Enforcement of Registration Requirements

SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

''CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

''Sec

''2250. Failure to register

''§ 2250. Failure to register

''Whoever is required to register under the Sex Offender Registration and Notification Act and—

''(1) is a sex offender as defined for the purposes of that Act by reason of a conviction under Federal law; or

''(2) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country;

and knowingly fails to register as required shall be fined under this title or imprisoned not more than 20 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following new item:

''109B. Sex offender and crimes against children registry ..... 2250''.

(c) FALSE STATEMENT OFFENSE.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: ''If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 10 years.''.

(d) PROBATION.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

''(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and''.

(e) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with ''The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)'', by striking ''described in section 4042(c)(4)'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.''.

(2) in subsection (k)—

(A) by striking ''2244(a)(1), 2244(a)(2)'' and inserting ''2243, 2244, 2245, 2250'';

(B) by inserting ''not less than 5,'' after ''any term of years''; and

(C) by adding at the end the following: ''If a defendant required to register under the Sex Offender Registration and Notification Act violates the requirements of that Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years, and if the offense was an offense under chapter 109A, 109B, 110, or 117, or section 1591, not less than 10 years.''.

(f) DUTIES OF BUREAU OF PRISONS.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

''(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.''.

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES.—Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code, are each amended by striking ''(4)'' each place it appears and inserting ''(3)''.

(h) CONFORMING REPEAL OF DEADWOOD.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

(i) MILITARY OFFENSES.—

(1) Section 115(a)(8)(C)(i) of Public Law 105–119 (111 Stat. 2466) is amended by striking ''which encompass'' and all that follows through ''and (B))'' and inserting ''which are sex offenses as that term is defined in the Sex Offender Registration and Notification Act''.

(2) Section 115(a)(8)(C)(iii) of Public Law 105–119 (111 Stat. 2466; 10 U.S.C. 951 note) is amended by striking ''the amendments made under subparagraphs (A) and (B)'' and inserting ''the Sex Offender Registration and Notification Act''.

(j) CONFORMING AMENDMENT RELATING TO PAROLE.—Section 4209(a) of title 18, United States Code, is amended in the second sentence by striking ''described'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.''.

SEC. 152. FEDERAL INVESTIGATION OF SEX OFFENDER VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to implement this section.

SEC. 153. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

''PART JJ—SEX OFFENDER APPREHENSION GRANTS

''SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

''(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

''(b) COVERED ACTIVITIES.—An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

''SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this part.''.

SEC. 154. USE OF ANY CONTROLLED SUBSTANCE TO FACILITATE SEX OFFENSE, AND PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.

(a) INCREASED PUNISHMENT.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

''§ 2249. Use of any controlled substance to facilitate sex offense

''(a) Whoever, knowingly uses a controlled substance to substantially impair the ability of a person to appraise or control conduct, in order to commit a sex offense, other than an offense where such use is an element of the offense, shall, in addition to the punishment provided for the sex offense, be imprisoned for any term of years not more than 10 years.

''(b) As used in this section, the term 'sex offense' means an offense under this chapter other than an offense under this section.

''§ 2250. Internet sales of date rape drugs

''(a) Whoever knowingly uses the Internet to distribute (as that term is defined for the purposes of the Controlled Substances Act) a date rape drug to any person shall be fined under this title or imprisoned not more than 20 years, or both.

''(b) As used in this section, the term 'date rape drug' means gamma hydroxybutyric acid, ketamine, or flunitrazepam, or any analogue of such a substance, including gamma butyrolactone or 1,4-butanediol.''.

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

''2249. Use of any controlled substance to facilitate sex offense

''2250. Internet sales of date rape drugs''.

SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

SEC. 156. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 157. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

SEC. 158. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding

offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—

(1) $1,000,000 to carry out subsection (a); and

(2) $2,000,000 to carry out subsection (b).

SEC. 159. REVOCATION OF PROBATION OR SUPERVISED RELEASE.

(a) PROBATION.—Section 3565(b) of title 18, United States Code, is amended—

(1) in paragraph (3) by striking `or' at the end; and

(2) by inserting after paragraph (4) the following:

''(5) commits a felony crime of violence; or

''(6) commits a crime of violence against, or an offense that consists of or is intended to facilitate unlawful sexual contact (as defined in section 2246) with, a person who has not attained the age of 18 years;''.

(b) SUPERVISED RELEASE.—Section 3583(g) of title 18, United States Code, is amended—

(1) in paragraph (3) by striking `or' at the end; and

(2) by inserting after paragraph (4) the following:

''(5) commits a felony crime of violence; or

''(6) commits a crime of violence against, or an offense that consists of or is intended to facilitate unlawful sexual contact (as defined in section 2246) with, a person who has not attained the age of 18 years;''.

Subtitle C—Office on Sexual Violence and Crimes Against Children

SEC. 161. ESTABLISHMENT.

There is established within the Department of Justice, under the general authority of the Attorney General, an Office on Sexual Violence and Crimes against Children (hereinafter in this subtitle referred to as the ''Office'').

SEC. 162. DIRECTOR.

The Office shall be headed by a Director who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

SEC. 163. DUTIES AND FUNCTIONS.

The Office is authorized to—

(1) administer the standards for sex offender registration and notification programs set forth in this title;

(2) administer grant programs relating to sex offender registration and notification authorized by this title and other grant programs authorized by this title as directed by the Attorney General;

(3) cooperate with and provide technical assistance to States, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and

(4) perform such other functions as the Attorney General may delegate.

TITLE II—DNA FINGERPRINTING

SEC. 201. TECHNICAL AMENDMENT.

The first sentence of section 3(a)(1)(A) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)(A)) is amended by striking ''or from'' and all that follows through ''detained'' and inserting '', detained, or convicted''.

SEC. 202. STOPPING VIOLENT PREDATORS AGAINST CHILDREN.

In carrying out Acts of Congress relating to DNA databases, the Attorney General shall give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

SEC. 203. MODEL CODE ON INVESTIGATING MISSING PERSONS AND DEATHS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that each State should, not later than 1 year after the date on which the Attorney General published the model code, enact laws implementing the model code.

(b) GAO STUDY.—Not later than 2 years after the date on which the Attorney General published the model code, the Comptroller General shall submit to Congress a report on the extent to which States have implemented the model code. The report shall, for each State—

(1) describe the extent to which the State has implemented the model code; and

(2) to the extent the State has not implemented the model code, describe the reasons why the State has not done so.

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN

SEC. 301. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) SPECIAL SENTENCING RULE.—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

''(d) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a felony crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

''(1) if the crime of violence results in the death of a person who has not attained the age of 18 years, be sentenced to death or life in prison;

''(2) if the crime of violence is kidnapping, aggravated sexual abuse, sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30; and

''(3) if the crime of violence results in serious bodily injury (as defined in section 2119), be imprisoned for life or for any term of years not less than 20.''.

SEC. 302. KENNETH WREDE FAIR AND EXPEDITIOUS HABEAS REVIEW OF STATE CRIMINAL CONVICTIONS.

(a) SECTION 2264.—Section 2264 of title 28, United States Code, is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

''(b) The court shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.''.

(b) SECTION 2254.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

''(j) The court, Justice, or judge entertaining the application shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.''.

(c) APPLICATION.—The amendments made by this section apply to cases pending on or after the date of the enactment of this Act.

SEC. 303. RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.

Section 3771(b) of title 18, United States Code, is amended—

(1) by striking ''In any court proceeding'' and inserting the following:

''(1) IN GENERAL.—In any court proceeding''; and

(2) by adding at the end the following:

''(2) HABEAS CORPUS PROCEEDINGS.—

''(A) IN GENERAL.—In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—These rights may be enforced by the crime victim or the crime victim's lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

''(ii) MULTIPLE VICTIMS.—In a case involving multiple victims, subsection (d)(2) shall also apply.

''(C) LIMITATION.—This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

''(D) DEFINITION.—For purposes of this paragraph, the term 'crime victim' means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.''.

SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) STUDY.—The Attorney General shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN

SEC. 401. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking '', imprisoned for any term of years or life, or both.'' and inserting ''and imprisoned for not less than 30 years or for life.''.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''subsection (a) or (b) of'' before ''section 2241'';

(ii) by striking ''or'' at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(iv) by inserting after paragraph (4) the following:

''(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.''; and

(B) in subsection (c), by inserting ''(other than subsection (a)(5))'' after ''violates this section''.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by inserting '', chapter 110, chapter 117, or section 1591'' after ''this chapter'';

(B) by striking ''A person'' and inserting ''(a) IN GENERAL.—A person''; and

(C) by adding at the end the following:

''(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, chapter 110, chapter 117, or section 1591 engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisoned for not less than 30 years or for life.''.

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting ''section 2245 (sexual abuse resulting in death),'' after ''(wrecking trains),''.

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by inserting ''section 1591,'' after ''this chapter,'' the first place it appears;

(B) by striking ''the sexual exploitation of children'' the first place it appears and inserting ''aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography''; and

(C) by striking ''any term of years or for life'' and inserting ''not less than 30 years or for life''.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by striking ''paragraphs (1)'' and inserting ''paragraph (1)'';

(B) by inserting ''section 1591,'' after ''this chapter,''; and

(C) by inserting '', or sex trafficking of children'' after ''pornography''.

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting ''section 1591,'' after ''this chapter,''; and

(B) by inserting '', or sex trafficking of children'' after ''pornography''.

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking ''4'' and inserting ''20''.

(5) EXTRATERRITORIAL CHILD PORNOGRAPHY OFFENSES.—Section 2260(c) of title 18, United States Code, is amended to read as follows:

''(c) PENALTIES.—

''(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection.

''(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.''.

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3559(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking ''or 2423(a)'' and inserting ''2423(a)''; and

(2) by inserting '', 2423(b) (relating to travel with intent to engage in illicit sexual conduct), 2423(c) (relating to illicit sexual conduct in foreign places), or 2425 (relating to use of interstate facilities to transmit information about a minor)'' after ''minors)''.

SEC. 402. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) FINDINGS.—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in United States v. Jeffrey Meek, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that ''an actual minor victim is not required for an attempt conviction under 18 U.S.C. 2422(b).'';

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, ''Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple's decision in United States v. Helder, Jr. and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple's decision in United States v. Helder, Jr. should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

SEC. 403. GRANTS FOR CHILD SEXUAL ABUSE PREVENTION PROGRAMS.

(a) IN GENERAL.—The Attorney General shall make grants to States, units of local government, Indian tribes, and nonprofit organizations for purposes of establishing and maintaining programs with respect to the prevention of sexual offenses committed against minors.

(b) STATE DEFINED.—For purposes of this section, the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

SEC. 501. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting '', including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code),'' after ''criminal records checks''; and

(II) by striking ''on whose behalf foster care maintenance payments or adoption assistance payments are to be made'' and inserting ''regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child''; and

(ii) in each of clauses (i) and (ii), by inserting ''involving a child on whose behalf such payments are to be so made'' after ''in any case''; and

(B) by adding at the end the following:

''(C) provides that the State shall—

''(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

''(ii) comply with any request described in clause (i) that is received from another State; and

''(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;''.

(2) SUSPENSION OF OPT-OUT.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting '', on or before September 30, 2005,'' after ''plan if''; and

(B) by inserting '', on or before such date,'' after ''or if''.

(b) ELIMINATION OF OPT-OUT.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''unless an election provided for in subparagraph (B) is made with respect to the State,''; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) ELIMINATION OF OPT-OUT.—The amendments made by subsection (b) shall take effect on October 1, 2008, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 502. ACCESS TO FEDERAL CRIME INFORMATION DATABASES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code) submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents; or

(B) an investigation relating to an incident of abuse or neglect of a minor; or

(2) a private elementary or secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or volunteering for the school or agency in a position in which the individual would work with or around children.

(b) FINGERPRINT-BASED CHECK.—Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(c) FEES.—The Attorney General and the States may charge any applicable fees for the checks.

(d) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies, private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(e) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (d), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(f) CHILD WELFARE AGENCY DEFINED.—In this section, the term ''child welfare agency'' means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

(g) DEFINITION OF EDUCATION TERMS.—In this section, the terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(h) TECHNICAL CORRECTION.—Section 534 of title 28, United States Code, is amended by redesignating the second subsection (e) as subsection (f).

SEC. 503. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''or imprisoned not more than 20 years, or both'' and inserting ''and imprisoned not less than 5 years nor more than 20 years''; and

(2) in subsection (b), by striking ''5'' and inserting ''10''.

SEC. 504. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''5 years and not more than 30 years'' and inserting ''30 years or for life'';

(2) in subsection (b), by striking ''or imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 years and not more than 30 years'';

(3) in subsection (c), by striking ''or imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 years and not more than 30 years''; and

(4) in subsection (d), by striking ''imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 nor more than 30 years''.

SEC. 505. PENALTIES FOR SEXUAL ABUSE.

(a) AGGRAVATED SEXUAL ABUSE.—Section 2241 of title 18, United States Code, is amended—

(1) in subsection (a), by striking '', imprisoned for any term of years or life, or both'' and inserting ''and imprisoned for any term of years not less than 30 or for life''; and

(2) in subsection (b), by striking '', imprisoned for any term of years or life, or both'' and inserting ''and imprisoned for any term of years not less than 30 or for life''.

(b) SEXUAL ABUSE.—Section 2242 of title 18, United States Code, is amended by striking '', imprisoned not more than 20 years, or both'' and inserting ''and imprisoned not less than 10 years nor more than 30 years''.

(c) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''ten years'' and inserting ''30 years'';

(2) in paragraph (2), by striking ''three years'' and inserting ''20 years'';

(3) in paragraph (3), by striking ''two years'' and inserting ''15 years''; and

(4) in paragraph (4), by striking ''two years'' and inserting ''10 years''.

SEC. 506. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; and''; and

(2) by inserting after paragraph (9) the following:

''(10) for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: ''The court may order, as an explicit condition of supervised release for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

SEC. 507. KIDNAPPING JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''if the person was alive when the transportation began'' and inserting '', or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense''; and

(2) in subsection (b), by striking ''to interstate'' and inserting ''in interstate''.

SEC. 508. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

(a) IN GENERAL.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1826 the following:

''§ 1826A. Marital communications and adverse spousal privilege

''The confidential marital communication privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

''(1) a child of either spouse; or

''(2) a child under the custody or control of either spouse.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

''1826A. Marital communications and adverse spousal privilege''.

SEC. 509. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting ''felony child abuse or neglect,'' after ''years,''.

SEC. 510. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting ''or to undergo postrelease proceedings'' after ''trial''; and

(B) by inserting at the end the following:

''4248. Civil commitment of a sexually dangerous person'';

(2) in section 4241—

(A) in the heading, by inserting ''**OR TO UNDERGO POSTRELEASE PROCEEDINGS**'' after ''**TRIAL**'';

(B) in the first sentence of subsection (a), by inserting ''or at any time after the commencement of probation or supervised release and prior to the completion of the sentence,'' after ''defendant,'';

(C) in subsection (d)—

(i) by striking ''trial to proceed'' each place it appears and inserting ''proceedings to go forward''; and

(ii) by striking ''section 4246'' and inserting ''sections 4246 and 4248''; and

(D) in subsection (e)—

(i) by inserting ''or other proceedings'' after ''trial''; and

(ii) by striking ''chapter 207'' and inserting ''chapters 207 and 227'';

(3) in section 4247—

(A) by striking '', or 4246'' each place it appears and inserting '', 4246, or 4248'';

(B) in subsections (g) and (i), by striking ''4243 or 4246'' each place it appears and inserting ''4243, 4246, or 4248'';

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

''(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and'';

(ii) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

''(4) 'bodily injury' includes sexual abuse;

''(5) 'sexually dangerous person' means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

''(6) 'sexually dangerous to others' means that a person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.'';

(D) in subsection (b), by striking ''4245 or 4246'' and inserting ''4245, 4246, or 4248'';

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

''(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;''; and

(F) in subsections (e) and (h)—

(i) by striking ''hospitalized'' each place it appears and inserting ''committed''; and

(ii) by striking ''hospitalization'' each place it appears and inserting ''commitment'' ; and

(4) by inserting at the end the following:

''§ 4248. Civil commitment of a sexually dangerous person

''(a) INSTITUTION OF PROCEEDINGS.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

''(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

''(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

''(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

''(1) such a State will assume such responsibility; or

''(2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier.

''(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

''(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

''(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

''(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

''(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

''(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

''(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.''.

SEC. 511. JIMMY RYCE STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) GRANTS AUTHORIZED.—Except as provided in subsection (b), the Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) LIMITATION.—The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a locations where minors or other vulnerable persons are likely to come into contact with that person.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(d) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(e) DEFINITIONS.—As used in this section:

(1) The term ''civil commitment program'' means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term ''sexually dangerous person'' means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term ''jurisdiction'' has the meaning given such term in section 111.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''or imprisonment'' and inserting ''and imprisonment'';

(B) by inserting ''not less than 10'' after ''any term of years''; and

(C) by striking '', or both''; and

(2) in paragraph (2)—

(A) by striking ''or imprisonment for not'' and inserting ''and imprisonment for not less than 5 years nor''; and

(B) by striking '', or both''.

SEC. 513. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking ''five years'' and inserting ''15 years''; and

(2) by inserting a comma after ''Attorney General'' each place it appears.

SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

''§ 3298. Child abduction and sex offenses

''Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.''; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

''3298. Child abduction and sex offenses''.

SEC. 515. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking ''Class B misdemeanor'' and inserting ''Class A misdemeanor''.

TITLE VI—CHILD PORNOGRAPHY PREVENTION

SEC. 601. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 602. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257(h) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''subparagraphs (A) through (D)'' and inserting ''subparagraph (A)''; and

(2) in paragraph (3), by striking ''which does not involve'' and all that follows through ''depicted'' and inserting ''with respect to which the Attorney General determines the record keeping requirements of this section are not needed to carry out the purposes of this chapter''.

SEC. 603. ADDITIONAL RECORDKEEPING REQUIREMENTS.

(a) NEW REQUIREMENT.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 2257 the following:

''§ 2257A. Recordkeeping requirements for simulated sexual conduct

''(a) Whoever produces any book, magazine, periodical, film, videotape, or other matter which—

''(1) contains a visual depiction of simulated sexually explicit conduct (except conduct described in section 2256(2)(A)(v)), created after the date of the enactment of this section; and

''(2) is produced in whole or in part with materials which have been mailed or shipped

in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

''(b) Subsections (b), (c), (d), (e), (f), (h)(2), and (i) of section 2257 apply to matter and records described in subsection (a) of this section in the same manner as they apply to matter and records described in section 2257(a).

''(c) As used in this section, the term 'produces' means—

''(1) to film, videotape, photograph; or create a picture, digital image, or digitally- or computer-manipulated image of an actual human being, that constitutes a visual depiction of simulated sexually explicit conduct; or

''(2) to make such a depiction available to another, if the circumstances in which the depiction is made available are likely to convey the impression that the depiction is child pornography.

''(d) This section (other than to the extent subsection (b) of this section makes section 2257(d) applicable) does not apply to a person who produces matter described in subsection (a), and who—

''(1) ascertains, by examination of an identification document containing such information, the name and birth date of every performer portrayed in such a visual depiction, and maintains such information in individually identifiable records;

''(2) makes such records available to the Attorney General for inspection at all reasonable times;

''(3) provides to the Attorney General the name, title, and business address of the individual employed for the purpose of maintaining such records; and

''(4) certifies compliance with paragraphs (1), (2), and (3) to the Attorney General on an annual basis, and that the Attorney General will be promptly notified of any changes in that name, title, or business address.''.

(2) EFFECTIVE DATE OF REGULATIONS.—The regulations issued to carry out section 2257A of title 18, United States Code, shall not become effective until 90 days after the regulations are published in the Federal Register.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2257 the following new item:

''2257A. Recordkeeping requirements for simulated sexual conduct''.

SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

''(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

''(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

''(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

''(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, aid any individual the defendant may seek to qualify to furnish expert testimony at trial.''.

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after ''of such offense'' and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

''(b) The provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsetion (a).

''(c) Any property subject to forfeituire pursuant to subsection(a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.''.

(b) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting ''or who is convicted of an offense under sections 2252B, 2257, or 2257A of this chapter,'' after ''2260 of this chapter''; and

(B) by striking ''an offense under section 2421, 2422, or 2423 of chapter 117'' and inserting ''an offense under chapter 109A'';

(2) in paragraph (1), by inserting ''2252A, 2252B, 2257, or 2257A'' after ''2252''; and

(3) in paragraph (3), by inserting ''or any property traceable to such property'' before the period.

(c) CRIMINAL FORFEITURE PROCEDURE.—Section 2253 of title 18, United States Code, is amended by striking subsections (b) through (o) and inserting the following:

''(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d), applies to the criminal forfeiture of property pursuant to subsection (a).''.

(d) CIVIL FORFEITURE.—Section 2254 of title 18, United States Code, is amended to read as follows:

''§ 2254. Civil forfeiture

''Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.''.

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting ''**PRODUCTION AND**'' before ''**TRANSPORTATION**'' in the heading of the section;

(2) by inserting ''produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly'' after ''whoever knowingly'' and before ''transports or travels in''; and

(3) by inserting a comma after ''in or affecting such commerce''.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting ''producing with intent to distribute or sell, or'' before ''selling or transferring obscene matter,'';

(2) in subsection (b), by inserting, ''produces'' before ''sells or transfers or offers to sell or transfer obscene matter''; and

(3) in subsection (b) by inserting ''production,'' before ''selling or transferring or offering to sell or transfer such material.''.

SEC. 607. GUARDIANS AD LITEM.

Section 3509(h)(1) of title 18, United States Code, is amended by inserting '', and provide reasonable compensation and payment of expenses for,'' before ''a guardian''.

TITLE VII—COURT SECURITY

SEC. 701. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The United States Marshals Service shall consult with the Administrative Office of the United States Courts on a continuing basis regarding the security requirements for the judicial branch and inform the Administrative Office of the measures the Marshals Service intends to take to meet those requirements.''.

(b) CONFORMING AMENDMENT.—Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating existing paragraph (24) as paragraph (25);

(2) by striking ''and'' at the end of paragraph (23); and

(3) by inserting after paragraph (23) the following:

''(24) Consult with the United States Marshals Service on a continuing basis regarding the security requirements for the Judicial Branch; and''.

SEC. 702. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2006 through 2010 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and Assistant United States Attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 703. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''§ 1521. Retaliating against a Federal official by false claim or slander of title

''Whoever, with the intent to harass or intimidate a person designated in section 1114, files, or attempts or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of that person, on account of the performance of official duties by that person, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 704. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. Protection of individuals performing certain official duties

''(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to intimidate or facilitate the commission of a crime of violence (as defined in section 16) against that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

''(b) As used in this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114;

''(B) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968); or

''(C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

''(3) the term 'immediate family' has the same meaning given that term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''117. Protection of individuals performing certain official duties''.

SEC. 705. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, and those who commit fraud and other white-collar offenses. The report shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling those prosecutions and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling those prosecutions, including measures such as threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The Department of Justice's firearms deputation policies, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each measure covered by paragraphs (1) through (3), when the report or measure was developed and who was responsible for developing and implementing the report or measure.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide the attorneys with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency such attorneys are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the Department of Justice's policy as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of the attorneys, the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, the attorneys.

SEC. 706. FLIGHT TO AVOID PROSECUTION FOR KILLING PEACE OFFICERS.

(a) FLIGHT.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Flight to avoid prosecution for killing peace officers

''Whoever moves or travels in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill, an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws or for a crime punishable by section 1114 or 1123, shall be fined under this title and imprisoned, in addition to any other imprisonment for the underlying offense, for any term of years not less than 10.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of title 18, United States Code, is amended by adding at the end the following new item:

''1075. Flight to avoid prosecution for killing peace officers''.

SEC. 707. SPECIAL PENALTIES FOR MURDER, KIDNAPPING, AND RELATED CRIMES AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever''; and

(2) by adding at the end the following:

''(b) If the victim of a murder punishable under this section is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.''.

(b) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by adding at the end the following: ''If the victim of the offense punishable under this subsection is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.''.

SEC. 708. AUTHORITY OF FEDERAL JUDGES AND PROSECUTORS TO CARRY FIREARMS.

(a) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3053 the following:

"§ 3054. Authority of Federal judges and prosecutors to carry firearms

''Any justice of the United States or judge of the United States (as defined in section 451 of title 28), any judge of a court created under article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States attorney, and any other officer or employee of the Department of Justice whose duties include representing the United States in a court of law, may carry firearms, subject to such regulations as the Attorney General shall prescribe. Such regulations may provide for training and regular certification in the use of firearms and shall, with respect to justices, judges, bankruptcy judges, and magistrate judges, be prescribed after consultation with the Judicial Conference of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 3053 the following:

''3054. Authority of Federal judges and prosecutors to carry firearms''.

SEC. 709. PENALTIES FOR CERTAIN ASSAULTS.

Section 111 of title 18, United States Code, is amended—

(1) by striking ''8 years'' and inserting ''15 years'' in subsection (a); and

(2) by striking ''20 years'' and inserting ''30 years'' in subsection (b).

SEC. 710. DAVID MARCH AND HENRY PRENDES PROTECTION OF FEDERALLY FUNDED PUBLIC SAFETY OFFICERS.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§ 1123. Killing of federally funded public safety officers

''(a) Whoever kills, or attempts or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, or on account of the performance of official duties, or kills a former federally funded public safety officer on account of the past performance of official duties, shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, may be sentenced to death.

''(b) As used in this section—

''(1) the term 'federally funded public safety officer' means a public safety officer for a public agency (including a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32) that receives Federal financial assistance, of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity;

''(2) the term 'public safety officer' means an individual serving a public agency in an official capacity, as a judicial officer, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew;

''(3) the term 'judicial officer' means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers; and

''(4) the term 'firefighter' includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

''(5) the term 'law enforcement officer' means an individual, with arrest powers, involved in crime and juvenile delinquency control or reduction, or enforcement of the laws.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

''1123. Killing of federally funded public safety officers''.

SEC. 711. MODIFICATION OF DEFINITION OF OFFENSE AND OF THE PENALTIES FOR, INFLUENCING OR INJURING OFFICER OR JUROR GENERALLY.

Section 1503 of title 18, United States Code, is amended—

(1) so that subsection (a) reads as follows:

''(a)(1) Whoever—

''(A) corruptly, or by threats of force or force, endeavors to influence, intimidate, or impede a juror or officer in a judicial proceeding in the discharge of that juror or officer's duty;

''(B) injures a juror or an officer in a judicial proceeding arising out of the performance of official duties as such juror or officer; or

''(C) corruptly, or by threats of force or force, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

''(2) As used in this section, the term 'juror or officer in a judicial proceeding' means a grand or petit juror, or other officer in or of any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.''; and

(2) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

''(1) in the case of a killing, or an attempt or a conspiracy to kill, the punishment provided in section 1111, 1112, 1113, and 1117; and

''(2) in any other case, a fine under this title and imprisonment for not more than 30 years.''.

SEC. 712. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2) of subsection (a), insert ''or conspires'' after ''attempts'';

(2) so that subparagraph (A) of subsection (a)(3) reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(3) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(B) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(4) in subsection (b), by striking ''ten years'' and inserting ''30 years''; and

(5) in subsection (d), by striking ''one year'' and inserting ''20 years''.

SEC. 713. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''or conspires'' after ''attempts'';

(2) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(3) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(4) in subsection (b), by striking ''ten years'' and inserting ''30 years'';

(5) in the first subsection (e), by striking ''10 years'' and inserting ''30 years''; and

(6) by redesignating the second subsection (e) as subsection (f).

SEC. 714. INCLUSION OF INTIMIDATION AND RETALIATION AGAINST WITNESSES IN STATE PROSECUTIONS AS BASIS FOR FEDERAL PROSECUTION.

Section 1952 of title 18, United States Code, is amended in subsection (b)(2), by inserting ''intimidation of, or retaliation against, a witness, victim, juror, or informant,'' after ''extortion, bribery,''.

SEC. 715. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.''.

SEC. 716. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 717. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

(a) MURDER AMENDMENTS.—Section 1111 of title 18, United States Code, is amended in subsection (b) by inserting ''not less than 30'' after ''any term of years''.

(b) MANSLAUGHTER AMENDMENTS.—Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''20 years''; and

(2) by striking ''six years'' and inserting ''10 years''.

SEC. 718. WITNESS PROTECTION GRANT PROGRAM.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part BB (42 U.S.C. 3797j et seq.) the following new part:

''PART CC—WITNESS PROTECTION GRANTS

''SEC. 2811. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

''(b) USES OF FUNDS.—Grants awarded under this part shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for witness and victim protection programs;

''(2) has a serious violent crime problem in the jurisdiction;

''(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes; and

''(4) shares an international border and faces a demonstrable threat from cross border crime and violence.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 719. FUNDING FOR STATE COURTS TO ASSESS AND ENHANCE COURT SECURITY AND EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts—

(1) to conduct assessments focused on the essential elements for effective courtroom safety and security planning; and

(2) to implement changes deemed necessary as a result of the assessments.

(b) ESSENTIAL ELEMENTS.—As used in subsection (a)(1), the essential elements include, but are not limited to—

(1) operational security and standard operating procedures;

(2) facility security planning and self-audit surveys of court facilities;

(3) emergency preparedness and response and continuity of operations;

(4) disaster recovery and the essential elements of a plan;

(5) threat assessment;

(6) incident reporting;

(7) security equipment;

(8) developing resources and building partnerships; and

(9) new courthouse design.

(c) APPLICATIONS.—To be eligible for a grant under this section, a highest State court shall submit to the Attorney General an application at such time, in such form, and including such information and assurances as the Attorney General shall require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 720. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) In General.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section such sums as may be necessary for each of fiscal years 2006 through 2009.

SEC. 721. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.''.

SEC. 722. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) DEFINITIONS.—For purposes of this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance.

(2) JUVENILE.—The term ''juvenile'' means an individual who is 17 years of age or younger.

(3) YOUNG ADULT.—The term ''young adult'' means an individual who is between the ages of 18 and 21.

(4) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) PROGRAM AUTHORIZATION.—The Director may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs, including State and local prosecutors and law enforcement agencies that have existing juvenile and adult witness assistance programs.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, State and local prosecutors and law enforcement officials shall—

(1) submit an application to the Director in such form and containing such information as the Director may reasonably require; and

(2) give assurances that each applicant has developed, or is in the process of developing, a witness assistance program that specifically targets the unique needs of juvenile and young adult witnesses and their families.

(d) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment.

(E) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(F) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(e) REPORTS.—

(1) REPORT.—State and local prosecutors and law enforcement agencies that receive funds under this section shall submit to the Director a report not later than May 1st of each year in which grants are made available under this section. Reports shall describe progress achieved in carrying out the purpose of this section.

(2) REPORT TO CONGRESS.—The Director shall submit to Congress a report by July 1st of each year which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006, 2007, and 2008.

SEC. 723. STATE AND LOCAL COURT ELIGIBILITY.

(a) BUREAU GRANTS.—Section 302(c)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(c)(1)) is amended by inserting ''State and local courts, local law enforcement,'' after ''contracts with''.

(b) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(c) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (3796ii) is amended—

(1) in subsection (a), by inserting ''State and local court,'' after ''local,''; and

(2) in subsection (b), by inserting ''State and local court'' after ''government,''.

(d) CHILD ABUSE PREVENTION.—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the section heading, by inserting ''**STATE AND LOCAL COURTS,**'' after ''**AGENCIES**'';

(2) in subsection (a), by inserting ''and State and local courts'' after ''such agencies or organizations)''; and

(3) in subsection (a)(1), by inserting ''and State and local courts'' after ''organizations''.

TITLE VIII—REDUCTION AND PREVENTION OF GANG VIOLENCE

SEC. 801. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended to read as follows:

''CHAPTER 26—CRIMINAL STREET GANGS

''Sec.

''521. Criminal street gang prosecutions.

''§ 521. Criminal street gang prosecutions

''(a) STREET GANG CRIME.—Whoever commits, or conspires, threatens or attempts to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in such a gang, shall, in addition to being subject to a fine under this title—

''(1) if the gang crime results in the death of any person, be sentenced to death or life in prison;

''(2) if the gang crime is kidnapping, aggravated sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30;

''(3) if the gang crime is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

''(4) in any other case, be imprisoned for life or for any term of years not less than 10.

''(b) FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on any person convicted of a violation of this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States such person's interest in—

''(A) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

''(B) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation.

''(2) APPLICATION OF CONTROLLED SUBSTANCES ACT.—Subsections (b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853) shall apply to a forfeiture under this section as though it were a forfeiture under that section.

''(c) DEFINITIONS.—The following definitions apply in this section:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence), in 2 or more separate criminal episodes, in relation to the group or association, if any of the activities of the criminal street gang affects interstate or foreign commerce.

''(2) GANG CRIME.—The term 'gang crime' means conduct constituting any Federal or State crime, punishable by imprisonment for more than one year, in any of the following categories:

''(A) A crime of violence (other than a crime of violence against the property of another).

''(B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

''(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(D) Any conduct punishable under section 844 (relating to explosive materials), subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of this title) or is a serious drug offense (as defined in section 924(e)(2)(A))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices), section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 (relating to

the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

''(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of the Immigration and Nationality Act.

''(3) AGGRAVATED SEXUAL ABUSE.—The term 'aggravated sexual abuse' means an offense that, if committed in the special maritime and territorial jurisdiction would be an offense under section 2241(a).

''(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) AMENDMENT RELATING TO PRIORITY OF FORFEITURE OVER ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking ''chapter 46 or chapter 96 of this title'' and inserting ''section 521, under chapter 46 or 96,''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting '', section 521 (relating to criminal street gang prosecutions)'' before '', section 541''.

SEC. 802. INCREASED PENALTIES FOR INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING.

Section 1952 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''perform'' and all that follows through the end of the subsection and inserting ''perform an act described in paragraph (1), (2), or (3), or conspires to do so, shall be punished as provided in subsection (d).''; and

(2) by adding at the end following:

''(d) The punishment for an offense under subsection (a) is—

''(1) in the case of a violation of paragraph (1) or (3), a fine under this title and imprisonment for not more than 20 years; and

''(2) in the case of a violation of paragraph (2), a fine under this title and imprisonment for any term of years or for life, but if death results the offender may be sentenced to death.''.

SEC. 803. AMENDMENTS RELATING TO VIOLENT CRIME.

(a) CARJACKING.—Section 2119 of title 18, United States Code, is amended—

(1) by striking '', with the intent to cause death or serious bodily harm'' in the matter preceding paragraph (1);

(2) by inserting ''or conspires'' after ''attempts'' in the matter preceding paragraph (1);

(3) by striking ''15'' and inserting ''20'' in paragraph (1); and

(4) by striking ''or imprisoned not more than 25 years, or both'' and inserting ''and imprisoned for any term of years or for life'' in paragraph (2).

(b) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

''(h) Whoever, in or affecting interstate or foreign commerce, knowingly transfers a firearm, knowing or intending that the firearm will be used to commit, or possessed in furtherance of, a crime of violence or drug trafficking crime (as defined in subsection (c)(2)), shall be fined under this title and imprisoned not more than 20 years.''.

(c) AMENDMENT OF SPECIAL SENTENCING PROVISION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting ''section 521 (criminal street gang prosecutions), in'' after ''felony set forth in'';

(2) by striking ''specified person, other than his attorney, upon'' and inserting ''specified person upon''; and

(3) by inserting ''a criminal street gang or'' before ''an illegal enterprise''.

(d) CONSPIRACY PENALTY.—Section 371 of title 18, United States Code, is amended by striking ''five'' and inserting ''20''.

SEC. 804. INCREASED PENALTIES FOR USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF MURDER-FOR-HIRE AND OTHER FELONY CRIMES OF VIOLENCE.

(a) IN GENERAL.—Section 1958 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence'';

(2) in subsection (a), by inserting ''or other crime of violence, punishable by imprisonment for more than one year,'' after ''intent that a murder''; and

(3) in subsection (a), by striking ''shall be fined'' the first place it appears and all that follows through the end of such subsection and inserting the following:

''shall, in addition to being subject to a fine under this title—

''(1) if the crime of violence or conspiracy results in the death of any person, be sentenced to death or life in prison;

''(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, or a conspiracy to commit such a crime of violence, be imprisoned any term of years or for life;

''(3) if the crime of violence is an assault, or a conspiracy to assault, that results in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

''(4) in any other case, be imprisoned not more than 20 years.''.

(b) CLERICAL AMENDMENT.—The item relating to section 1958 in the table of sections at the beginning of chapter 95 of title 18, United States Code, is amended to read as follows:

''1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.''.

SEC. 805. INCREASED PENALTIES FOR VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

(a) OFFENSE.—Section 1959(a) of title 18, United States Code, is amended to read as follows:

''(a) Whoever commits, or conspires, threatens, or attempts to commit, a crime of violence, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of furthering the activities of an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in, such an enterprise, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for any other violation of this chapter and in addition to being subject to a fine under this title—

''(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

''(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for any term of years or for life;

''(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

''(4) in any other case, be imprisoned not more than 20 years.''.

(b) VENUE.—Section 1959 of title 18, United States Code, is amended by adding at the end the following:

''(c) A prosecution for a violation of this section may be brought in—

''(1) the judicial district in which the crime of violence occurred; or

''(2) any judicial district in which racketeering activity of the enterprise occurred.''.

SEC. 806. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

''MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME

''SEC. 424. (a) IN GENERAL.—Whoever commits, or conspires, or attempts to commit, a crime of violence during and in relation to a drug trafficking crime, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for the drug trafficking crime and in addition to being subject to a fine under this title—

''(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

''(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for life or any term of years not less than 30;

''(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

''(4) in any other case, be imprisoned for life or for any term of years not less than 10.

''(b) VENUE.—A prosecution for a violation of this section may be brought in—

''(1) the judicial district in which the murder or other crime of violence occurred; or

''(2) any judicial district in which the drug trafficking crime may be prosecuted.

''(c) DEFINITIONS.—As used in this section—

''(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

''(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 423 the following:

''424. Murder and other violent crimes committed during and in relation to a drug trafficking crime''.

SEC. 807. MULTIPLE INTERSTATE MURDER.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1123. Use of interstate commerce facilities in the commission of multiple murder

''(a) IN GENERAL.—Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility of interstate or foreign commerce, or who conspires or attempts to do so, with intent that 2 or more intentional homicides be committed in violation of the laws of any State or the United States shall, in addition to being subject to a fine under this title—

''(1) if the offense results in the death of any person, be sentenced to death or life in prison;

''(2) if the offense results in serious bodily injury (as defined in section 1365), be imprisoned for any term of years, or for life; and

''(3) in any other case, be imprisoned not more than 20 years.

''(b) DEFINITION.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

''1123. Use of interstate commerce facilities in the commission of multiple murder.''.

SEC. 808. ADDITIONAL RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or would have been so chargeable if the act or threat had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,'' after ''chargeable under State law''; and

(2) in subparagraph (B), by inserting ''section 1123 (relating to interstate murder),'' after ''section 1084 (relating to the transmission of gambling information),''.

SEC. 809. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e), in the matter following paragraph (3), by inserting ''an offense under subsection (g)(1) (where the underlying conviction is a serious drug offense (as defined in section 924(e)(2)(A)) or a crime of violence), (g)(2), (g)(4), (g)(5), (g)(8), or (g)(9) of section 922,'' after ''that the person committed'';

(2) in subsection (f)(1)—

(A) by striking ''or'' at the end of subparagraph (C); and

(B) by adding at the end the following:

''(E) an offense under section 922(g); or''.

(3) in subsection (g), by amending paragraph (1) to read as follows:

''(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, or involves a controlled substance, firearm, explosive, or destructive devise;''.

SEC. 810. VENUE IN CAPITAL CASES.

Section 3235 of title 18, United States Code, is amended to read as follows:

''§ 3235. Venue in capital cases

''(a) The trial for any offense punishable by death shall be held in the district where the offense was committed or in any district in which the offense began, continued, or was completed.

''(b) If the offense, or related conduct, under subsection (a) involves activities which affect interstate or foreign commerce, or the importation of an object or person into the United States, such offense may be prosecuted in any district in which those activities occurred.''.

SEC. 811. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3298. Violent crime offenses

''No person shall be prosecuted, tried, or punished for any noncapital felony, crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 15 years after the date on which the alleged violation occurred or the continuing offense was completed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3298. Violent crime offenses.''.

SEC. 812. CLARIFICATION TO HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

Rule 804(b)(6) of the Federal Rules of Evidence is amended to read as follows:

''(6) FORFEITURE BY WRONGDOING.—A statement offered against a party who has engaged or acquiesced in wrongdoing, or who could reasonably foresee such wrongdoing would take place, if the wrongdoing was intended to, and did, procure the unavailability of the declarant as a witness.''.

SEC. 813. TRANSFER OF JUVENILES.

The 4th undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(1) by striking ''A juvenile'' where it appears at the beginning of the paragraph and inserting ''Except as otherwise provided in this chapter, a juvenile'';

(2) by striking ''as an adult, except that, with'' and inserting ''as an adult. With''; and

(3) by striking ''However, a juvenile'' and all that follows through ''criminal prosecution.'' at the end of the paragraph and inserting ''The Attorney General may prosecute as an adult a juvenile who is alleged to have committed an act after that juvenile's 16th birthday which if committed by an adult would be a crime of violence that is a felony, an offense described in subsection (d), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), or section 931 (relating to purchase, ownership, or possession of body armor by violent felons). The decision whether or not to prosecute a juvenile as an adult under the immediately preceding sentence is not subject to judicial review in any court. In a prosecution under that sentence, the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted as an adult of any lesser included offense.''.

SEC. 814. CRIMES OF VIOLENCE AND DRUG CRIMES COMMITTED BY ILLEGAL ALIENS.

(a) OFFENSES.—Title 18, United States Code, is amended by inserting after chapter 51 the following new chapter:

''CHAPTER 52—ILLEGAL ALIENS

''Sec.

''1131. Enhanced penalties for certain crimes committed by illegal aliens.

''§ 1131. Enhanced penalties for certain crimes committed by illegal aliens

''Whoever, being an alien who is unlawfully present in the United States, commits, conspires or attempts to commit, a crime of violence (as defined in section 16) or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison. If the defendant was previously ordered removed under the Immigration and Nationality Act on the grounds of having committed a crime, the defendant shall be sentenced to not less than 15 years in prison. A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following new item:

''52. Illegal aliens ..... 1131''.

SEC. 815. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have on any and all aliens against whom a final order of removal has been issued, and any and all aliens who have signed a voluntary departure agreement. Such information shall be provided to the National Crime Information Center regardless of whether or not the alien received notice of a final order of removal and even if the alien has already been removed.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether or not the alien has received notice of the violation and even if the alien has already been removed; and''.

SEC. 816. STUDY.

The Attorney General and the Secretary of Homeland Security shall jointly conduct a study on the connection between illegal immigration and gang membership and activity, including how many of those arrested nationwide for gang membership and violence are aliens illegally present in the United States. The Attorney General and the Secretary shall report the results of that study to Congress not later than one year after the date of the enactment of this Act.

TITLE IX—INCREASED FEDERAL RESOURCES TO PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS

SEC. 901. GRANTS TO STATE AND LOCAL PROSECUTORS TO COMBAT VIOLENT CRIME AND TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862), as amended by section 724 of this Act, is further amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) to hire additional prosecutors to—

''(A) allow more cases to be prosecuted; and

''(B) reduce backlogs;

''(7) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors; and

''(8) to fund technology, equipment, and training for prosecutors to increase the accurate identification and successful prosecution of young violent offenders.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.''.

SEC. 902. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $20,000,000 for fiscal year 2006;

''(2) $20,000,000 for fiscal year 2007;

''(3) $20,000,000 for fiscal year 2008;

''(4) $20,000,000 for fiscal year 2009; and

''(5) $20,000,000 for fiscal year 2010.''.

SEC. 903. STATE AND LOCAL REENTRY COURTS.

(a) IN GENERAL.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by inserting at the end the following:

''SEC. 2979. STATE AND LOCAL REENTRY COURTS.

''(a) GRANTS AUTHORIZED.—The Attorney General shall award grants of not more than $500,000 to—

''(1) State and local courts; or

''(2) State agencies, municipalities, public agencies, nonprofit organizations, and tribes that have agreements with courts to take the lead in establishing a re-entry court.

''(b) USE OF FUNDS.—Grant funds awarded under this section shall be administered in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, and may be used to—

''(1) monitor offenders returning to the community;

''(2) provide returning offenders with—

''(A) drug and alcohol testing and treatment; and

''(B) mental and medical health assessment and services;

''(3) convene community impact panels, victim impact panels, or victim impact educational classes;

''(4) provide and coordinate the delivery of other community services to offenders, including—

''(A) housing assistance;

''(B) education;

''(C) employment training;

''(D) conflict resolution skills training;

''(E) batterer intervention programs; and

''(F) other appropriate social services; and

''(5) establish and implement graduated sanctions and incentives.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall, in addition to any other requirements required by the Attorney General, submit an application to the Attorney General that—

''(1) describes a long-term strategy and detailed implementation plan, including how the entity plans to pay for the program after the Federal funding ends;

''(2) identifies the governmental and community agencies that will be coordinated by this project;

''(3) certifies that—

''(A) there has been appropriate consultation with all affected agencies, including existing community corrections and parole entities; and

''(B) there will be appropriate coordination with all affected agencies in the implementation of the program; and

''(4) describes the methodology and outcome measures that will be used in evaluation of the program.

''(d) MATCHING REQUIREMENT.—The Federal share of a grant received under this section may not exceed 75 percent of the costs of the project funded under this section unless the Attorney General—

''(1) waives, wholly or in part, this matching requirement; and

''(2) publicly delineates the rationale for the waiver.

''(e) ANNUAL REPORT.—Each grantee under this section shall submit to the Attorney General, for each fiscal year in which funds from a grant received under this part is expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

''(1) a summary of the activities carried out under the grant;

''(2) an assessment of whether the activities summarized under paragraph (1) are meeting the needs identified in the application submitted under subsection (c); and

''(3) such other information as the Attorney General may require.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2009 to carry out this section.

''(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

''(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

''(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.''.

TITLE X—CRIME PREVENTION

SEC. 1001. CRIME PREVENTION CAMPAIGN GRANT.

Subpart 2 of part E of title I of the Onmibus Crime Control and Safe Street Act of 1968 is amended by adding at the end the following new chapter:

''CHAPTER D—GRANTS TO PRIVATE ENTITIES

''SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.

''(a) GRANT AUTHORIZATION.—The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims' organizations and employers.

''(b) APPLICATION.—To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

''(c) USE OF FUNDS.—An organization that receives a grant under this section shall—

''(1) create and promote national public communications campaigns;

''(2) develop and distribute publications and other educational materials that promote crime prevention;

''(3) design and maintain web sites and related web-based materials and tools;

''(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;

''(5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;

''(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

''(7) design, deliver, and assess demonstration programs;

''(8) operate McGruff related programs, including McGruff Club;

''(9) operate the Teens, Crime, and Community Program; and

''(10) evaluate crime prevention programs and trends.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2006, $6,000,000;

''(2) for fiscal year 2007, $7,000,000;

''(3) for fiscal year 2008, $8,000,000;

''(4) for fiscal year 2009, $9,000,000; and

''(5) for fiscal year 2010, $10,000,000.''.

SEC. 1002. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for Crime Victims Family Act''.

(b) STUDY OF MEASURES NEEDED TO IMPROVE PERFORMANCE OF HOMICIDE INVESTIGATORS.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report outlining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide. The report shall include an examination of—

(1) the benefits of increasing training and resources for such investigators, with respect to investigative techniques, best practices, and forensic services;

(2) the existence of any uniformity among State and local jurisdictions in the measurement of homicide rates and clearance of homicide cases;

(3) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and

(4) the sources of funding that are in existence on the date of the enactment of this Act for State and local criminal investigators of homicide.

(c) IMPROVEMENTS NEEDED FOR SOLVING HOMICIDES INVOLVING MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report to evaluate measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains. The report shall include an examination of—

(1) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;

(2) the collection of DNA samples from potential ''high-risk'' missing persons;

(3) the benefits of increasing access to national criminal records databases for medical examiners and coroners;

(4) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;

(5) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

(6) website postings (or other uses of the Internet) of information of identifiable information such as physical features and characteristics, clothing, and photographs of missing persons and unidentified human remains; and

(7) any improvement with respect to—

(A) the collection of DNA information for missing persons and unidentified human remains; and

(B) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

TITLE XI—NATIONAL CHILD ABUSE AND NEGLECT REGISTRY ACT

SEC. 1101. SHORT TITLE.

This title may be cited as the ''National Child Abuse and Neglect Registry Act''.

SEC. 1102. NATIONAL REGISTRY OF SUBSTANTIATED CASES OF CHILD ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with

the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) INFORMATION.—

(1) COLLECTION.—The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of such State, to the Secretary of Health and Human Services.

(2) TYPE OF INFORMATION.—The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this title shall relate to substantiated reports of child abuse or neglect.

(B) EXCEPTION.—If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect equivalent to the registry established under this title that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this title shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this title—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A)(viii) and (ix)).

(d) CONSTRUCTION.—This title shall not be construed to require a State, Indian tribe, or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) ACCESSIBILITY.—Information contained in the national registry shall only be accessible to any Federal, State, Indian tribe, or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.

(f) DISSEMINATION.—The Secretary of Health and Human Services shall establish standards for the dissemination of information in the national registry of substantiated cases of child abuse or neglect. Such standards shall comply with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A)(viii) and (ix)).

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

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4472, currently under consideration.

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

There was no objection.

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

Madam Speaker, I rise in strong support of H.R. 4472, the Children's Safety and Violent Crime Reduction Act. This legislation contains bipartisan, comprehensive proposals to better protect our children from convicted sex offenders, to enhance judicial security, and to combat violent criminal gangs that terrorize our communities. Last year, the full House overwhelmingly approved three separate bills tailored to address these critical issues.

H.R. 3132, the Children's Safety Act of 2005, passed the House on September 14 of last year by a vote of 371–52. H.R. 1751, the Secure Access to Justice and Courthouse Protection Act, was approved by the House on November 9, 2005, by a vote of 375–45, and H.R. 1279, the Gang Prevention and Deterrence Act, passed the House on May 11, 2005, by a vote of 279–144. H.R. 4472 incorporates core provisions of each bill with some modifications and additions.

Last year our Nation was horrified by news of the sexual assault and kidnapping of Dylan and Shasta Groehne and the brutal murder of their parents and siblings. These heinous acts occurred after 9-year-old Jessica Lunsford was abducted, raped and buried alive, and 13-year-old Sarah Lunde was murdered. All of these terrible crimes were committed by convicted sex offenders.

While these tragedies received the public attention and outrage they demanded, sexual predators continue to exploit current loopholes in our criminal justice system to prey on America's most vulnerable. H.R. 4472 protects America's children by making it much harder for them to do so.

When child sex offenders are brought to justice and serve time for their offenses, they are often released into unsuspecting communities to resume their sexual attacks. There are over 550,000 convicted sex offenders in the country, and it is conservatively estimated that at least 100,000 of them, 100,000, are lost in the system, meaning that nonregistered sex offenders are living in our communities, attending schools and working at locations where they can prey on our children.

The threat to our children grows each day as more unregistered sex offenders move freely within our midst. This bill reduces these unconscionable vulnerabilities by strengthening sex offender notification requirements.

The bill also addresses the problem of violence in and around our courthouses against judges, prosecutors, witnesses, law enforcement and other court personnel, as well as their immediate families. According to the Administrative Office of U.S. Courts, Federal judges receive nearly 700 threats a year, and several Federal judges require security personnel to protect them and their families from violent gangs, drug organizations and disgruntled litigants. Judges, witnesses, and courthouse personnel and law enforcement officers must operate without fear in order to enforce and administer the law without bias.

Finally, the bill includes relevant provisions to address the growing national threat from violent and vicious gangs in our communities. According to the last National Youth Gang Survey, it is estimated that there are now between 750,000 and 850,000 gang members in our country. Every city in the country with a population of 250,000 or more has reported gang activity. There are over 25,000 gangs in more than 3,000 jurisdictions in the United States. In recent years gangs have become organized criminal syndicates with structured associations, many of which are now international in scope. State and local law enforcement have sent us a clear message: update and strengthen America's laws to combat the scourge of violence in our communities.

H.R. 4472 is strongly supported by John Walsh of America's Most Wanted, the National Center For Missing and Exploited Children, and the Boys and Girls Clubs of America, and other victims and representatives of victims organizations, as well as law enforcement agencies around the country.

These tireless advocates for America's children have provided vital assistance in crafting this measure, and their calls for justice for America's children must no longer go unanswered. We must act now to ensure that the tragedy of perverse and sexual attacks on America's children is not compounded by the tragedy of congressional inaction to strengthen our laws to address this national epidemic.

I urge my colleagues to put aside partisan differences and to speak in a clear and united voice to protect our children, to ensure a safe judiciary, and to give America's law-abiding citizens the right to live free from gang violence.

Madam Speaker, I reserve the balance of my time.

□ 1115

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume, and I am happy to be here today to join the debate around this bill. I am hoping that my good friend, the chairman of the committee, will somewhere in the course of this suspension explain to us why three bills were mentioned but one that was added by the majority of the House, H.R. 3132, which deals with hate crimes and is arguably one of the most notable pieces of civil rights criminal enforcement protection considered by the Congress, was inexplicably left off. This makes the process very mysterious to me, because

hate crimes is a very important part of any Child Safety and Violent Crime Reduction Act that is before us, and I am very disappointed that somewhere in the night this bill was dropped so that we are now combining three instead of four bills.

It is a Federal crime to hijack an automobile; it is a Federal crime to possess cocaine. It ought to be a Federal crime to drag a man to his death because of his race or to hang a man because of his sexual orientation. We should, and I hope we will through some parliamentary mechanism, seize upon the historic opportunity that is before us to enact legislation that would effectively augment existing Federal law and demonstrate that this Nation will not tolerate violence directed at any individual because of their identity. But instead of supporting this principle, the measure before us takes an opposite direction. I am really, really sorry about this because it does the House an injustice.

I am also, at the same time, wishing to register notice that an amendment offered by the gentleman from New York (Mr. NADLER), which was adopted and would have prevented the sale of a firearm to anyone convicted of a misdemeanor sex offense, was also dropped. This is very troubling. Still others will talk about the 43 new mandatory minimum penalties and over 10 new death penalties that have become eligible by offenses in this new bill.

So I am hopeful that we can work out some kind of agreement or acknowledgment about the unusual parliamentary process by which this matter has been brought to us.

I rise in strong opposition to this legislation and the manner by which it comes before us today. Introduced just over two months ago, this legislation, all 164 pages, has managed to completely circumvent the traditional legislative process.

Without the benefit of a single hearing or committee markup, the legislation has somehow found its way here to the floor of the House of Representatives. To make matters worse, it's being considered under suspension of the rules, leaving with reasonable concerns no opportunity to offer modest amendments.

Some might suggest that hearings or markups aren't necessary under these circumstances; since this measure, in large part, is a combination of three different bills, H.R. 3132; H.R. 1279; and H.R. 1751, which have all been considered by this body in the past. But, I strongly disagree. This measure differs from those various proposals in several meaningful ways.

First and foremost, this measure fails to include the hate crimes amendment that I offered—and which was adopted by a 223–199 vote as part of H.R. 3132. My hate crimes amendment arguably is one of the most notable pieces of civil rights criminal enforcement protection considered by this Congress in the last 30 years.

The FBI has reported a dramatic increase in hate motivated violence since the September 11th terrorist attacks. While the overall crime rate has grown by approximately two percent, the number of reported hate crimes have increased dramatically from 8,063 in 2000 to 9,730 in 2001, a 20.7 percent increase. Racial bias again represented the largest percentage of bias-motivated incidents, 44.9 percent; followed by Ethnic/National Origin Bias, 21.6 percent; Religious Bias, 18.8 percent, Sexual Orientation Bias, 14.3 percent; and Disability Bias, 0.4 percent).

It's worth noting that the amendment I offered would not have created new law. It simply would have amended existing law. Namely, section 245 of title 18, passed in 1968, which allowed Federal prosecution of attacks on the Freedom Riders during their historical civil rights work in the South.

The amendment of Section 245 would make it easier for Federal authorities to prosecute racial, religious, ethnic and gender-based violence, in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson: by loosening the unduly rigid jurisdictional requirements under Federal law.

Current law limits Federal jurisdiction over hate crimes to incidents that occur during the exercise of federally protected activities, such as voting, and does not permit Federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that four states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws.

It is a Federal crime to hijack an automobile or to possess cocaine, and it ought to be a Federal crime to drag a man to death because of his race or to hang a man because of his sexual orientation. We should seize upon this historic opportunity to enact legislation that would effectively augment existing Federal law and demonstrate that this Nation will not tolerate violence directed at any individual because of their identity, instead of supporting legislation, such as the measure before us today, that takes us in the opposite direction.

Second, this measure fails to include an amendment offered by Mr. NADLER—also adopted by voice-vote—which would have prevented the sale of a firearm to anyone convicted of a misdemeanor sex offense.

By now, members of this body are painfully aware of the fact that sex offenders often use firearms to prey upon their unsuspecting victims. In fact, not long ago Keith Dwayne Lyons, a high-risk sex offender, was convicted of engaging in unlawful sexual intercourse with a minor.

According to published police reports, Mr. Lyons was aided by the use of a firearm in carrying out his crime. Unfortunately, and notwithstanding such tragedies, it appears to be the wisdom of a small minority that the bill before us is not the proper vehicle to address such matters and prevent them from reoccurring in the future.

Finally, the measure under consideration today includes a complex system of categories whereby sex offenders are classified based upon the nature of their offense. They are also routinely forced to verify the accuracy of their registry information based upon this system.

This new system of registration and registry verification has never been discussed by members of our committee. While some may certainly welcome such a system, others most likely will not. In either event, a change of this magnitude should not be undertaken without adequate thought, consideration and debate.

Setting aside these issues, I remained deeply concerned by the legislation's inclusion of at least 43 new mandatory minimum penalties and over 10 new death penalty eligible offenses. In the past, I've gone to great lengths to explain my deep opposition to mandatory minimum sentences and the death penalty, so I won't repeat many of those arguments here. Except, to say that such penalties are completely arbitrary, ineffective at reducing crime and a total waste of taxpayers' money.

Thanks to mandatory minimum sentences, almost 10 percent of all inmates in state and Federal prisons are serving life sentences, a near 83 percent increase from 1992. In two states alone, New York and California, almost 20 percent of inmates are serving life sentences.

And, what do we have to show for such statistics? The answer is simple. A prison system that currently houses more than 2.1 million Americans and costs an estimated $40 billion a year to run and operate.

In the end, the list of lingering concerns associated with this bill is quite staggering.

Over 33 scientific researchers, treatment professionals and child advocates have written in to express their concerns regarding the bill's overly harsh treatment of juveniles.

Advocates from the immigration community have written in to complain about the bill's provisions which will likely encourage state and local law enforcement officials to enforce Federal immigration laws.

And, groups ranging from the Chamber of Commerce to the American Library Association have expressed serious concerns that the provisions outlined in title 6 of the bill will create criminal liability for the producers and distributors of mainstream novels, photographs, Internet content, movies, and TV shows.

With so many outstanding issues and no opportunity to offer even modest amendments, it's hard to see how anyone could lend their support to this measure.

I strongly urge my colleagues to vote "no".

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank the gentleman for yielding me this time and for his great leadership on child safety issues.

There is one provision I wish to speak about in this bill that the people of Wisconsin are tragically familiar with: the Amy Zyla Act. It was inspired by the story of Amy Zyla, a young woman from Waukesha, Wisconsin. Amy is a young lady who has bravely crusaded to protect other potential victims. She herself was sexually assaulted by a young offender when she was just 8 years old. Her attacker was found guilty and was sentenced to a juvenile facility for this heinous act. Yet because he was a juvenile, his record was sealed. When he turned 18, he was released into the community, only to reoffend shortly after he got out.

Law enforcement was not allowed to notify the community that a convicted, high-risk sex offender was back on the streets, because he had been a juvenile. As a result, he went on to portray himself as a youth minister and

preyed upon others. He was given the trust of other parents because they simply didn't know that he was a convicted sex offender.

These subsequent crimes were absolutely preventable. Under the Amy Zyla provision of this bill, if a sex crime committed by a juvenile offender is serious enough that it would qualify reporting under the sex offender registry had he been an adult, law enforcement has the authority to notify the community when that sex offender is released.

Madam Speaker, communities, victims, and parents must be able to rely upon the sex offender registries. This provision, and certainly this bill, will help us get there.

Mr. CONYERS. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), and no one has worked harder in this area than he.

Mr. SCOTT of Virginia. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, this is a very difficult bill to try to debate because it includes a lot of different bills, everything except the hate crimes bill, which had broad support at least on this side. It includes a variety of slogans and sound bites, many of which have actually been shown to increase crime, disrupt orderly, proportionate, and fair sentencing, it wastes money and violates common sense.

Among these approaches are trying more juveniles as adults, the mandatory minimums, new death penalties, and habeas corpus restrictions, which is a process by which dozens of innocent people on death row have been able to show their innocence and escape the death penalty because they were innocent of the underlying charges. It also includes a national sex offender registry that includes misdemeanors and juveniles in the same kind of registration as the most serious predatory offenses.

If we are going to be serious about dealing with child sexual abuse, we ought to face the fact that virtually all of the abusers are either related to the child or at least known to the child's family. No studies have shown that these things actually reduce child abuse; and, in fact, anecdotal evidence would suggest that we might be actually increasing crime. Because the people who are the subject of these are unable to get a job, unable to live in any kind of neighborhood, have nothing to lose, the restrictive covenants now restricting where they can live, and all of these things may in fact increase crime. But there are certainly no studies to show that they have reduced by any measurable amounts the amount of child sexual abuse.

We are treating more juveniles as adults. That thing has been studied over and over again, and we know that treating more juveniles as adults will increase the crime rates. In every State, the most heinous crimes are already subject to juveniles being treated as adults. So if this passes, we are talking about those who are not now treated as adults who would be treated as adults under this bill. Those are the marginal cases.

We know that those marginal cases sent to adult court will not have education and psychological services and family services available in the juvenile court. They will either be locked up with adults or just released on probation. Whatever the adult court judge does will be more likely to have crime in the future than if the juvenile court can provide those services.

We know how to reduce juvenile crime. It is the prevention programs. And unlike many bills, there is actually some money in this bill for prevention programs. They work. So those provisions are actually meaningful. We also have reentry programs in here. They work and have been proven to reduce recidivism. So there are at least some provisions of the bill that have something to recommend them.

But the mandatory minimums in the bill have been studied. We know from all the studies that mandatory minimums have been shown to waste money, discriminate against minorities, and violate common sense. This bill includes mandatory minimums for juveniles that includes a 20-year mandatory minimum for a fistfight that results in a serious injury, and 10 years mandatory minimum if there is no serious injury; 10 years mandatory minimum for a fistfight in a school yard. This bill cannot be serious.

We have death penalties which have been proven to have no effect on crime. Innocent people are convicted. We have a habeas corpus provision that will eliminate the possibility that many of those who are innocent on death row, and we know there are many of them, will not have the opportunity to have their cases adjudicated.

We saw in the confirmation hearings for Justice Alito, when he was asked if an innocent person had a constitutional right against execution, and he didn't give a straight answer. We need to make sure people's rights are protected and that habeas corpus provisions are eliminated from the bill.

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

Mr. KELLER. Madam Speaker, I thank the gentleman for yielding me this time and for his leadership on child safety issues.

Madam Speaker, I rise today in strong support of the Child Safety and Violent Crime Reduction Act because it is a commonsense way to protect our school children from pedophiles.

Isn't it a matter of common sense to allow a local school district in Orlando, Florida to do criminal background checks on coaches, janitors, and teachers who work with our children, to make sure they are not convicted pedophiles from Georgia or some other State?

Isn't it common sense to protect young school children in the first place by keeping these pedophiles locked up with lengthy prison sentences?

Isn't it common sense that coddling repeated sex offenders with self-esteem courses and rehabilitation doesn't work, and that locking them up does work?

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

Last year, two young Florida girls, 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde, were abducted, raped, and killed. In both cases the crimes were committed by convicted sex offenders who were out on probation. This law imposes a mandatory minimum punishment of 30 years for those who commit violent crimes against children, as well as a punishment of life in prison or a death sentence when that crime results in a child's death.

It is high time that we crack down on child molesters by implementing these commonsense reforms, and I urge my colleagues to vote ''yes'' on H.R. 4472.

Mr. CONYERS. Madam Speaker, I now yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), who has worked on a number of issues connected with the measure presently being debated.

Mr. FRANK of Massachusetts. Madam Speaker, I once again skirt the rules of the House by taking note of the fact that people not in this Chamber may be watching us. And I am particularly concerned about members of the Iraqi National Assembly, the newly elected Parliament which we are trying to instruct in democracy. They may be observing this procedure by which this House deals with a number of very important and controversial issues, some of which I fully support, some of which I question. But as they watch us deal with this, it is being dealt with in a manner in which no amendments are allowed, in which only 40 minutes total of debate are allowed. And it is a bill brought forward because the committee leadership didn't like what happened when the House actually voted on it in a democratic manner.

You will remember this bill came before us, many of the elements of this bill some time ago, and the House, working its will, voted to include an amendment to the hate crimes section. That appalled many Members of the majority. In fact, we read in some of the newspapers, members of the majority of the Republican Study Committee lamented the fact that the leadership had actually given the House membership a chance to vote. They said, we can't allow that to happen, we can't allow democracy to be running rampant on the floor of the U.S. House of Representatives.

So today we have the antidote to democracy. We have a bill brought forward that repeats much of what was done before, which adds some other issues that ought to be debated, many

of which I support, some of which I might like to see amended, and it prohibits amendments. It is a very important and somewhat controversial piece. And there can be controversy about better ways to do it or worse ways to do it, but it is brought up in an absolutely undemocratic fashion.

So to those members of the Iraqi National Assembly who may happen to be observing this, I think there is a very important point we need to make: please don't try this at home.

We are trying to instill others in the world to be democratic. The President's inaugural address noted that we are going to bring democracy. Is this what you mean by teaching people to follow democratic procedures, Madam Speaker?

□ 1130

The other side brings up a controversial bill, and because it was amended once, make sure you can bring it back again in an unamendable form, put in other aspects, and leave virtually no time for debate. We will have debated this bill under the same rule that we debate naming of post offices. We will give this bill the same amount of time as we give post offices, or that major piece of legislation, the only vote we cast last Wednesday when this House came out overwhelmingly in favor of Sandra Day O'Connor. That is the bill that we had 40 minutes of debate on, the same as this.

This is a shameful example of the degradation of the democratic process that has befallen this House. What happens is what has happened in the past: things get put in here that cannot be individually examined, they cannot be debated. Members will feel pressured to vote for the overall package. Members, and this is the goal, put a lot of things in here that are very important and very good, many of which I have voted for in the past, many of which I want to vote for. But Members have put in a few other things that are very controversial and do not allow this House to approach looking at things individually and saying an amendment here, yes or no. And then if Members do not buy the whole package, then you go after them.

The Republican majority has decided to legislate in the same manner in which you give a pill to a dog: you take something that the dog wants and you stick a couple of pills in it and you ram it down its throat. That is an inappropriate way for this democratic House to proceed.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, this is not giving a pill to a dog. What this legislation does is it combines three bills that the House already debated and passed but which got stalled in the other body. What it does is it takes away the poison pills that have caused the essential legislation to be stalled in the other body. And it makes some amendments, some of which have been requested by people on the other side of the aisle such as getting rid of a certain number of mandatory minimum penalties.

The purpose of this exercise is to get legislation signed into law and it is important legislation on protecting children from pedophiles, protecting Americans from gangs, and protecting judges from kooks who want to try to do them and their families harm. That is why this procedure is being used today so that we can make a law.

Madam Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. HARRIS).

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

Ms. HARRIS. Madam Speaker, I rise today to urge my colleagues to support H.R. 4472, the Children's Safety and Violent Crime Reduction Act.

Unfortunately, there are thousands of reasons why this legislation is so vitally important. According to the National Center for Missing and Exploited Children, the location of between 100,000 and 150,000 of the 500,000 sex offenders currently registered in the United States are unknown. But the victims are known, and their names are known. And today, we know we are not powerless.

This bill takes commonsense steps towards ensuring sex offenders are not free to prey on the most vulnerable members of our society. We require States to expand the definition of sexual offenders to include juveniles, alert other States when predators seek refuge in another State and make community notification proactive, not reactive efforts.

There are many reasons which cause parents across America to lie awake at night. Our failure to pass this valuable legislation should not be one of them.

Madam Speaker, sexual predators live in darkness but their victims live in vibrant colors of all our memories. In pinks and blues. And in purple.

Prior to her abduction and murder at the hands of a sexual predator in February of 2004, that was the favorite color of 11-year-old Carlie Brucia. It still is.

Mr. CONYERS. Madam Speaker, I yield 16 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, I just want to point out that the poison pill the gentleman from Wisconsin was referring to was an amendment adopted on the floor of this House by a majority of the House. So the poison pill is the result of a majority of this House. The problem is the gentleman from Wisconsin has Thomas Jefferson confused with Lucretia Borgia. When the will of the House works its will under this regime, and the gentleman from Wisconsin does not like the outcome, it becomes a poison pill and we go through this whole procedure just to get rid of it.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the committee.

Mr. NADLER. Mr. Speaker, this bill manipulates the legislative process by repackaging legislation that for the most part has already passed the House, and by taking out of that legislation two amendments that were passed on the floor of the House and giving us no opportunity, giving the House majority no opportunity to correct this.

The bill includes three previous bills. On one of them I offered an amendment to prohibit gun possession by convicted misdemeanor sex offenders against minors. The amendment was agreed to unanimously and incorporated in the underlying bill. This is one of the poison pills. One of the poison pills, in other words, is that apparently the sponsors of this bill think it is essential to allow people convicted of misdemeanor sex offenses against minors to possess firearms, so they can use firearms against minors the next time.

The other amendment, the ranking member offered an amendment to combat crimes based on race, religion, national origin, disability, gender and sexual orientation by allowing the Federal Government to provide resources to local law enforcement to act as a Federal backup if local authorities do not prosecute these crimes. The amendment passed 223–199.

Now we are faced with this legislation on a suspension calendar. We are told that it is on a suspension calendar and it is unamendable because we have already debated. Yes, but we passed it in different forms, and they are just taking out the two poison pills.

Who has the right to decide that what the majority of the House voted is a poison pill and not give this House the right to vote on whether it agrees with them or not?

If the gentleman brought forth this bill under the regular calendar and said should we remove these two provisions because we cannot pass them in the Senate, let the House debate that. Maybe we would decide it is more important to let the Senate pass this bill and permit misdemeanor sexual offenders to have firearms than not to pass the bill. Maybe we would decide that, but that should be decided in a debate, not because someone behind the scenes decides that the will of the House can be overturned.

I urge Members to oppose this bill because it does not include these two provisions, to ban gun possession by those convicted of misdemeanor sex offenders against minors. We should not go on record today, as a vote for this legislation would be in favor of gun possession by people convicted of misdemeanor sex offenses. And it also does

not include the hate crimes amendment that was sponsored by Mr. CONYERS and included by the House by majority vote.

It is wrong to prostitute the procedures of this House to undo the majority votes on the floor by behind-the-scenes manipulation and then say this is democratic procedure.

Mr. SENSENBRENNER. Mr. Speaker, I yield to the gentleman from Ohio (Mr. GILLMOR) for the purpose of a unanimous consent request.

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

Mr. GILLMOR. Mr. Speaker, I thank the chairman and rise in strong support of the bill.

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

I was pleased that Chairman SENSENBRENNER included provisions from my bill, H.R. 95, that would create a national, comprehensive, and publicly accessible sex offender database into this comprehensive piece of legislation. Additionally, I feel that it is important to have consistency not only with a national registry, but also in how offenders are classified. Currently each State classifies offenders differently according to the risk that they pose to the community. The result is inconsistent and unreliable classifications across state lines. I was pleased that the chairman saw the need to address this issue, and I appreciate him working with me to include a provision to study the merits of a national risk-based classification system that could be integrated into the national sex offender database.

Furthermore, I was delighted at the level of bipartisanship that both my bill and today's legislation have received and I would like to personally thank Mr. POMEROY from North Dakota for his leadership and support. Also, I would like to extend my gratitude to organizations such as the Big Brothers and Big Sisters of America and the Safe Now Project for the help and cooperation that they provided throughout this process.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, there are a lot of collateral issues being discussed today, but the fact remains that the will of the House is not a mandate on the Senate. The Senate was unwilling to accept some provisions. Let us acknowledge that.

But let us talk about what we are here for today, and that is to protect the vulnerable children. You have heard the names repeatedly in this debate. I do not want to read about another one for our failure to act.

This House did overwhelmingly approve this bill because there are a lot of good legislative initiatives in this bill to protect our children. I have said repeatedly on this floor that we protect library books better than we do our children. We have a better system of accountability than we do for our children.

This is about the kids that have perished because they were at the hands of despicable child predators.

Mr. SENSENBRENNER has crafted a bill that gets at the heart of this matter. I want to thank John Walsh, who lost his son Adam, as a tireless advocate who went and asked Senator FRIST to bring this base bill to the Senate floor, and Senator FRIST has agreed to that request, along with the other parents of the children who have lost their lives.

These brave parents have come to this city to urge Congress to not let the tragedies that have happened to their families happen to another child.

I thank Ms. GINNY BROWN-WAITE, an outstanding advocate who had a resident in her district who died at the hands of a pedophile. We can do better.

Mr. Speaker, I want to thank Mike Volkov, Bradley Schreiber and others who helped craft this important legislation, and I urge passage of this bill.

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

Mr. Speaker, what are we here for, to let the other body off the hook? Anything they do not like, we have to take out? I do not follow that reasoning at all.

Mr. Speaker, I yield 5 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I know some Members here will not remember it, but there used to be something called a conference committee, and if we sent the Senate a bill and they did not like it, they could amend it and send it back. We do not have to do the bidding of the Senate by taking the tough issue off the table for them.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Virginia (Mr. SCOTT).

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

Mr. SCOTT of Virginia. Mr. Speaker, I want to refer to a letter that says, ''For the first time, the statute would implicate a wide array of legitimate, mainstream businesses that have never been linked in any way to the sexual exploitation of children.'' It continues, ''In some instances, the proposed amendments are vague and offer little guidance as to what is required of those needing to comply, and in others, they impose requirements that are simply impossible to meet.''

The letter is signed by the Chamber of Commerce, the American Library Association, the National Association of Broadcasters, the National Cable and Telecommunications Association, Screen Actors Guild, American Association of Advertising Agencies, the American Association of Law Libraries and others.

FEBRUARY 7, 2006.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: We are writing to express our continuing concern with the legislative language contained in S. 2140, the Prevention of Sexual Exploitation of Children Act that would significantly expand the scope of Title 18 U.S.C. §2257. As you know, we strongly support the objective of increasing the Justice Department's ability to combat child pornography and exploitation. The members of our broad coalition are committed to protecting children from exploitation. That is why we appreciate and acknowledge the efforts of the sponsors of S. 2140 to address many of the issues raised by prior attempts to amend §2257. However, serious concerns remain.

S. 2140 would significantly expand the types and categories of conduct that would trigger the requirements of §2257. For the first time, the statute would implicate a wide array of legitimate, mainstream businesses that have never been linked in any way to the sexual exploitation of children. S. 2140 dramatically expands the class of persons required to keep records and to label products under §2257. Many affected by the proposed expansion are businesses and individuals that have no actual contact or relationship with the performers in question. In some instances, the proposed amendments are vague and offer little guidance as to what is required of those needing to comply, and in others, they impose requirements that are simply impossible to meet. Expansion of §2257 as envisioned by the proposed legislation will likely divert even more resources toward legal challenges to the statute and away from the legislation's primary objective of prosecuting those who sexually exploit children.

It is important to note that since §2257 was passed in 1988, the inspection regime of the law has, to our knowledge, never been used. Rather than expanding the scope of §2257 to cover a myriad of lawful, legitimate, Main-street businesses, we believe effective enforcement of the existing regime is first necessary. Accordingly, any amendments to the statute should be narrow and focused on individuals that seek to harm young people.

Finally, from the outset of this process, we have been prepared to discuss the serious concerns our coalition has with the proposals to amend §2257. However, we are not involved in the negotiation of the current bill language. While we remain committed to working with all interested parties, we do not believe that in its current form, S. 2140 addresses the myriad of legitimate concerns raised by our coalition.

We applaud you for your continued leadership and dedication to protecting children

and reiterate our commitment to work with you to address this serious issue.

Sincerely,

United States Chamber of Commerce; Video Software Dealers Association; Americans for Tax Reform; American Library Association; American Conservative Union; National Association of Broadcasters; National Cable & Telecommunications Association; Motion Picture Association of America; Screen Actors Guild; Media Freedom Project; American Hotel and Lodging Association; The American Federation of Television and Radio Artists; Magazine Publishers of America; Directors Guild of America; Digital Media Association; Computer & Communications Industry Association; Association of Research Libraries; The Creative Coalition; Association of National Advertisers; Association of American Publishers; American Association of Advertising Agencies; American Advertising Federation; American Booksellers Foundation for Free Expression; Publishers Marketing Association; Freedom to Read Foundation; American Association of Law Libraries

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of the bill that we have before us, the Children's Safety and Violent Crime Reduction Act.

February 23 marked the 1-year anniversary of Jessica Lunsford's death. I knew the family; I knew the grandmother. If Jessica were still with us, she would have been in the fifth grade. She would be learning about decimals and fractions and the solar system. Instead, her life was taken by a sex offender who assaulted and murdered her, and then buried her in his backyard. That is what this bill is all about; it is going after those, as someone once described, pond-scum predators.

Congress has responsibility to punish those who perpetrate the worst and most disgusting crimes against our children. My heartfelt thanks to the chairman who was gracious enough to work with all of us on these various bills to protect our children in America today.

Mr. Speaker, we cannot afford to wait one day longer for this bill to become law. On behalf of Jessica Lunsford's family, I urge every Member of this House to vote in favor of this bill. It is important that we send a loud and clear message that Congress is serious about protecting America's children from predators, those same predators who would harm our children, our grandchildren, and our neighbor's children. That is what this bill is all about. It is about protecting America's children and I urge support of the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield to the gentleman from Nevada (Mr. PORTER) for the purpose of a unanimous consent request.

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

Mr. PORTER. Mr. Speaker, I thank the chairman and include my statement for the RECORD:

I want to thank the Chairman of the Judiciary Committee, Mr. SENSENBRENNER, for bringing this bill to the House today. It is an important bill that will help protect children and our community's safety.

One section of this package includes H.R. 4894, legislation I introduced, that will provide our school districts with another tool in their extraordinary efforts to bring highly qualified staff to our classrooms and schools.

By providing our school districts with direct access to criminal information records, we can help ensure timely and complete information on prospective school employees. This provision will allow local and state educational agencies to access national criminal information databases and will ensure that schools have the information they need when hiring teachers entrusted with our children and our classrooms.

Teachers are unparalleled in the role they play in children's lives. Most teachers uphold the highest standards of conduct, and they deserve the trust they have earned in educating our children. However, particularly in rapidly-growing communities, a lack of good information may leave schools vulnerable and could endanger our students. This is a common sense opportunity to give states and local schools the tools they need to ensure safety in our schools.

This package also includes legislation I introduced, H.R. 4732, The Sergeant Henry Prendes Memorial Act of 2006. This legislation states that whoever kills, or attempts to kill or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, shall be imprisoned for no less than 30 years, or life, or, if death results may be sentenced to death. A 'public safety officer' in this legislation means an individual serving a public agency in an official capacity, as a judicial officer, law enforcement officer, firefighter, chaplain, or as a member of a rescue squad or ambulance crew.

This is a common sense legislative package that will help keep our children and those who protect our communities safe. I urge my colleagues to support this bill and, again, applaud the Chairman for his leadership on the underlying legislation.

Mr. Speaker, insert the following article on Sergeant Prendes into the RECORD.

'OUR WORST NIGHTMARE': LV OFFICER SLAIN IN GUNBATTLE

(By Brian Haynes, Review-Journal)

What was to have been a proud day for the Metropolitan Police Department on Wednesday ended as one of its darkest.

Fourteen-year police veteran Sgt. Henry Prendes was shot and killed during a domestic violence call, becoming the first Las Vegas police officer in 17 years to be slain in the line of duty.

''I can tell you, for the men and women of the Metropolitan Police Department this is a very sad day,'' Sheriff Bill Young said. ''It's our worst nightmare as an agency.''

Prendes, 37, was ambushed as he approached the front door of a house in southwest Las Vegas. The gunman then held police at bay by firing more than 50 rounds from a semiautomatic assault rifle before officers shot and killed him, Young said.

A second officer was shot in the leg during the gunbattle.

Police identified the gunman as Amir Rashid Crump, 21, an aspiring Las Vegas rapper who went by the nickname ''Trajik.''

The incident began about 1:20 p.m., just as Young was about to start an awards ceremony at the Clark County Commission chambers. Young told the audience of police officers and their families that he had to leave and explained that an officer had been shot. He didn't know that Prendes was dead until he was en route to University Medical Center.

Police had responded to the home at 8336 Feather Duster Court, near Durango Drive and the Las Vegas Beltway, after several 911 calls about a man beating a woman with a stick in the front yard and breaking windows on vehicles and the house.

Prendes and several officers arrived and found the woman, who was Crump's girlfriend. Her mother and her brother were with her. Crump had gone inside the home.

Prendes ''cautiously approached'' the door when he was met with gunfire, Young said. An officer nearby saw Prendes ''reeling out of the house, saying, 'I'm hit,' '' Young said.

Prendes fell on the sidewalk, but other officers could not reach him because Crump continued firing with his gun, which was similar to an AK–47, Young said.

Crump fired about 50 rounds and kept the officers pinned behind cars, walls and whatever cover they could find, he said. He went upstairs and fired down upon the officers, he said.

Investigators found several empty ammunition clips at the scene.

''He was prepared for this,'' Young said. ''He was ready, waiting and willing to kill a police officer.''

As the gunbattle continued, officers from across the valley sped toward the area and swarmed the neighborhood. Several roads were closed as police locked down the scene and surrounding neighborhood.

Joe Anello, a Manhattan Beach, Calif., resident who was visiting a relative, watched the incident unfold from a backyard looking toward Feather Duster Court. He said he heard a burst of eight to 10 shots, followed by about 15 seconds of silence, then another 15 or 20 gunshots.

Another neighbor, Anthony Johnson, said it sounded like a gunbattle.

''It sounded like someone was shooting, and then someone shooting back,'' he said.

Aaron Barnes, who lives on Feather Duster Court, said he came home from work and saw the police helicopter. He heard gunfire and looked up the street to see his neighbor, Crump, firing a gun.

He said his neighbor, a member of the rap group Desert Mobb, was usually quiet, except for occasional loud music in the middle of the night.

Despite the barrage of gunfire, police officers tried to rescue Prendes. A plainclothes officer with the gang unit was armed with an assault rifle and helped turn the tide.

''His weapon probably saved the day,'' Young said.

That officer was shot in the leg during the rescue attempt.

Police shot and killed Crump outside the front door.

About five or six officers fired their weapons during the incident. Their names will be withheld until 48 hours after the incident, which is department policy.

''This could have been a lot worse,'' Young said. ''We are extremely fortunate that other police officers were not killed in this incident.''

At UMC, dozens of somber uniformed and plainclothes officers gathered in front of the Trauma Unit to show their support for the wounded officer. Police sealed off the Trauma Unit entrance for hours, allowing only authorized personnel to use that entrance. Nearly all visitors were told to use a different hospital entrance.

The last Las Vegas police officer to be shot and killed in the line of duty was 34-year-old Marc Kahre. He was shot in October 1988 while responding to a domestic violence call in east Las Vegas.

Young said domestic violence calls can be the most dangerous for a police officer, but Las Vegas police officers handle thousands a year without incident.

''Today, unfortunately, our luck ran out,'' Young said.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I want to add my strong voice today in support of H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005. I also want to thank Chairman SENSENBRENNER for his solid effort in making sure that this House is once again on record in working to protect our children and our families.

I am pleased that an amendment that I offered to the original legislation last year, which was adopted with a unanimous vote, is included once again in today's final bill.

My amendment requires the GAO to study the feasibility of implementing on a nationwide basis a tough annual driver's license registration requirement that my home State of Nevada has imposed on sex offenders.

Just last month, it was reported that there are almost 2,000 convicted sex offenders living in Nevada that are out of compliance with these registration requirements. Something must be done to fix this problem. It is nationwide.

This bill takes a huge step forward in protecting the most vulnerable among us, our children.

□ 1145

I strongly urge my colleagues to support this critical bill and send a message to all that preying on our children will not be tolerated anytime, anywhere.

Mr. CONYERS. Mr. Speaker, I now yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) 2¾ minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman, and I can't thank you enough for the work you have done in a bipartisan effort to preserve a very valuable piece of legislation, the hate crimes legislation that this Congress has gone on record any number of times to be able to support.

Mr. Speaker, I wish as I listened to my good friends on the other side of the aisle that we were squarely focusing on protecting our children. In fact, I support the National Sex Offender Registry that is in this particular legislation, the sex crimes, that provides, if you will, a list of the sex offenders all over America. I think that is an important element. I obviously support the idea of preventing sexual assault on juveniles in prison and certainly the vetting of foster care parents that are taking care of our children. But I think the basic fault of this legislation doesn't lie in the House, it lies in the majority leader of the Senate refusing to put this particular legislation on the floor of the Senate and going into conference.

My difficulty, of course, is the various kitchen sink elements that are included. I may want to see the Federal judges that are included and protected in this legislation protected, but have we vetted the question of allowing judges to carry guns in the courtroom? Should we not provide more resources to the U.S. marshals who are there to protect both the families of the judges and the people who are in the courtroom? Are we particularly studied on the issue dealing with juvenile crime? Time after time after time it has shown that the trying of a juvenile as an adult does not work. I believe more studied consideration of these legislative initiatives would represent the work of a studied body who cares about getting legislation that is going to withstand judicial scrutiny.

This legislation, which I am still in dilemma as to its merits for voting on, raises severe questions. Why didn't the gun legislation get in that eliminates sex offenders from being able to recklessly carry guns? We want to protect our children. We want to pay tribute to the legacy and the work of John Walsh and the legacy of his lost child and the many lost children that we don't want to see happen again. But for God's sake, can we do legislation that embraces all of us who believe in the necessity of protecting our children? There is a frustration of wanting to do what is right and yet having legislation that doesn't allow the vetting, the amending and the responsible consideration.

This bill that seeks to protect children has very many merits. I would just beg my colleagues to understand that this process must be one that can last and survive.

I can assure you that this will still have trouble in the Senate, because you have left off the hate crimes legislation which was a bipartisan effort. I ask my colleagues for consideration of this bill in the context in which I have discussed this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to my Democratic friend from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

Talk, talk, talk. The time for talking is over. Last week I had the opportunity to stand with people whose children have been taken from them, children who were victims of horrific crimes. So that their children not die in vain, these wonderful people, including Linda Walker, who is the mother of Drew Sjodin who lost her life in North Dakota, have focused their energies on trying to help keep other children safe and to keep them safe by giving families the information about dangerous, high-risk sexual predators who are living in their communities.

It is time we move this bill forward so that it might be conferenced with action the Senate would take on similar legislation. I am not happy with the Senate's handling of this proposal, not one bit, but I am not going to let some quest for perfection delay our efforts to make our families safer any longer. These families want action now, and this Congress should give it to them. Vote for this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank the chairman for making sure that our children are safer. The days of child predators playing hide and seek are over in this country. No longer will they be able to hide in our communities and seek out our children as their prey.

The national registration in this bill will help protect our children so that when child molesters leave our penitentiaries and move about from State to State, we will be able to keep up with them.

As many Members of the House, I am the parent of four children, three grandchildren and two on the way. I have met with parents who have lost their children to child predators who left penitentiaries and preyed against them. Mark Lunsford and Marc Klaas both came to Washington to talk about the loss of their children to these criminals.

We need to have a response, and the first duty of government, which is to protect the public and to protect our children, is the greatest cause that we can be involved in. As a member of the Victims Rights Caucus that was started with KATHERINE HARRIS and JIM COSTA, we support these efforts and applaud this act.

Mr. CONYERS. Mr. Speaker, I am happy to yield the balance of our time to the Congresswoman from Wisconsin, TAMMY BALDWIN, a former member of the House Judiciary Committee.

Ms. BALDWIN. Mr. Speaker, I rise not to address the substance of this bill, but to address a matter that is most unfortunately missing from this bill. Today we consider H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005, under the suspension calendar, which, of course, means that amendments cannot be offered.

This bill encompasses H.R. 3132, the Children's Safety Act of 2005, which passed the House in September of 2005. When that bill was considered on the floor, a hate crimes amendment was offered by the gentleman from Michigan (Mr. CONYERS), and it passed by a strong bipartisan vote of 223—199. Yet despite that strong bipartisan support from the Members of this Chamber, the hate crimes provision has been stripped out of the bill before us today, and there is simply no good reason for the House to consider H.R. 4472 without hate crimes language.

One cannot fully address the issues of crime reduction and child safety without acknowledging the terrorizing impact hate-motivated violence has in

our society, especially in subjecting groups of individuals to a debilitating state of fear for their safety and security. Hate crimes reduction is violent crime reduction, and it is about keeping millions of Americans, including children, safe from hate-motivated violence.

It is a shame that by introducing an omnibus crime prevention bill and proceeding under suspension of the rules that the majority undermines the democratic process by doing an end run around hate crime prevention. I urge my colleagues to bear these facts in mind as they consider this legislation.

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

Mr. Speaker, I include at this point in the RECORD a section-by-section analysis of H.R. 4472.

H.R. 4472—THE CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2005

Sec. 101. Short Title. Short Title; Table of Contents, Sec. 102. Declaration of Purpose.

Sec. 111. This section sets forth the definitions for Title I of the Act.

Sec. 112. This section requires each jurisdiction to maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title and authorizes the Attorney General to prescribe guidelines to carry out the purposes of the title.

Sec. 113. This section requires a sex offender to register, and maintain current information in each jurisdiction where the sex offender was convicted, where the sex offender resides, where the sex offender is employed and where the sex offender attends school.

Sec. 114. This section specifies, at a minimum, what information the registry must include.

Sec. 115. This section specifies the duration of the registration requirement.

Sec. 116. This section requires a sex offender to appear in person for verification of registration information.

Sec. 117. This section requires a jurisdiction official to inform the sex offender of the registration requirements.

Sec. 118. This section establishes the Jessica Lunsford Verification Program which requires State officials to verify the residence of each registered sex offender.

Sec. 119. This section requires the Attorney General to maintain a National Sex Offender Registry.

Sec. 120. This section creates the Dru Sjodin National Sex Offender Public Website.

Sec. 121. This section requires each jurisdiction to make available to the public through an Internet site certain information about a sex offender.

Sec. 122. This section requires an appropriate official to notify, within 5 days of a change in a sex offender's information certain agencies.

Sec. 123. This section requires an appropriate official from the State or other jurisdiction to notify the Attorney General and appropriate State and local law enforcement agencies to inform them of any failure by a sex offender to comply with the registry requirements.

Sec. 124. This section provides that law enforcement agencies, employees of law enforcement agencies, contractors acting at the direction of law enforcement agencies, and officials from State and other jurisdictions shall not be held criminally or civilly liable for carrying out a duty in good faith.

Sec. 125. This section requires the Attorney General to develop software and make it available to States and jurisdictions to establish, maintain, publish and share sex offender registries.

Sec. 126. If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registry program, he is required to the extent practicable, to carry out the obligations of the registry program.

Sec. 127. This section requires jurisdictions to comply with the requirements of this title within 2 years of enactment.

Sec. 128. This section imposes a ten percent reduction in Byrne Grant funds to any jurisdiction that fails, as determined by the Attorney General, substantially to comply with the requirements of this Act.

Sec. 129. This section authorizes the Sex Offender Management Assistance Program to fund grants to jurisdictions to implement the sex offender registry requirements.

Sec. 130. This section authorizes the Attorney General to create a demonstration project for the electronic monitoring of registered sex offenders.

Sec. 131. This section authorizes the Attorney General to award grants to states that substantially implement electronic monitoring programs for life for certain dangerous sex offenders and for the period of court supervision for any other case.

Sec. 132. This section provides NCMEC with access to Interstate Identification Index data.

Sec. 133. This section provides NCMEC with limited immunity related to its CyberTipline.

Sec. 134. This section requires that the Bureau of Prisons make available appropriate treatment to sex offenders who are in need of and suitable for treatment.

Sec. 135. This section requires the GAO to conduct a study to determine the feasibility of using driver's license registration processes as additional registration requirements for sex offenders.

Sec. 136. This section requires the Attorney General to provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of a major disaster.

Sec. 137. For the purposes of this Act, the term ''federally recognized Indian tribe'' does not include within its purview Alaska Native groups or entities. In 1884 when Congress created the first civil government for Alaska it decided that Alaska Natives should be subject at all locations in Alaska to the same civil and criminal jurisdiction as that to which all non-Native residents of Alaska are subject. Alaska Natives today are subject at all locations in Alaska, including in communities that are ''Native villages'' for the purposes of the Alaska Native Claims Settlement Act, to the criminal statutes of the Alaska State Legislature and are prosecuted in the Alaska State courts for violations of those statutes. For that reason, like all other sex offenders who are physically present within the State of Alaska, Alaska Native sex offenders, including offenders who reside in ''Native villages'', are required by Alaska Statute 12.63.010 *et seq.* to register as sex offenders with the Alaska Departments of Corrections or Public Safety or with an Alaska municipal police department, as appropriate.

Sec. 138. This section authorizes the Justice Department, in consultation with the Secretary of State and the Department of Homeland Security, to establish procedures to notify relevant jurisdictions about persons entering the United States who are required to register.

Sec. 139. This section requires the Justice Department to study risk-based classification systems and report back to Congress within 18 months of enactment.

Sec. 140. This section requires the Justice Department to study the effectiveness of restrictions on recidivism rates for sex offenders and to report back to Congress within 6 months of enactment on this issue.

Sec. 151. This section creates a new federal crime for a Federal sex offender or offender crosses State lines.

Sec. 152. This section authorizes the Attorney General to assist in the apprehension of sex offenders who have failed to comply with applicable registration requirements.

Sec. 153. This section authorizes funding of such sums as necessary for the Attorney General to provide grants to States and other jurisdictions to apprehend sex offenders for failure to comply.

Sec. 154. This section creates an enhanced criminal penalty for use of a controlled substance against a victim to facilitate the commission of a sex offense; and a new criminal offense prohibiting Internet sales of certain ''date-rape'' drugs.

Sec. 155. This section repeals the predecessor sex offender registry program.

Sec. 156. This section authorizes grants to train and employ personnel to help investigate and prosecute cases cleared through use of funds provided for DNA backlog elimination.

Sec. 157. This section authorizes grants to law enforcement agencies to help combat sexual abuse of children, including additional personnel and related staff, computer hardware and software necessary to investigate such crimes, and apprehension of sex offenders who violate registry requirements.

Sec. 158. This section requires the Justice Department to expand training efforts coordination among participating agencies to combat on-line solicitation of children by sex offenders.

Sec. 159. This section amends the probation and supervised release provisions to mandate revocation when a offender commits a crime of violence or an offense to facilitate sexual contact involving a person under 18 years old.

Sec. 161. This section establishes an Office on Sexual Violence and Crimes Against Children.

Sec. 162. This section provides for Presidential appointment of a Director of the Office.

Sec. 163. This section states the purpose is to administer the sex offender registration and notification program; administer grant programs; and to provide technical assistance, coordination and support to other governmental and nongovernmental entities.

Sec. 201. This section amends the DNA Analysis Backlog Elimination Act to make a correction to ensure collection and use of DNA profiles from convicted offenders.

Sec. 202. This section directs the Attorney General to give appropriate consideration to the need for collection and testing of DNA to stop violent predators against children.

Sec. 203. This section directs the GAO to conduct a study two years after the publication of the model code on the extent to which States have implemented.

Sec. 301. This section modifies the existing statute and adopts new penalties for felony crimes of violence crimes committed against children.

Sec. 302. This section restricts federal habeas review of collateral sentencing claims relating to a state conviction.

Sec. 303. This section establishes victim rights requirements for habeas corpus proceedings.

Sec. 304. This section requires the Attorney General to study the implementation for a nationwide tracking system for persons charged or investigated for child abuse.

Sec. 401. This section modifies the criminal penalties for several existing sexual offenses

against children by amending the current law.

Sec. 402. This section expresses a sense of Congress with respect to reversal of criminal conviction of Jan P. Helder, Jr.

Sec. 403. This section authorizes a new grant program for child sex abuse prevention programs, and authorizes $10 million for fiscal years 2007 to 2011.

Sec. 501. This section amends the Social Security Act to require each State to complete background checks and abuse registries relating to any foster parent or adoptive parent application, before approval of such an application, and provides access to agencies responsible for foster parent of adoptive parent placements.

Sec. 502. This section authorizes the Attorney General to provide fingerprint-based background checks to child welfare agencies, private and public educational agencies, and volunteers in order to conduct background checks for prospective adoption or foster parents, private and public teachers or school employees.

Sec. 503. This section amends section 2422(a) and (b) of title 18, United States Code, to increase penalties for coercion and enticement.

Sec. 504. This section increases mandatory-minimum penalties for conduct relating to child prostitution ranging from a mandatory minimum of 10 years to a mandatory minimum of 30 years depending on the severity of the conduct.

Sec. 505. This section amends several statutes relating to sexual abuse.

Sec. 506. This section expands the list of mandatory conditions of probation and supervised release to include submission by the sex offender under supervision to searches by law enforcement and probation officers with reasonable suspicion, and to searches by probation officers in the lawful discharge of their supervision functions.

Sec. 507. This section expands the federal jurisdiction nexus for kidnapping comparable to that of many other federal crimes to include travel by the offender in interstate or foreign commerce, or use of the mails or other means, facilities, or instrumentalities of interstate or foreign commerce in furtherance of the offense.

Sec. 508. This section restricts the scope of the common law marital privileges by making them inapplicable in a criminal child abuse case in which the abuser or his or her spouse invokes a privilege to avoid testifying.

Sec. 509. This section amends 18 U.S.C. §1153, the ''Major Crimes Act'' for Indian country cases to add felony child abuse or neglect to the predicate offenses.

Sec. 510. This section authorizes civil commitment of certain sex offenders who are dangerous to others because of serious mental illness, abnormality or disorder.

Sec. 511. This section authorizes grants to States to operate effective civil commitment programs for sexually dangerous programs.

Sec. 512. This section amends United States Code, to impose a mandatory-minimum penalties when the offense involved trafficking of a child.

Sec. 513. This section amends United States Code to increase maximum penalties for sexual abuse of wards.

Sec. 514. This section authorizes the indictment of a defendant at any time for a criminal offense for child abduction and sex offenses.

Sec. 515. This section makes the failure to report child abuse a Class A misdemeanor rather than a Class B misdemeanor.

Sec. 601. Findings.

Sec. 602. This section improves the existing record-keeping regulatory scheme by adding to the types of depictions covered to include lascivious exhibition of the genitals or pubic area of any person, and clarifying the definitions applicable to the inspection regime so that those entities that produce such materials comply with the record-keeping requirements.

Sec. 603. This section adopts new record-keeping obligations on persons who produce materials depicting simulated sexual conduct.

Sec. 604. This section specifies that depictions of child pornography discovered by law enforcement must be maintained within the government's or a court's control at all times.

Sec. 605. This section amends the obscenity forfeiture provisions to make the procedures for obscenity forfeitures the same as they are for most other crimes.

Sec. 606. This section criminalizes the production of obscenity as well as its transportation, distribution, and sale, so long as the producer has the intent to transport, distribute, or sell the material in interstate or foreign commerce.

Sec. 607. This section authorizes compensation of court-appointed guardians ad litem.

Sec. 701. This section requires that the Director of the United States Marshals Service consult and coordinate with the Administrative Office of the United States Courts regarding the security requirements for the judicial branch.

Sec. 702. This section authorizes $20,000,000 for each of fiscal years 2006 through 2010 for hiring additional necessary personnel.

Sec. 703. This section would create a new Federal criminal offense for the filing of fictitious liens against real or personal property owned by Federal judges or attorneys.

Sec. 704. This section makes it a Federal crime to knowingly make available otherwise restricted personal information to be used to intimidate or facilitate the commission of a crime of violence against covered officials or family members of covered officials.

Sec. 705. This section requires the Attorney General to report to the House and Senate Judiciary Committees on the security of Assistant United States Attorneys.

Sec. 706. This section makes it a crime punishable by fine and imprisonment of ten years to flee prosecution for the murder, or attempted murder, of a peace officer.

Sec. 707. This section raises sentences for those convicted of murder, or attempted murder, and kidnapping or attempted kidnapping.

Sec. 708. This section authorizes Federal judges and prosecutors to carry firearms, subject to regulations implemented by the Justice Department regarding training and use.

Sec. 709. This section modifies the existing penalties for assaults against a federal law enforcement officer.

Sec. 710. This section creates a new criminal offense for the killing of, attempting to kill or conspiring to kill, any public safety officer for a public agency that receives Federal funding.

Sec. 711. This section raises maximum criminal penalties for violating 18 U.S.C. §1503 relating to influencing or injuring jurors or officers of judicial proceedings by killing, attempting to kill, use force or threatening to kill or harm an officer or juror.

Sec. 712. This section modifies 18 U.S.C. §1512 to increase penalties for killing or attempting to kill a witness, victim, or informant to obstruct justice.

Sec. 713. This section modifies 18 U.S.C. §1513 for killing or attempting to kill a witness, victim, or an informant in retaliation for their testifying or providing information to law enforcement by increasing penalties for causing bodily injury or damaging the person's property or business or livelihood, or threatening to do so.

Sec. 714. This section amends 18 U.S.C. §1952 relating to interstate and foreign travel in aid of racketeering enterprise by expanding the prohibition against ''unlawful activity'' to include ''intimidation of, or retaliation against, a witness, victim, juror, or informant.''

Sec. 715. This section amends section 1513 of title 18 to clarify proper venue for prosecutions to include the district in which the official proceeding or conduct occurred.

Sec. 716. This section amends 18 U.S.C. Sec. 930(e)(1) to prohibit the possession of ''a dangerous weapon'' in a Federal court facility.

Sec. 717. This section modifies the Federal murder and manslaughter statutes to include new mandatory minimums.

Sec. 718. This section creates a new grant program for States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation and retaliation against victims of, and witnesses to, crimes.

Sec. 719. This section authorizes grants to State courts to conduct threat assessments and implement recommended security changes.

Sec. 720. This section authorizes a new grant program to provide States with funds to develop threat assessment databases.

Sec. 721. This section amends 42 U.S.C. §13862 to authorize grants to create and expand witness protection programs to assist witnesses and victims of crime.

Sec. 722. This section authorizes grants for State and local prosecutors and law enforcement agencies to provide witnesses assistance programs for young witnesses.

Sec. 723. This section modifies the eligibility requirements for discretionary grants to allow State court eligibility.

Sec. 801. This section revises existing section 521 of title 18, U.S.C., to prohibit gang crimes that are committed in order to further the activities of a criminal street gang.

Sec. 802. This section expands existing section 1952 of title 18, U.S.C., to increase penalties and simplifies the elements of the offense.

Sec. 803. This section amends criminal statutes relating to definition and penalties for carjacking, illegal gun transfers to drug traffickers or violent criminals, special sentencing provisions, and conspiracy to defraud the United States.

Sec. 804. This section amends existing section 1958 of title 18, U.S.C., to increase penalties for use of interstate commerce facilities in the commission of a murder-for-hire and other felony crimes of violence.

Sec. 805. This section amends existing section 1959(a) of title 18, U.S.C., to increase penalties and expand the prohibition on include aggravated sexual abuse.

Sec. 806. This section fills a gap in existing federal law and creates a new criminal offense for violent acts committed during and in relation to a drug trafficking crime.

Sec. 807. This section creates a new criminal offense for traveling in or causing another to travel in interstate or foreign commerce or to use any facility in interstate or foreign commerce with the intent that 2 or more murders be committed in violation of the laws of any State or the United States.

Sec. 808. This section modifies the list of RICO predicates to clarify applicability of predicate offense which occur on Indian country or in any other area of exclusive Federal jurisdiction.

Sec. 809. This section applies the rebuttable presumption in pre-trial release detention hearings to cases in which a defendant is charged with firearms offenses after having previously been convicted of a prior crime of violence or a serious drug offense.

Sec. 810. This section amends United States Code to clarify venue in capital cases where murder, or related conduct, occurred.

Sec. 811. This section extends the statute of limitations for violent crime cases from 5 years to 15 years after the offense occurred or the continuing offense was completed.

Sec. 812. This section permits admission of statements of a murdered witness to be introduced against the defendant who caused a witness' unavailability and the members of the conspiracy if such actions were foreseeable to the other members of the conspiracy.

Sec. 813. This section authorizes the Attorney General to charge as an adult in federal court a juvenile who is 16 years or older and commits a crime of violence.

Sec. 814. This section amends title 18 to create a new enhanced criminal penalty when an illegal alien commits a crime of violence or a drug trafficking offense.

Sec. 815. This section requires the Department of Homeland Security to provide to the Department of Justice information about certain immigration violators so that such information can be included in national criminal history databases.

Sec. 816. This section requires the Attorney General and the Secretary of Homeland Security to jointly conduct a study on illegal immigration and gang membership.

Sec. 901. This section authorizes use of Byrne grants to State and local prosecutors to protect witnesses and victims of crimes; to fund new technology, equipment and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to facilitate coordination among law enforcement and prosecutors.

Sec. 902. This section reauthorizes the Gang Resistance Education and Training Program.

Sec. 903. This section authorizes the Justice Department to provide grants to establish offender reentry courts.

Sec. 1001. This section authorizes a new grant program for the National Crime Prevention Council.

Sec. 1002. This section requires the Justice Department to conduct a study.

Sec. 1101. Short Title.

Sec. 1102. This section requires the Secretary of Health and Human Services, with the Justice Department, to create a national registry of substantiated cases of child abuse and neglect.

Mr. Speaker, when I was first elected to the Wisconsin legislature in 1968, one of my mentors warned me against making the perfect the enemy of the good, because if the perfect ends up defeating the good, then bad will prevail.

What we have heard from the opponents of this motion to suspend the rules is that the bill is a good one, but it doesn't do enough, and we ought to add this and this and this and this. But we tried that last year. We passed the core bills of three separate components of this bill, and they ended up getting stuck in the other side of the Capitol Building.

Honestly, our children, our judges, and all Americans can't afford to wait any longer. The gentleman from North Dakota (Mr. POMEROY), I think, summed it up perfectly, that is, that the victims and their families cannot afford to wait any longer because of parliamentary objections to this, that and everything else.

Now, let us look at what this bill does. It allows a national registration of sex offenders so that we can get the over 100,000 convicted sex offenders who slipped through the registration cracks on the Internet so that people will know if they are in their neighborhood. If you defeat this bill, that is not going to happen.

This bill also prevents the sale of date-rape drugs over the Internet. If you defeat this bill, that is not going to happen.

The bill has a number of provisions to protect Federal judges and their families and courthouse personnel and buildings so that we don't have the tragedy that happened to Judge Lefkos in Chicago when two members of her family were murdered. You defeat this bill, our judges are going to be vulnerable.

Practically every community of over a quarter of a million in this country has faced the scourge of gangs. There is comprehensive gang law in this bill that will help our law enforcement get to the ringleaders of these gangs and to arrest them and throw them into jail. That is going to make all of us safer. You defeat this bill, and that is not going to happen.

I want to see a law made, and those who have spoken in support of this motion to suspend the rules want to see this bill become law as quickly as possible. We have a commitment from the majority leader on the other side of the Capitol, if this bill passes today, to schedule it quickly. In the name of our children and all Americans, vote to suspend the rules.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
WASHINGTON, DC, MARCH 7, 2006.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Education and Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing to confirm our mutual understanding regarding H.R. 4472, the ''Children's Safety and Violent Crime Reduction Act of 2005,'' which is scheduled for consideration on the House floor on Wednesday, March 8, 2006. I agree that Title XI of the manager's amendment implicates the jurisdiction of the Committee on Education and Workforce, and appreciate your willingness to forego consideration in order to facilitate floor consideration of this legislation. I agree that your decision to waive consideration of the bill should not be construed to limit the jurisdiction of the Committee on Education and Workforce over H.R. 4472 or similar legislation, or otherwise prejudice your Committee with respect to the appointment of conferees to this or similar legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005. Title XI of the manager's amendment to be considered under the suspension of the rules, contains the CHILDHELP National Registry Act and is within the jurisdiction of the Committee on Education and the Workforce.

Given the importance of this legislation and your willingness to work with me in drafting the final language of Title XI, I will support the inclusion of this provision in the manager's amendment without consideration by my committee. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Education and the Workforce be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES
COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 7, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I am writing concerning H.R. 4472, the ''Children's Safety and Violent Crime Reduction Act of 2005,'' which is scheduled for floor action on Wednesday, March 8, 2006.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning certain child welfare programs, particularly as they pertain to foster care and adoption. Section 501 of the bill would require States to conduct safety checks of would-be foster and adoptive homes as well as eliminate the ability of States to opt-out of Federal background check requirements restricting Federal support for children placed with foster or adoptive parents with serious criminal histories. Section 502 would require States to check child abuse registries for potential foster and adoptive parents. Thus these provisions fall within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4472, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 7, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS:

I am writing to confirm our mutual understanding regarding H.R. 4472, the ''Children's Safety and Violent Crime Reduction Act of 2005,'' which is scheduled for consideration on the House floor on Wednesday, March 8,

2006. I agree that sections 501 and 502 implicate the jurisdiction of the Committee on Ways and Means, and appreciate your willingness to forego consideration in order to facilitate floor consideration of this legislation. I agree that your decision to waive consideration of the bill should not be construed to limit the jurisdiction of the Committee on Ways and Means over H.R. 4472 or similar legislation, or otherwise prejudice your Committee with respect to the appointment of conferees to this or similar legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 4472, the Children's Safety and Violent Crime Reduction Act. Once again, this Congress is attempting to address very serious and complicated problems with a law that substitutes the talking points of "tough on crime" politicians for the wisdom of judges, prosecutors, treatment professionals and child advocates. As a father and someone who has fought for better foster care, education, and health care for children, I object to this ill-conceived legislation that is as much an attack on our independent judiciary as it is a bill to protect kids.

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

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

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

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

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

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

Mr. WATT. Mr. Speaker, I submit the following items for inclusion in the RECORD regarding the House floor consideration of H.R. 4472 on March 8, 2006.

MARCH 7, 2006.

DEAR REPRESENTATIVE CONYERS: On behalf of the Judicial Conference of the United States, the policy-making body of the federal judiciary, I am writing to convey its views regarding the provisions contained in H.R. 4472, the "Children's Safety and Violent Crime Reduction Act of 2005."

We would like to emphasize that there are several ways in which this bill will be helpful to the Judiciary, even though there are some provisions about which we have concerns or would wish to modify. In particular, we greatly appreciate inclusion in this bill of important measures designed to improve the security of our federal courts. Some of the impetus for these court security provisions in the bill arose from the tragic circumstances surrounding the murder of family members of Judge Joan Lefkow of the United States District Court for the Northern District of Illinois. Her husband and mother were shot and killed by a disgruntled litigant.

The current bill contains several provisions that are of particular interest to the federal courts and that are supported by the Judicial Conference. One provision of the bill requires the United States Marshals Service to consult with the Administrative Office of the United States Courts regarding the security requirements of the judicial branch. While this is a positive amendment to current law, we believe that the United States Marshals Service should be required to "coordinate" with the judicial branch.

The bill contains two other provisions that are supported by the Judicial Conference including one that will help protect judges from the malicious recording of fictitious liens and another that extends to federal judges the authority to carry firearms under regulations prescribed by the Attorney General in consultation with the Judicial Conference of the United States. The latter provision says that, with respect to justices, judges, magistrate judges and bankruptcy judges, such regulations "may" provide for the training and regular certification in the use of firearms. The Judicial Conference believes that the training and certification requirement should be mandatory and that "shall" should replace "may."

While the bill addresses many important issues of interest to the Conference, the bill also contains some provisions about which we are concerned, which we briefly address below.

The bill would amend the habeas corpus procedures set out in 28 U.S.C. §§2264 and 2254 to bar federal court review of claims based upon an error in an applicant's sentence or sentencing that a court determined to be harmless or not prejudicial, that were not presented in state court, or that were found by the state court to be procedurally barred, "unless a determination that the error is not structural is contrary to clearly established federal law, as determined by the Supreme Court." This section is similar to a provision of the Streamlined Procedures Act (H.R. 3035 and S. 1088, 109th Congress) that was opposed by the Judicial Conference as described in a September 26, 2005 letter sent to members of the House Judiciary Committee. The Conference specifically opposed sections of the Streamlined Procedures Act that would limit judicial review of procedurally defaulted claims and harmless errors in federal habeas corpus petitions filed by state prisoners. Those provisions had the potential to:

(1) Undermine the traditional role of the federal courts to hear and decide the merits of claims arising under the Constitution;

(2) Impede the ability of the federal and state courts to conduct an orderly review of constitutional claims, with appropriate deference to state-court proceedings; and

(3) Prevent the federal courts from reaching the merits of habeas corpus petitions by adding procedural requirements that may complicate the resolution of these cases and lead to protracted litigation. . . .

The habeas provision in this bill raises similar concerns and is opposed by the Judicial Conference.

Another section would make it a federal crime for a person to knowingly fail to register as required under the Sex Offender Registration and Notification Act if the person is either a sex offender based upon a federal conviction or is a sex offender based on a state conviction who thereafter travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country. Because the requirement to register under that act would include convictions in state courts, this has the potential to expand federal jurisdiction over large numbers of persons whose conduct would previously have been subject to supervision solely by the state courts. In addition, as the bill requires the states to expand systems for supervising all persons convicted of specified offenses, the expansion of federal jurisdiction into this area risks duplication of effort and conflicts between the federal and state systems.

The bill would amend 18 U.S.C. §5032 to allow a juvenile who is prosecuted for one of the specified crimes of violence or firearms offenses to "be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and also [to] be convicted as an adult of any lesser included offense." Given that joinder of offenses is liberally allowed under the Rules, and that the bill further provides that the determination of the Attorney General to proceed against a juvenile as an adult is an exercise of unreviewable prosecutorial discretion, this provision could result in the federal prosecution of juveniles for myriad offenses if they are also prosecuted for a felony crime of violence or a firearms offense.

The bill contains various provisions that expand the application of mandatory minimum sentences. The Judicial Conference opposes mandatory minimum sentencing provisions because they undermine the sentencing guideline regime Congress established under the Sentencing Reform Act of 1984 by preventing the systematic development of guidelines that reduce unwarranted disparity and provide proportionality and fairness in punishment. While we recognize the desire to increase the security of persons associated with the justice system, we believe that this can be accomplished without resort to the creation of mandatory minimums.

I appreciate having the opportunity to express the views of the Judicial Conference on H.R. 4472, the "Children's Safety and Violent Crime Reduction Act of 2005." If you have any questions regarding this legislation please contact Cordia Strom, Assistant Director, Office of Legislative Affairs.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary, Judicial Conference of the United States.

DECEMBER 15, 2005.

DEAR CHAIRMAN SENSENBRENNER AND REPRESENTATIVE CONYERS: On behalf of the National Juvenile Justice and Delinquency Prevention (JJDP) Coalition, an alliance of nearly 100 organizations that work in a variety of arenas on behalf of at-risk youth, we

are writing at this time to express our very deep concerns about recently introduced H.R. 4472. This ''omnibus'' bill incorporates several separate bills; two of these bills have been the focus of strong opposition by this Coalition as being harmful and detrimental in many ways to the best interests of youth.

Specifically, the National JJDP Coalition objects to provisions of Title I, Sex Offender Registration and Notification Act, and Title VIII, Reduction and Prevention of Gang Violence.

TITLE I: SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

The National JJDP Coalition strongly believes that juvenile offenders adjudicated delinquent of sex offenses should be excluded from both the National Sex Offender Registry to be maintained by the Attorney General and the state-level sex offender registries required by H.R. 4472. While we understand that certain Tier I juvenile sex offenders may not be included on the internet or subject to all of the program notification requirements, we believe that this potential remedy does not do nearly enough to differentiate between juvenile and adult sex offenders and simply cannot safeguard juveniles in accordance with established principles of confidentiality. Without the use of careful risk assessments and judicial review for each juvenile sex offender, youth who pose no future risk to public safety will have their own safety jeopardized and their futures inevitably compromised by their inclusion in the registry. We throw away these youth at great cost to our own public safety and future interests.

Critically, the increased penalties in Titles III and IV of H.R. 4472 fail to acknowledge the research on adolescents, generally, and adolescent sex offenders. In creating policy around this issue, it is imperative that policymakers rely on the vast scientific literature distinguishing the behavior of juveniles and adults.

Research has consistently shown that youth who act out sexually differ significantly from adult sex offenders. First, juvenile offenders who act out sexually do not tend to eroticize aggression, nor are they aroused by child sex stimuli as adult sex offenders are. Many young people who exhibit sexual behavior have been sexually abused themselves and/or exposed to pornography or other sex stimulation by someone older. As a result of this abuse and victimization, they need mental health services and support. Mental health professionals regard this juvenile behavior as much less dangerous. Indeed, when applying the American Psychiatric Association diagnostic criteria for pedophilia (abusive sexual uses of children) to the juvenile arrests included in the National Incident Based Reporting System, only 8 percent of these incidents would even be considered as evidence of a pedophilia disorder.

Furthermore, many of the juveniles who are included on sex offender registries are done so for behavior that certainly does not fit the profiles compelling such requirements. For example, under the Idaho Code, two fifteen year olds engaged in ''heavy petting'' would be guilty of a felony requiring them to register on the state's sex offender list.

Regarding recidivism, not only is the rearrest rate for youth charged with sexual crimes much lower than that for adults, but the subsequent arrests of these youth are primarily for non-sexual offenses. A 2000 study by the Texas Youth Commission of 72 young offenders who were released from state correctional facilities for sexual offenses (their incarceration suggests that judges considered these youth as posing a greater risk) found a re-arrest rate of 4.2% for a sexual offense. A 1996 study found similarly low sex offense recidivism rates in Baltimore (3.3–4.2%), San Francisco (5.5%) and Lucas County, Ohio (3.2%).

TITLE VIII: REDUCTION AND PREVENTION OF GANG VIOLENCE

The juvenile transfer provisions of Title VIII would result in the expanded ''transfer'' or ''waiver'' of youth to the adult criminal system and/or placing an additional number of youth in adult correctional facilities. Comprehensive national research on the practice of prosecuting youth in the adult system has conclusively shown that transferring youth to the adult criminal justice system does nothing to reduce crime and actually has the opposite effect. Study after study has shown that youth transferred to the adult criminal justice system are more likely to re-offend and to commit more serious crimes upon release than youth who were charged with similar offenses and had similar offense histories but remained in the juvenile justice system.

Moreover, national data shows that, in comparison to youth held in juvenile facilities, young people incarcerated with adults are: five times as likely to report being a victim of rape; twice as likely to be beaten by staff; and 50% more likely to be assaulted with a weapon.

A recent Justice Department report also found that youth confined in adult facilities are nearly 8 times more likely to commit suicide than youth in juvenile facilities.

Further, minority youth will be disproportionately affected by this policy. Recent studies by the Department of Justice have shown that more than 7 out of 10 youth admitted to state prisons across the country were youth of color. Youth of color sent to adult court are also over-represented in charges filed, especially for drug offenses, and are more likely to receive a sentence of incarceration than White youth even when charged with the same types of offenses.

Moreover, putting the transfer decision in the sole discretion of a prosecutor, not a judge as the law currently requires, violates the most basic principles of due process and fairness.

We urge you to strike the provisions we have described herein from H.R. 4472 that would place youth on a National Registry and would also expand the number of youth tried as adults and remove judicial discretion from the transfer decision. As advocates for at-risk youth, we are also strong advocates of community safety. But these provisions will not increase community or child safety, they will in fact have the opposite effect. Extensive data and research-based practice supports the positions of the National JJDP Coalition on these issues. We urge you to utilize this evidence in creating policy that will genuinely contribute to enhanced community safety and lower recidivism as well as assist and support system-involved youth in getting on the path to productive adulthood.

We appreciate your consideration of our concerns. If you have any questions, please do not hesitate to contact Morna Murray at the Children's Defense Fund at 202.662.3577, mmurray@childrensdefense.org or Elizabeth Gladden Kehoe at the National Juvenile Defender Center at 202.452.0010, x103, ekehoe@njdc.info.

Sincerely,

MORNA A. MURRAY,
Children's Defense Fund, Co-chair, National Juvenile Justice & Delinquency Prevention Coalition;

JOHN TUELL,
Child Welfare League of America, Co-chair, National Juvenile Justice & Delinquency Prevention Coalition.

Mr. CONYERS. Mr. Speaker, I submit the following items for inclusion in the RECORD regarding the House floor consideration of H.R. 4472 on March 8, 2006.

FEBRUARY 23, 2006.

In New Jersey, the Office of the Public Defender represents all indigent persons entitled to a court hearing concerning the Megan's Law tier classification and community notification proposed for them by the State. Over the past ten years the Office has served as counsel for 60% of persons challenging their tier levels in New Jersey—nearly 3000 cases in a state where approximately 5000 such cases have been adjudicated.

Based upon our long and extensive experience with New Jersey's system of notification and its registrants, as well as our contact with renowned experts in the field of sex offender recidivism, we believe we have a unique perspective to provide the House with comments concerning H.R. 4472 (the Children's Safety and Violent Crime Reduction Act of 2005), currently pending a vote on the House floor.

Our comments focus on four aspects of the current bill. First, unlike the Senate bill on the same topic (S. 1086) the House bill will have a significantly negative impact on many juveniles, subjecting them to notification in their neighborhoods and via the Internet for possibly 20 years. This would inflict undue hardship which, given the low risk of re-offense juvenile sex offenders pose to the public and their strong amenability to treatment, is often not justified by a public safety need.

Second, the notification required by H.R. 4472 will apply to thousands of persons in each state, requiring notice to registrants' neighborhoods and around their work and school, and via the Internet. The proposed notification would include home addresses and places of employment. Neighborhood notification is currently reserved only for New Jersey's approximately 160 high risk offenders, but as proposed under H.R. 4472 would apply to thousands of registrants. Based on our firsthand experience this form of notification will predictably lead to large numbers of offenders becoming homeless and unemployed.

Because this form of notification will undermine the ability of many registrants to maintain stable housing, steady employment and ongoing treatment, it will have a marked impact on registrants' risk levels and opportunities to remain offense free, and thus will negatively affect public safety.

Third, by impacting on registrants' abilities to provide for their most basic needs, H.R. 4472 will severely impede the implementation of sex offender monitoring programs like New Jersey's Community Supervision for Life and Parole for Life programs, which are designed to prevent future reoffending by registrants. *See N.J.S.A.* 2C:43–6.3. As discussed below, due to the form of neighborhood notification proposed by H.R. 4472 parole officers will be unable to keep registrants in jobs, maintain their stable home environments and continue registrants' treatments as those monitoring programs require. In this way, H.R. 4472 will frustrate New Jersey's longstanding efforts to monitor sex offenders and will compromise, not further, community safety.

Fourth,the bill subjects all registrants, including many juveniles, to the identical

form of Internet and community based notification, without an individualized risk assessment, despite vast differences among offenders' risk-of-re-offense levels. By treating persons with vastly different risk levels identically, H.R. 4472 creates the misimpression that all offenders pose the same risk. Thus, the bill dilutes the value of notification and diverts attention from those posing the greatest risk.

1. H.R. Will Inflict Undue Hardship on Juvenile Offenders Without a Corresponding Benefit to Public Safety.

Sections 111 and 122 of the bill would provide a limited exception from public notification for juveniles. However, the bill would require juvenile offenders deemed a tier II to be subject to 20 years of public notification to communities and via the Internet. Sec. 111 (6). Some young juveniles may even unfairly be deemed a tier III since the victim involved would likely be less than 13 years of age. See Sec. 111 (7). These tier determinations and the resulting public notification would occur without any individualized assessment of whether the juveniles involved posed anything more than a low risk of re-offense.

Five decades of follow-up studies demonstrate that the vast majority of juveniles will remain free of sex offense recidivism. It is consistently found that sex offense recidivism rates among juveniles are among the lowest of all such offenders—less than 8% in most treatment follow-up studies.

Moreover, studies demonstrate that the motivation and manifestation of sexually inappropriate behaviors of juveniles are very different than those of adult offenders. And, children with sexual behavior problems generally respond well to treatment interventions. If the proposed bill becomes law, however, it will mean that children will be stigmatized for life on the basis of their childhood behavior. Despite the questionable public safety benefits of community notification with juveniles, it is likely to stigmatize them fostering peer rejection, isolation, and increased anger. This impact can prevent juvenile offenders from realizing the benefits of effective treatments. The proposed notification and the ensuing stigma will also result in such persons being denied fair opportunities for employment, education, and housing despite the low risk of recidivism they typically pose. Accordingly, the bill will violate the long tradition in our country of recognizing that most youth who break the law during childhood can and will mature out of this behavior with appropriate guidance and treatment.

Thus, the bill would inflict undue hardship on juveniles, impacting their entire lives, and is not justified by a public safety need. Rather than resort to such a counterproductive approach, as the above cited experts recommend, treatment and supervision should be emphasized for this group of offenders.

2. The Notification Scheme In H.R. 4472 Will Deprive Many Registrants, Including Those Who Are a Low or Moderate Risk, Of The Basic Means To Live Productively In Society With the Unintended Consequence of Increasing Their Risk Of Re-Offense.

H.R. 4472 provides that in most cases the same public notification would be provided to registrant's neighborhoods and in the vicinity where they work and attend school, regardless of their danger to the public. Sec. 122(b),(c). In addition, without determining the actual risk a registrant poses, that notification will include both a registrant's home address and the address of his employer. Sec. 114(a)(3),(4). Moreover, the bill applies retroactively to all applicable offenses.

As set forth above, notification to a registrant's immediate neighbors is currently reserved for roughly 160 high risk registrants in New Jersey. Due to the impact on an offender's life that the notice will have, this small number of registrants is designated ''high risk'' only after an assessment and court hearing (if requested), showing that the registrant's risk justifies neighborhood notification. Our experience demonstrates that notification (whether via the Internet or provided in a registrant's neighborhood) containing an employer's name and address will frequently result in the registrant's termination. This is due to customers refusing to frequent the business, and neighbors subjecting the employer to enormous pressure to fire the offender.

Likewise, New Jersey registrants subject to neighborhood notification providing their home addresses are often uprooted from their homes, and eventually become homeless. Typically this is due to landlords being pressured by surrounding homeowners to evict the registrant. And in cases where registrants own their home, significant threats and vandalism have occurred to drive the offender away. In one New Jersey case, following notification five bullets were fired through the front window of a registrant's apartment by a neighbor, nearly wounding an innocent tenant. Thus, under H.R. 4472 it is predictable that substantial numbers of registrants will become homeless.

Registrants pose a much higher risk of re-offense when they have no job or stable housing. This is agreed upon by studies in the field of sex offender recidivism, New Jersey's own actuarial scale for determining registrant risk, as well as our experience working with registrants over the past ten years. Therefore, the unintended consequence of providing many registrants' home addresses and places of employment as required by H.R. 4472 will be that substantial numbers will have their re-offense risk increased.

Furthermore, homeless and jobless registrants are, of course, unable to pay for sex offender and substance abuse treatment which have been proven to markedly reduce offense risk. Also, we have witnessed how the desperation caused by this homeless and jobless state has led our clients to suffer severe stress, and relapse into substance abuse, and other high risk behaviors for recidivism. Thus, the notification proposed by H.R. 4472 to registrants' neighborhoods listing their place of employment may trigger a new offense, by removing the supportive components of a person's rehabilitation. See R. Karl Hanson & Andrew Harris, Solicitor General of Canada, Dynamic Predictors of Sexual Recidivism (1998) at 2 (''recidivists showed increased anger and subjective distress just prior to offending''); ATSA, The Registration and Community Notification of the Adult Sexual Offender at 3 (2005) (notification will ''ostracize[]'' sex offenders and ''may inadvertently increase their danger.'')

Finally, H.R. 4472 would require notification to be distributed to neighborhoods in cases involving an intra-familial offense. As this notification will result in victims' identities being disclosed to neighbors, the practice will act as a significant deterrent to having victims of familial offenses report them to police. Sec. 111 (6), (7). Thus, public notification in cases involving a single intra-familial offense should be eliminated from the bill.

Given the predictable consequences of the notification proposed in H.R. 4472, we submit that notice to a registrant's neighborhood or around his place of employment which includes his home address, and any notification including his place of work, should occur only for high risk offenders, and only after an individualized risk assessment. Otherwise, H.R. 4472 will run the danger of destabilizing large numbers of registrants by having them lose the jobs and housing essential to maintaining offense-free lives. As mentioned, the notice proposed by the bill will also discourage victims of intra-familial offenses from contacting law enforcement.

3. The Notification Proposed in H.R. 4472 Will Undermine the Ability of States Like New Jersey to Implement Parole for Life Programs Which Require Law Enforcement Officers to Monitor Registrants, and Require Registrants to Maintain Jobs, Housing and Treatment to Reduce their Risk of Re-Offense.

Since 1994, every adult registrant in New Jersey who committed a sex offense has been placed on a form of close monitoring known as community or parole supervision for life. See N.J.S.A. 2C:43–6.4. The purpose of the program is to locate and monitor adult registrants, potentially for life, ''as if on parole.'' Id. Applicable State regulations provide that the registrant must maintain stable housing and a job, avoid drug or alcohol use (as monitored by urine testing), occasionally submit to random visits by their parole officer at home, attend sex offender and/or substance abuse treatment, as well as other requirements.

The success of this eleven-year-old program depends upon a parole officer being able to locate the lifetime parolee in their home, do random drug and alcohol testing, check for other signs' of instability or loss of employment, and thus prevent the precursors to re-offending. However, the notification provisions of H.R. 4472 will lead to large numbers of offenders becoming homeless and will result in parole officers being unable to locate registrants and provide them with the close supervision needed to reduce recidivism rates. Thus, the State's efforts to assist registrants in keeping stable housing or a job, basic requirements of parole, will be frustrated.

When we explained to a New Jersey parole officer that the proposed legislation will put the addresses of many sex offenders' employers on the Internet, and be provided to offenders' neighbors or to persons living around their employers, she stated that her parolees would ''spiral downward,'' and that they ''wouldn't care'' about trying to keep from re-offending. She stated, ''Our job would be so difficult . . . it's hard enough for them to get jobs.'' She expressed the view that a significant number might re-offend because, ''A lot of these things are due to high stress rates.'' Finally, she expressed concern that most of them would end up ''in homeless shelters'' where there is an ''increased risk of disappearance or committing a new offense of some kind''—either a non-sexual criminal offense or possibly a sexual offense.

In addition to Community and Parole Supervision for Life, New Jersey also assigns special probation officers to exclusively monitor sex offenders while on parole (prior to implementation of their special sentence of community or parole supervision for life) so they can concentrate on the particular needs this population presents, and provide the type of close supervision they require. (Notably, we have observed that other states appear to be putting more and more sex offenders on probation for life and similarly long sentences, even for very minor offenses—so it is likely that this legislation will strongly affect those states as well.)

When we explained the notification requirements of the bill to a special probation officer he replied that, ''You'll end up having many, many people re-offending—what else could they do?'' When asked if he thought these provisions would cause many registrants to lose their jobs, he 4 replied, ''Absolutely. I can't imagine anyone would want them.'' He explained that without ''work,

housing, and normal responsibilities'' the registrants would have ''no self esteem.'' He said that they ''would not listen to me,'' and would likely ''go out and assault someone else.''

Thus, there is serious concern that the basic purpose of the registration provisions of Megan's law (which is to enable law enforcement to locate registrants in the course of investigating new offenses, monitor registrants, and explore allegations of misconduct by such registrants), will be substantially undermined by the notification provision of H.R. 4472.

Over the past dozen years, New Jersey and other states have acted as laboratories for experimentation with sex offender registration and supervision programs. During this period, many states have established effective measures to combat recidivism. We recommend that these states should be consulted closely on H.R. 4472 and given a chance to comment or give testimony about the wisdom of the bill and how it may impact existing, effective law enforcement programs.

4. All Registrants Should Not be Subject to the Same Form of Notification. Rather, the Bill Should Require a Risk Assessment and A Tiered Approach to Community Notification Tied to Risk Level.

Pursuant to Section 122 of the bill, all ''sex offenders,'' regardless of their tier determination, are subject to identical public notification to neighborhoods and via the Internet. See Sec. 122.(b) (making the only potential exception a Tier I, sex offender whose offense was a juvenile adjudication). It has been our experience that, even if a registrant's tier level is included in the notice, this approach will create the misimpression that all offenders pose the same risk. Thus, it will dilute the effectiveness of notification by focusing the public's attention on the offenders truly posing a significant risk of recidivism. This can be avoided, as occurs in New Jersey and other states, by providing notice to neighborhoods (as opposed to Internet notification) only in cases of significant risk. This determination can be made by using available risk assessment tools that validity and economically demonstrate risk level.

Formal studies conducted at the behest of or relied upon by both the federal government and the states confirm that sex offender re-offense rates vary greatly among different categories of offenders. See CSOM, Myths and Facts About Sex Offenders, at 2 (August 2000) (citing various studies regarding recidivism rates and noting: ''Persons who commit sex offenses are not a homogeneous group, but instead fall into several different categories. As a result, research has identified significant differences in re-offense patterns from one category to another.'') For instance, studies and experts conclude that incest offenders present a very low risk of re-offense. See CSOM, Recidivism of Sex Offenders (May 2001) (citing study which found a 4% rate of recidivism for incest offenders). Other studies have determined that effective treatment substantially reduces recidivism levels. Id. at 12–14 (citing studies demonstrating 7.2% recidivism rate with relapse prevention treatment vs. 13.2% of all treated offenders vs. 17.6% for untreated offenders); Ten Year Recidivism Follow-up of 1989 Sex Offender Releases, State of Ohio Dept. of Rehabilitation and Correction (April 2001) (sex-related recidivism after basic sex offender programming was 7.1 % as compared to 16.5% without programming).

Further studies cited by CSOM and ATSA recognize the positive impact that steady employment, stable housing, ongoing treatment and avoiding isolation play in reducing recidivism levels. See CSOM, Recidivism of Sex Offenders, supra.; ATSA, Ten Things You Should Know About Sex Offenders and Treatment, supra. Thus, while there is an array of well-recognized factors impacting significantly on a registrant's risk to the public, H.R. 4472 fails to consider any, and instead would compel participating states to label registrants based solely on their offense. It would also require the identical type of notification for the overwhelming majority of offenders. This system will unwisely overload the public with thousands of offenders' names and pictures and prevent the public from making informed decisions about which truly pose a significant risk. See In re Registrant E.I., 300 N.J. Super. 519, 526 (App. Div. 1997) (noting that a ''mechanical'' application of a notification law will ''impede [its] beneficial purpose''); E.B. v. Verniero, 119 F.3d 1077, 1107–08 (3d. Cir. 1997) (holding that a state does not have ''any interest in notifying those who will come in contact with a registrant who has erroneously been identified as a moderate or high risk.'')

For example, under H.R. 4472 a person convicted of criminal sexual contact in New Jersey (N.J.S.A. 2C: 14–3) for touching a juvenile over clothing on the buttocks on one occasion, years ago, with no history of any prior offense and with a successful record of treatment, must be labeled a tier II sex offender. This registrant, along with many others of a similar ilk, would be made subject to notification in his neighborhood and via the Internet with other offenders whose conviction and psychological profile made them much greater risk. (For example, an offender convicted of aggravated sexual assault who received no treatment and had recently been discharged from prison.) Multiply this example by thousands of cases, and it becomes apparent that the public's safety requires a time-tested notification system, like New Jersey's, which includes a risk determination and sends a clear message, through the type of notification provided, which registrants most require the public's attention. The ''one size fits all'' approach adopted in H.R. 4472 is counterproductive and misinforms the public of the relative danger posed by registrants. For these very reasons, professional groups such as ATSA have called for a risk based approach to community notification which provides the most substantial form of notification for those posing the greatest risk. ATSA, The Registration and Community Notification of Adult Sex Offenders, supra.

In New Jersey, a registrant's risk level is determined using the State's Risk Assessment Scale (''RAS''). The RAS is a matrix of thirteen static and variable risk factors which are weighted according to their relative predictive value. The thirteen factors in the RAS are evaluated and assigned a point score by a prosecutor. The combined point total from the RAS factors determines the registrant's tier classification, placing him in either the low, moderate or high risk levels. With information from the registrant's criminal history and registration data an attorney or paralegal familiar with the RAS can calculate a registrant's point total and resulting tier classification in just a few minutes.

In New Jersey, the hearings that determine the final risk assessment are held within a short time after the RAS determination has been made, and the registrant is ordinarily given approximately 45 days to prepare his case, although some matters are decided in even a shorter term if there is no disagreement. The hearings uncover information that may not be available to the prosecutor, such as whether the registrant is in a supervised placement such as a half-way house, treatment facility or nursing home, which is desirable for the supervision it provides. As set forth above, this influences the degree of notice that is distributed since it affects the registrant's risk and may avoid excessive notification that would require the facility to evict the client, depriving him of needed supervision, and increasing his risk to the community.

The hearings also reveal the history of the registrant since the offense, and how many years he has been at liberty since it occurred which may be as long as 20 or 25 years ago, in some cases. His record of rehabilitation, achievement in sex offender specific therapy and substance abuse recovery, cooperation with probation and/or parole programs, and other information are also considered. Significantly, the system as a whole tends to encourage registrants to continue their rehabilitation when the court fairly considers the efforts of the individual to rehabilitate, and his years of successful adjustment to the community without further offense.

Other factors regarding risk that may be considered include whether the registrant is very ill, elderly and infirm, or wheelchair bound, so as to pose only a low risk for re-offense to the community.

In summary, studies in the field and our experience over the past ten years has shown that sex offenders are a highly heterogeneous group, and that this diversity includes offenders who present little risk of re-offense. Inundating the public with the same form of notification which includes many low risk offenders will only frustrate the remedial goals that notification is designed to serve. Such over-broad notification is especially egregious when one considers that, as discussed above, it impacts substantially upon the ability of an offender to work, find or remain in their housing, continue in treatment and to live offense-free in the community.

We therefore recommend that H.R. 4472 be amended to permit states, (like New Jersey, Massachusetts and New York), to participate in the federal program yet maintain systems which allow for accurate determinations of the true risk of recidivism for registrants and provide forms of notification which are commensurate with that risk. This will allow the public to easily differentiate between offender risk levels. Moreover, it will permit states to meaningfully implement parole for life programs for sex offenders and to monitor them under the regulations provided by those statutes so that they can maintain the stable housing, jobs and treatment needed to continue to pose as low a risk of re-offense as possible.

Respectfully submitted,

MICHAEL Z. BUNCHER,
Deputy Public Defender, State of New Jersey, Office of the Public Defender.

Mr. SCOTT of Virginia. Mr. Speaker, I submit the following items for inclusion in the RECORD regarding the House floor consideration of H.R. 4472 on March 8, 2006.

OPPOSE H.R. 4472, THE CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2005

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union, a non-partisan organization with hundreds of thousands of activists and members and 53 affiliates nation-wide, we write to express our opposition to H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005 (''Omnibus Crime''). H.R.4472 would create ten new federal death penalties and almost 30 new discriminatory mandatory minimums that infringe upon protected First Amendment speech, effectively eliminate federal and state prisoners' ability to challenge

wrongful convictions in federal court, make it more difficult to monitor sex offenders and create more serious juvenile offenders by incarcerating children in adult prisons. H.R. 4472 is scheduled for a vote on the House floor on Wednesday, March 8, 2006; we strongly urge you to oppose this legislation.

CONGRESS SHOULD NOT EXPAND THE FEDERAL DEATH PENALTY UNTIL IT ENSURES INNOCENT PEOPLE ARE NOT ON DEATH ROW

The death penalty is in need of reform, not expansion. According to the Death Penalty Information Center, 123 prisoners on death row have now been exonerated. Chronic problems, including inadequate defense counsel and racial disparities, plague the death penalty system in the United States. The expansion of the death penalty for gang and other crimes creates an opportunity for more arbitrary application of the death penalty.

In addition to expanding the number of federal death penalty crimes, this bill also expands venue in capital cases, making any location even tangentially related to the crime a possible site for the trial. This raises constitutional as well as public policy concerns. The U.S. Constitution states that ''the Trial of all Crimes . . . shall be by Jury; and shall be held in the State where the said Crimes shall have been committed.'' This concept is important in order to prevent undue hardship and partiality when an accused person is prosecuted in a place that has no significant connection to the offense with which he is charged. This proposed change in H.R. 4472 would increase the inequities that already exist in the federal death penalty system, giving prosecutors tremendous discretion to ''forum shop'' for the most death-friendly jurisdiction in which to try their case.

In carjacking cases, this legislation would effectively relieve the government from having to prove that a person intended to cause the death of a person before being subject to the death penalty. This provision is likely unconstitutional in the context of capital cases. In addition, the bill would allow the death penalty for attempt and conspiracy in carjacking cases, which we believe is unconstitutional.

H.R. 4472 ERODES FEDERAL JUDGES' SENTENCING DISCRETION BY PROPOSING HARSHER MANDATORY MINIMUM SENTENCES

This legislation would create 29 new mandatory minimum sentences that would result in unfair and discriminatory prison terms. Many of the criminal penalties in this bill are increased to mandatory minimum sentences, including the sentence for second-degree murder that would be a mandatory sentence of 30 years. Although, in theory, mandatory minimums were created to address disparate sentences that resulted from indeterminate sentencing systems, in reality they shift discretion from the judge to the prosecutor. Prosecutors hold all the power over whether a defendant gets a plea bargain in order for that defendant to avoid the mandatory sentence. This creates unfair and inequitable sentences for people who commit similar crimes, thus contributing to the very problem mandatory minimums were created to address.

PEOPLE COULD BE CONVICTED OF A ''GANG'' CRIME EVEN IF THEY ARE NOT MEMBERS OF A GANG

This legislation would impose severe penalties for a collective group of three or more people who commit ''gang'' crimes. This bill amends the already broad definition of ''criminal street gang'' to an even more ambiguous standard of a formal or informal group or association of three (3) or more people who commit two (2) or more ''gang'' crimes. The number of people required to form a gang decreases from five (5) people in an ongoing group under current law to three (3) people who could just be associates or casual acquaintances under this proposed legislation. Under current law it is essential to establish that a gang had committed a ''continuing series of offenses.'' By eliminating this requirement, H.R. 4472 defeats the purpose of a gang law, i.e. to target criminal activity that has some type of connection to a tight knit group of people that exists for the purpose of engaging in illegal activities.

H.R. 4472 JEOPARDIZES A PERSON'S RIGHT TO A FAIR TRIAL

Innocent people could be convicted of crimes they did not commit if the statute of limitations is extended as proposed in this legislation. The Omnibus Crime bill proposes to extend the statute of limitations for non-capital crimes of violence. Generally, the statute of limitations for non-capital federal crimes is five (5) years after the offense is committed. Fifteen years after a crime is committed, alibi witnesses could have disappeared or died, other witnesses' memories could have faded and evidence may be unreliable. The use of questionable evidence could affect a person's ability to defend him or herself against charges and to receive a fair trial.

This legislation would also preclude defense attorneys in child pornography cases from obtaining possession of the alleged child pornography, possibly depriving the defendant of a fair trial. This provision is entirely unnecessary, since federal courts routinely issue extremely restrictive protective orders regarding alleged child pornography. These protective orders preclude duplication or review of the alleged child pornography except as necessary for the preparation of the defense. Giving the government sole possession of the material may well harm the defendant's case. Forensic analysis is often critical in determining whether the material is, in fact, child pornography.

TITLE VI INFRINGES UPON CONSTITUTIONALLY PROTECTED SPEECH UNDER THE FIRST AMENDMENT

The legislation would require record keeping for simulated sexual conduct. Simulated sexual conduct that is not obscene is protected under the First Amendment. ''Laws that burden material protected by the First Amendment must be approached from a skeptical point of view and must be given strict scrutiny.'' The fact that those laws only burden rather than prohibit protected material does not save them constitutionally.

This provision of the bill infringes upon protected speech and is not narrowly tailored to solve the problems of child pornography. Understandably, mainstream producers will comply with the law, but those who are intent on making child pornography are unlikely to do so. This provision is therefore constitutionally suspect.

FEDERAL COURTS WOULD ESSENTIALLY BE UNABLE TO RELEASE SOME PEOPLE ON DEATH ROW WHO WERE WRONGFULLY CONVICTED

Most habeas corpus petitions that challenge a person's death or criminal sentence are brought to federal court based on a constitutional error that under the law is considered ''harmless'' or ''non-prejudicial.'' These types of legal errors do not involve substantial rights and do not necessarily result in a person being released from custody. H.R. 4472 would prevent federal courts from hearing claims in death penalty cases that involve claims of cruel and unusual punishment under the Eighth Amendment or whether a defendant's lawyer was ineffective during the sentencing phase of a capital case.

This provision of the bill has serious implications for the independence of the federal judiciary. Congress' attempt to strip Article III courts of their constitutional habeas corpus jurisdiction is unconstitutional under the doctrine of Separation of Powers. Removing jurisdiction over many habeas claims from Federal courts ignores the Separation of Powers doctrine by eliminating the role of the courts in upholding constitutional rights of prisoners.

H.R. 4472 WOULD RESULT IN THE ROUTINE COLLECTION AND PERMANENT RETENTION OF DNA SAMPLES AND PROFILES FROM INNOCENT PEOPLE

The ''Violence Against Women Act of 2005'' (VAWA) was signed into law on January 5, 2006, (P.L. No: 109–162) and dramatically expands the government's authority to collect and permanently retain DNA samples. Under this law, persons who are merely arrested or detained by federal authorities would be forced to have their DNA collected and stored alongside those of convicted felons in the Federal DNA database. However, under current law, DNA samples that are voluntarily submitted to law enforcement authorities are not included in the Combined DNA Indexing System (CODIS). In addition, DNA profiles of individuals arrested but not convicted of crimes can be expunged from CODIS upon receipt of a ''certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal.''

However, H.R. 4472 would permit voluntarily submitted samples to be included in CODIS and would eliminate the expungement provision for people whose DNA was incorporated in the federal database based on an arrest that never resulted in a conviction. Retaining a person's DNA in a criminal database renders him or her an automatic suspect for any future crime. This is problematic for any category of tested persons, but especially for those who have been arrested but not convicted of a crime.

In addition, the Omnibus Crime bill would allow states to upload to CODIS DNA samples submitted voluntarily in order to eliminate people as suspects of a crime. This will increase the use by law enforcement of DNA ''sweeps'' and reducing the willingness of citizens to cooperate with the police.

H.R. 4472 WILL MAKE IT MORE DIFFICULT TO MONITOR SEX OFFENDERS BY SIMPLY FORCING OFFENDERS UNDERGROUND

The proposed legislation requires sex offenders to update registry information within 5 days of a change in residence, employment or student status. This requirement is unrealistic and works against the goal of being able to monitor sex offenders. If the registration requirements are unrealistic, offenders will fail to register and end up underground, which is contrary to the goal of tracking and locating them. Under the Omnibus Crime bill, states will be required to verify sex offender registry information in persons possibly as frequently as once every three months and required to verify their residences as often as once every month depending on the class of offender. This will be an enormous burden on the states to create and implement systems to track sex offenders on a monthly basis.

The bill will also require the work addresses of sex offenders to be available on the Internet. Publicizing information about employers and their addresses on the Internet could ultimately lead to employers refusing to hire former sex offenders. Research has shown that significant supervision upon release and involvement in productive activities are critical to preventing sex offenders from reoffending. Limiting the opportunities

of sex offenders to maintain gainful employment is counter-productive to their rehabilitation as well as to keeping communities safe.

CHILDREN WOULD BE PUT IN FEDERAL PRISON WITH LITTLE OPPORTUNITY FOR EDUCATION OR REHABILITATION

Under the Omnibus Crime bill, more children will become hardened criminals after being tried in Federal court and incarcerated in adult prisons. H.R. 4472 would give prosecutors the discretion to determine when to try a young person in Federal court as an adult, if the juvenile is 16 years of age or older and commits a crime of violence. The decision by a prosecutor to try a juvenile as an adult cannot be reviewed by a judge under this legislation. This unreviewable process of transferring youth to adult Federal court is particularly troubling when juveniles are not routinely prosecuted in the Federal system and there are no resources or facilities to address the needs of youth.

For the above-mentioned reasons, we urge members to oppose H.R. 4472 when the House votes on the bill on March 8, 2006.

Sincerely,

CAROLINE FREDRICKSON,
Director,
JESSELYN MCCURDY,
Legislative Counsel

HUMAN RIGHTS WATCH LETTER

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: We write to urge you to vote against the Omnibus Crime Bill, H.R. 4472, which is scheduled for a vote on Wednesday, March 8, 2006. This legislation would at the whim of the Attorney General subject children to adult trials and adult penalties, impose a wide array of new, harsh mandatory minimum sentences, and mandate prolonged registration for former sex offenders, even if they have remained offense-free for decades after being released from prison.

The following provisions of the bill are of particular concern:

Juvenile Transfer Provisions: Under this legislation, the Attorney General could make unreviewable and unilateral decisions to subject children to adult trials and adult sentences. Under current law, children can generally only be tried and sentenced as adults after a transfer hearing, where a court considers the age and background of the child and determines whether a transfer serves the interest of justice. Under H.R. 4472, these teenagers would be subject to adult sentences, including life without parole, regardless of their vulnerability and capacity for reform.

More than 20 years of experience across the nation has revealed that subjecting children to adult sentences is an ineffective, unjust, and costly means of combating crime. Certainly, children can and do commit terrible crimes, and when they do, they should be held accountable. Yet, they should be held accountable in a manner that reflects their special capacity for rehabilitation. There is no legitimate basis for granting the Attorney General the unchecked authority to subject an increased number of children to adult sanctions.

Mandatory Minimums: The legislation would impose harsh, new mandatory minimums for a wide array of crimes, including crimes of conspiracy, aiding, and abetting. Punishment should be tailored to the conduct of the individual, including his or her role in the offense and his culpability. Blanket mandatory minimums tied to one or two factors do little to protect community safety at high cost to the criminal justice system. This legislation incorporates three bills that have already passed the House, H.R. 1279 (''Gang Deterrence Act of 2005''), H.R. 3132 (''Children's Safety Act of 2005''), and H.R. 1751 (''Secure Access to Justice and Court Protection Act of 2005''), with some modifications. It does not include the hate crime enhancement and gun prohibition provisions that passed as part of H.R. 3132.

If anything, Congress should be looking for ways to eliminate mandatory minimums and restore judicial discretion, proportionality, and fairness in sentencing.

Expansion of the Federal Death Penalty: The legislation greatly expands the number of federal crimes that carry the death penalty. This expansion of the death penalty is at odds with the growing recognition that the criminal justice system is fallible, arbitrary and unfair, and does not deter crime. There is no legitimate basis for expansion of this inherently cruel and immutable punishment.

Registration Requirements for Low-Level Offenders: There may be legitimate community safety rationales for requiring, for a limited period of time, certain sexual offenders to register. There is, however, no legitimate community safety justification for the provisions in this legislation that require offenders to register for the rest of their lives, regardless of whether they have lived offense free for decades. There is also no legitimate community safety goal served by the provisions that impose 20-year registration requirements on low-level or misdemeanor offenders. These registration requirements are imposed on individuals who have already served their sentences and are attempting to reintegrate into the community. Registration requirements put these individuals at risk of retaliation and discrimination and make it extremely difficult for these individuals to find employment, housing, and to rebuild their lives.

Human Rights Watch fully supports holding accountable those who violate the rights of others. But commission of a crime, even a crime that involves sexual misconduct, should not be license to run roughshod over principles of fairness and proportionality. Human Rights Watch urges you to vote against H.R. 4472.

Respectfully submitted,

JENNIFER DASKAL,
Advocacy Director, U.S. Program.

Mr. DREIER. Mr. Speaker, I rise in strong support of H.R. 4472, the Children's Safety and Violent Crime Reduction Act. This bill combines three measures, previously approved by the House with strong bipartisan support, which seek to protect our children, combat gang violence and ensure the safety of judicial and law enforcement officials.

This legislation sends a strong message to our law enforcement officers and local officials that the Federal government is a key partner in their efforts to keep our communities safe. I represent Los Angeles and San Bernardino Counties, where law enforcement officers are combating gang violence by increasing the number of gang task forces and reaching out into the community to give kids alternatives to gang membership. This legislation imposes the tough mandatory sentences we need to keep gang members off the street and our neighborhoods safer. We are also doing the same for sex offenders, keeping them off the streets longer, and enforcing registration laws to empower parents with the information they need to keep their children safe.

I would like to take a few moments to comment on the judicial and law enforcement protection provisions of the bill. Judges, peace officers and everyone involved in the justice system are protectors of the law and servants of safety. They devote their lives and often place themselves in harm's way so that we may live without fear and danger. Any attack on these dedicated Americans is an attack on the very foundation of our Nation.

H.R. 4472 addresses the growing national problem of violence against those working to uphold the law. Although crime is down nationwide, threats and attacks against police officers, judges, and witnesses continue to escalate. According to the Federal Bureau of Investigation (FBI), between 1994 and 2003, 616 law enforcement officers were murdered in the line of duty. This includes 59 officers from my home state of California, the most of any state.

Murdering a law enforcement officer is an especially despicable and heinous crime. Tragically, California lost one of its courageous officers nearly four years ago and only recently has the suspected killer been apprehended. Los Angeles County Sheriff's Deputy David March was brutally slain execution style during a routine traffic stop on April 29, 2002. The suspect, Armando Garcia, fled to Mexico within hours of Deputy March's death and had eluded prosecution by U.S. authorities. Mexico's refusal to extradite individuals who may face the death penalty or life imprisonment had complicated efforts to bring Garcia back to the U.S. to face justice.

Over the last four years, Deputy March's family and friends, fellow law enforcement officers, local public officials and my colleagues in Congress have worked together to find a resolution to this horrible situation. Mr. Speaker, we must protect our Nation's sovereignty and ensure that criminals who break our laws and flee the country are brought to justice here at home. That is why we urged President Bush and officials at the State and Justice Departments to take aggressive action to change Mexico's extradition policy. We met with officials in the Mexican government to urge them to change their extradition policy. I even argued before Mexican Supreme Court justices on the intolerable nature of their extradition rulings.

Last year, my friend from Pasadena, Mr. SCHIFF, and I introduced H.R. 3900, the Justice for Peace Officers Act, with the strong support of Los Angeles County Sheriff Lee Baca. The bill makes it a federal crime to kill a peace officer and flee the country; it provides for the possibility of federal prosecution; and it allows for punishment by the death penalty or life imprisonment. I am especially pleased that Chairman SENSENBRENNER and Mr. GOHMERT included key provisions from this bill in H.R. 1751, and now in H.R. 4472. Specifically, this provision makes it a federal crime to kill a law enforcement officer, and it makes such a crime punishable by the death penalty, life imprisonment or a mandatory minimum of 30 years in prison. In addition, the bill adds a mandatory minimum 10 year penalty on top of the punishment for killing a law enforcement officer if the suspect flees the country to avoid prosecution.

This is a national problem that will now receive national attention. Making it a federal crime to kill a peace officer will provide another critical tool to pursue and punish cop-killers on the federal level. This provision also ensures that criminals who murder law enforcement officers and escape to another country will have the full weight of the Federal Government on their trail.

Mr. Speaker, last year, we experienced a tremendous breakthrough in our efforts. In November 2005, the Mexican Supreme Court

issued a ruling to allow extradition for suspects facing life in prison in the U.S. for their crimes. The decision, which overturns a four year old ban on such extraditions, will now pave the way for more extraditions to the U.S. from Mexico.

And on February 23, Mexican law enforcement agents, acting on information provided by the U.S. Marshals Service, Los Angeles County Sheriff's Department and Los Angeles County District Attorney's Office, apprehended Armando Garcia in the Guadalajara suburb of Tonala. He is now in custody and U.S. authorities are taking steps to extradite him to the U.S.

Mr. Speaker, the capture of Armando Garcia is a victory for justice and, most important, for the March family. Law enforcement on both sides of the border deserve tremendous credit for working together and staying on his trail for nearly four years. This success demonstrates the importance of an ongoing dialogue between our two countries.

While approving H.R. 4472 is a bold step toward enhancing protection of peace officers, we must continue our efforts to prevent tragedies like Deputy March's murder from ever happening again. I firmly believe that the Administration should use all available resources to bring about a change in policy in any country that refuses to extradite murderers to the U.S. because they may face the death penalty or life imprisonment for crimes they committed on our soil.

Mr. Speaker, I strongly support the bill and urge my colleagues to vote in favor of the measure.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 4472, the Children's Safety Violent Crime Reduction Act. Every day it seems the American people are confronted by another heinous case of child abduction and assault. These crimes are some of the most jarring to our society and more must be done to reduce their occurrence. Last year, I voted in favor of the Child Safety Act and I am proud to support this bill today. H.R. 4472 will strengthen sex offender registration, community notification and publication requirements. Many of the violent crimes against children are preventable if communities know that possibly dangerous offenders live amongst their neighbors. That is why I am pleased to see that this bill includes the Dru Sjodin National Sex Offender Public Website—a resource for families to identify sex offenders in their community.

Also Mr. Speaker, I want to thank Chairman SENSENBRENNER for including my legislation, H.R. 4883, the Justice for Crime Victims' Families Act, as part of this necessary bill. As a former County Commissioner for 10 years, I have had the experience of working with my local District Attorney on many important, time sensitive cases. One of the problems I always heard is that the police needed better communication, coordination between their local, state and Federal counterparts.

My legislation focuses on the need to help our nation's criminal investigators conduct investigations into abductions and homicides faster and more efficiently and to fill the gap in communication that was expressed to me in the County. My bill would require the Attorney General to produce a report to Congress outlining the current state of coordination in information sharing between Federal, state and local law enforcement, and the sources of funding currently available for homicide investigators. The Attorney General must also examine what is being done to expand national criminal records databases, enhance the collection of DNA samples from missing persons and improving the performance of medical examinations.

I am concerned that not enough is being done to give our investigators the best information available in the fastest time possible. We can't hinder our investigators with jurisdictional hurdles and information blockades. My legislation will look for ways to make communication and information sharing more efficient and productive especially for time sensitive cases. I call on my colleagues to support this important legislation.

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

The SPEAKER pro tempore (Mr. FEENEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4472, as amended.

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

A motion to reconsider was laid on the table.

EXTENDING NORMAL TRADE RELATIONS TREATMENT TO UKRAINE

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1053) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine, as amended.

The Clerk read as follows:

H.R. 1053

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

SECTION 1. FINDINGS.

Congress finds as follows:

(1) Ukraine allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of such citizens to emigrate to the country of their choice.

(2) Ukraine has received normal trade relations treatment since 1992 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1997.

(3) Since the establishment of an independent Ukraine in 1991, Ukraine has made substantial progress toward the creation of democratic institutions and a free-market economy.

(4) Ukraine has committed itself to ensuring freedom of religion, respect for rights of minorities, and eliminating intolerance and has been a paragon of inter-ethnic cooperation and harmony, as evidenced by the annual human rights reports of the Organization for Security and Cooperation in Europe (OSCE) and the United States Department of State.

(5) Ukraine has taken major steps toward global security by ratifying the Treaty on the Reduction and Limitation of Strategic Offensive Weapons (START I) and the Treaty on the Non-Proliferation of Nuclear Weapons, subsequently turning over the last of its Soviet-era nuclear warheads on June 1, 1996, and agreeing, in 1998, not to assist Iran with the completion of a program to develop and build nuclear breeding reactors, and has fully supported the United States in nullifying the Anti-Ballistic Missile (ABM) Treaty.

(6) At the Madrid Summit in 1997, Ukraine became a member of the North Atlantic Cooperation Council of the North Atlantic Treaty Organization (NATO), and has been a participant in the Partnership for Peace (PfP) program since 1994.

(7) Ukraine is a peaceful state which established exemplary relations with all neighboring countries, and consistently pursues a course of European integration with a commitment to ensuring democracy and prosperity for its citizens.

(8) Ukraine has built a broad and durable relationship with the United States and has been an unwavering ally in the struggle against international terrorism that has taken place since the attacks against the United States that occurred on September 11, 2001.

(9) Ukraine has concluded a bilateral trade agreement with the United States that entered into force on June 23, 1992, and is in the process of acceding to the World Trade Organization (WTO). On March 6, 2006, the United States and Ukraine signed a bilateral market access agreement as a part of the WTO accession process.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PRODUCTS OF UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the effective date under subsection (a) of the extension of nondiscriminatory treatment to the products of Ukraine, title IV of the Trade Act of 1974 shall cease to apply to that country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

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

Mr. THOMAS. Mr. Speaker, this is really an exciting time in which we recognize the continuing maturation and involvement of a new nation, yet a nation of people who have deserved better over many decades and are now beginning to see the fruit of their struggle manifest itself. We are asking today in this legislation to recognize that the country of Ukraine that has entered into a series of agreements with the United States and other countries, and I include an exchange of letters between the United States Trade Representative Rob Portman and myself as chairman of the Ways and

Means Committee, indicating some certainties as to that agreement, and to anxiously await the comments by my colleagues as we recognize that the Ukraine, through very difficult economic and political transformations, has reached the point of integrating itself into the world economy.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 6, 2006.

Hon. ROB PORTMAN,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR PORTMAN: I understand the United States and Ukraine have concluded the bilateral negotiations on market access issues related to Ukraine's World Trade Organization (WTO) accession. The Committee has received the confidential documents related to the accord, and I congratulate you and your negotiators on a very strong agreement.

The commitments that Ukraine has made related to market access for goods and services, as well as on sanitary and phytosanitary (SPS) obligations and intellectual property rights, are very important for U.S. exporters and to Members of Congress. It is essential that Ukraine comply fully with all of its WTO commitments. To that end, I write to seek your assurances that you will be steadfast in confirming that Ukraine fully implements all of its commitments as scheduled, and that you will not support its accession unless that is the case.

I look forward to moving legislation through Congress to grant permanent normal trade relations (PNTR) to Ukraine quickly after the bilateral agreement is signed. Unconditional normal trade relations is a basic tenet of WTO membership, and granting PNTR to Ukraine will allow the United States to benefit from the WTO commitments made by Ukraine. I look forward to your response.

Sincerely,

BILL THOMAS,
Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, March 6, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: Today, the United States and Ukraine signed a bilateral market access agreement as part of the negotiations for Ukraine's accession to the World Trade Organization (WTO). As we have discussed, this agreement is a significant step forward in our commercial relations with Ukraine. In addition to market access commitments that create new opportunities for U.S. exports, Ukraine's recent efforts to address intellectual property (IPR) and sanitary and phytosanitary (SPS) issues are particularly noteworthy evidence of Ukraine's desire to become part of the global trade community.

The WTO accession negotiations with Ukraine are proceeding on two tracks: (1) bilaterally to open up Ukraine's markets to U.S. exports and investment; and (2) multilaterally to focus on WTO rules issues that relate to matters such as transparency, agriculture, customs, IPRs, state-owned enterprises, and services. The complete WTO accession package will include: (1) the best of Ukraine's commitments made in bilateral negotiations on market access for goods, agriculture, and services; and (2) Ukraine's commitments to revising its trade regime to adhere to WTO rules. These commitments will be included in a multilaterally agreed Protocol of Accession and Report of the Working Party which are analogous to legislation and the committee report on that legislation.

Ukraine must still complete its bilateral negotiations with other Members as well as the multilateral part of the negotiations. We will continue to work with the Ways and Means Committee and others in Congress as we continue these negotiations. Under WTO rules, the Working Party must approve, by consensus, the final accession package before the General Council can approve the terms for Ukraine's membership in the WTO. We will carefully review Ukraine's implementation of all WTO requirements, including market access commitments and SPS and IPR obligations, prior to accession. This will enable us to have confidence that Ukraine is complying with its SPS commitments to us and will comply fully with all of the commitments that it will assume as a WTO member, thus providing the basis for joining the consensus on Ukraine's terms of accession.

After the Congress enacts legislation terminating application of the ''Jackson-Vanik'' amendment, the United States will be able to provide permanent normal trade relations (PNTR) treatment to Ukraine. WTO membership for Ukraine means that in addition to our bilateral mechanisms, we will be able to use the WTO to monitor implementation of commitments, and as needed, avail ourselves of the various consultation mechanisms in the Agreement. Finally, should we be unable to resolve our differences, we will have recourse to the Dispute Settlement Understanding.

I look forward to working with you and other Members of Congress on Ukraine's WTO accession and PNTR legislation.

Sincerely,

ROB PORTMAN.

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

Mr. CARDIN. Mr. Speaker, first, let me thank Mr. THOMAS for the manner in which this legislation has been brought forward, in allowing us to vote on the permanent normal trade relations with the Ukraine.

Mr. Speaker, 1 year ago, in my capacity as ranking member at the U.S.-Helsinki Commission, I traveled to the Ukraine with my colleague and chairman, Congressman CHRIS SMITH. We made our trip shortly after the historic Orange Revolution, and I was impressed by the commitment of the Ukraine's new leaders to consolidate democracy, promote respect for human rights, and modernize the country's economy.

□ 1200

I also was impressed by the leader's commitment to further integrate Ukraine into the European and Euro-Atlantic community.

I am not the only one to have been impressed by Ukraine's efforts. International organizations such as Freedom House have acknowledged Ukraine's progress of recent years in protecting the political rights and civil liberties of its citizens.

Mr. Speaker, I believe Congress should demonstrate its support for Ukraine's reforms by approving legislation today that would grant Ukraine's permanent normal trade relation status, and, therefore, take it one step closer to becoming a member of the WTO.

The passage of PNTR for Ukraine will also show Congress's support for the efforts of the Yushchenko government to ensure that the upcoming March 26 parliamentary elections will be free and fair. I am pleased that my Helsinki Commission colleague from Florida, Congressman ALCEE HASTINGS, has been appointed as the OSCE PA Special Coordinator for our election observation mission there, and I look forward to reviewing the mission's findings and reports.

So far, the pre-election process, while not completely problem free, has been dramatically different from the period leading up to the fraudulent elections of November 2004, which ignited the Orange Revolution. In the 2004 elections, the Ukraine and government instructed the media about how to cover the elections and systematically abused government resources. In contrast, the upcoming elections are expected to be free and fair.

Mr. Speaker, I also want to take a few moments to comment on the issues of the underlying legislation we are considering today. The issue Congress is formally considering today is whether to withdraw the application of the Jackson-Vanik amendment to Ukraine and thereby grant Ukraine permanent normal trade relations status. The Jackson-Vanik amendment, which was adopted in 1975, was intended to provide a way for the United States to deny trade benefits to countries that are denying the rights of its citizens, particularly religious minorities.

Mr. Speaker, in light of the commitment that Ukraine has demonstrated in protecting the rights of religious minorities, I think it is appropriate that we withdraw the application of the Jackson-Vanik amendment to Ukraine.

Since independence, each successive Government of Ukraine has demonstrated a consistent commitment to defending the religious and ethnic rights of all of the people of the Ukraine. Current President Victor Yushchenko has continued this unambiguous commitment by pledging to bring minority groups together and reconciling historic conflicts. The International Religious Freedom Report of 2005 published by the United States State Department recognizes, ''President Yushchenko has, since taking office, spoken publicly about his vision of a Ukraine in which religious freedom flourishes and people are genuinely free to worship as they please.''

It must be understood, however, that there remain issues of concern, most notably the return of communal religious property that was confiscated during the Soviet era, and the anti-Semitic activities of Ukraine's largest private university, the Interregional Academy of Personnel Management.

Mr. Speaker, I have raised both of these issues in recent days with the Ambassador from the Ukraine and from other Ukrainian officials, and I have been impressed by their commitment to address these issues. Ukrainian officials have assured me that the

government is committed to continuing its effort to return communal property and that the Government of Ukraine will continue to condemn at the highest levels the anti-Semitic activities of the Interregional Academy of Personnel Management and any other anti-Semitic activities.

Mr. Speaker, given these concerns, I am pleased that the legislation we are considering today highlights the importance of Ukraine's continuing commitment to ensure freedom of religion, respect for minorities, and eliminating intolerance.

Shortly I will yield time to the gentleman from California (Mr. LANTOS), the ranking member of the International Relations Committee and our leader in Congress on the issue of human rights, democracy and religious freedom. Mr. LANTOS is the leader in Congress of our Task Force to Combat Anti-Semitism, and I want to thank him for working with me, the Helsinki Commission, and the OSCE as we have battled against the rise of anti-Semitism globally, and particularly within the OSCE states.

Ukraine has agreed to certain commitments to fight anti-Semitism, as have all of the 55 participating states of the OSCE. And let me make this crystal clear: today we intend to hold Ukraine to these commitments, including the responsibility to denounce anti-Semitism statements and vigorously enforce hate crime laws and promote diversity and tolerance in school curriculum. I am pleased that section 1, paragraph 4 of the resolution before us references these OSCE commitments.

Let me make a personal reflection here. During my visit to Ukraine last year, I visited two monuments, the Ukraine Famine Memorial, honoring the millions of victims of Stalin's genocidal 1932 and 1933 famine, and Babi Yar, where hundreds of thousands of Jews and others were massacred by the Nazis during World War II.

Mr. Speaker, it was a moving experience for me to lay a wreath at these sites in the Ukraine. These horrific events were a testimony to the cruelty and intolerance of dictatorships, and I do believe that today's independent Ukraine now understands that respect for human rights and a commitment to democracy and tolerance are the best inoculation against the horrors like the famine and Babi Yar.

The United States Government, the Helsinki Commission, and the OSCE look forward to working with a democratic Ukraine as they continue to build their institutions of democracy, establish the rule of law, protect human rights and religious freedom and combat corruption.

I commend Ukraine for its progress in promoting political and economic freedom for its citizens and its integration into the global rules-based economy. I urge my colleagues to join me in demonstrating support for the Ukraine's efforts by voting today to grant the country permanent normal trade status.

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

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

Mr. Speaker, I am pleased by the statement of my friend from Maryland, and am also pleased to underscore the fact that my colleague and friend from California and I will stand together all the time in making sure that the conditions under which we examine and approve normal trade relations follow what should be a model. But, indeed, if you have to make sure it is followed, it will be followed.

Mr. Speaker, it is now my pleasure to yield 3 minutes to the chief sponsor of H.R. 1053, the gentleman from Pennsylvania (Mr. GERLACH).

Mr. Speaker, prior to recognizing him, I yield the balance of my time to the chairman of the Trade Subcommittee, the gentleman from Florida (Mr. SHAW), and ask unanimous consent that he control the remainder of the time.

The SPEAKER pro tempore (Mr. FEENEY). Without objection, the gentleman from Florida will control the time.

There was no objection.

Mr. GERLACH. Mr. Speaker, I would like to thank the gentleman from California, Chairman THOMAS, and his staff for their cooperation in bringing H.R. 1053 to the floor today. Also I would like to thank my colleague from Pennsylvania, Mr. WELDON, and the other cochairs of the Ukrainian Caucus, Mr. BARTLETT, Ms. KAPTUR and Mr. LEVIN, for all of their hard work in helping to generate such a broad, bipartisan coalition of support for H.R. 1053.

Most importantly I would like to thank the Jackson-Vanik Graduation Coalition and all the leaders of the Ukrainian-American community in southeastern Pennsylvania and throughout the country for their tireless efforts in support of this legislation, and commend them on the tremendous job they have done promoting the progress the Ukraine has made over the past few years.

During the Orange Revolution of 2004, the whole world watched as the people of Ukraine protested allegations of massive corruption, voter intimidation and direct electoral fraud. They sent a clear message that regardless of these obstacles, they wanted and supported with their votes a pro-democracy, pro-reform candidate for President, Victor Yushchenko. This election highlighted the commitment of the Ukraine people to a free and prosperous democracy, and the country overnight became a role model for the entire region.

Since the election, the government has remained committed to broad-based reform and economic liberalization. This commitment was evident most recently on Monday, March 6, when the United States and Ukraine signed a bilateral WTO Agreement on Market Access, a major step towards Ukraine ultimately joining the WTO.

H.R. 1053 is another important step for Ukraine as it becomes a partner in the global economy. The bill lifts the Jackson-Vanik restrictions and authorizes President Bush to permanently extend normal trade relations treatment to Ukraine.

The United States Congress adopted the Jackson-Vanik legislation in 1974 to halt normal trade relations between the United States and those countries that restricted free immigration, especially for persons of the Jewish faith. Over 30 years later, virtually everyone agrees that Ukraine's record on freedom of immigration and religious freedom and tolerance is good.

These restrictions have long been outdated, a fact recognized by the administration in its granting of normal trade relations status to the Ukraine on a yearly waiver basis by the President. Because of this, my legislation will not affect current trade relationships with the Ukraine on a dollar-and-cents term. However, the message we are sending by making this relationship permanent is priceless to the people of the Ukraine. It strongly reaffirms our long-term partnership and support as Ukraine continues down the path of reform and democracy.

Again, Mr. Speaker, I would like to thank my colleagues, the cosponsors of the bill, and the chairman and members of the Committee on Ways and Means for their work in bringing this bill to the floor today.

Mr. CARDIN. Mr. Speaker, it is now my pleasure to yield such time as he may consume to the gentleman from California (Mr. LANTOS), our champion on human rights here in the Congress and our leader in the fight against anti-Semitism.

Mr. LANTOS. Mr. Speaker, I want to thank my good friend from Maryland for yielding, for his eloquent statement and for his leadership on all human rights issues that come before this House.

Mr. Speaker, like all of our colleagues, I welcome the democratic strides that Ukraine has taken since the Orange Revolution, and I want to note that the country has met the basic narrow condition for lifting Jackson-Vanik restrictions. Jews are allowed to emigrate from Ukraine. But I am very deeply concerned about the larger human rights questions, and particularly the failure to deal with rampant anti-Semitism in Ukraine.

Mr. Speaker, the Anti-Defamation League, which monitors anti-Semitic incidents around the world, reports a disturbing trend in Ukraine. In 2005, 164 incidents of anti-Semitism, ranging from vandalism to brutal violence, were reported there, three times the incidents reported in 2004.

The principal source of anti-Semitic agitation in Ukraine is the so-called private university MAUP, which is officially recognized as an institute of higher education. It is accredited by Ukraine's Ministry of Education, it has tens of thousands of students enrolled

at various campuses around the country, and it offers courses in many fields.

But despite the apparent claim of legitimacy, this is the worst kind of disgrace to academia worldwide. This so-called university organizes sickening anti-Semitic meetings and conferences and regularly publishes anti-Semitic articles and statements in two widely distributed periodicals. Its so-called president and other faculty members have made it their life's goal to resuscitate and spread anti-Semitism in Ukraine, a country with a disgraceful history and mass murder in that subject. The president of this university, Shchokin, is the head of another organization which also uses its license for purely anti-Semitic activities.

One of these institution's most appalling actions has been to court the disgraced and odious American white supremacist David Duke. This ''university'' awarded him a doctorate for a thesis entitled, ''Zionism as a Form of Ethnic Supremism.'' David Duke holds forth in the classrooms in Ukraine on history and international relations. He was also a key participant in a June 2005 conference sponsored by this so-called university entitled, ''Zionism: A Threat to World Peace.''

Other leading anti-Semites in Ukraine were given star billing at that conference, including Holocaust deniers.

□ 1215

Recently the president of the so-called university expressed public support for Iranian President Ahmadinejad's denial of the Holocaust, and approved of his threat to wipe Israel off the map.

Mr. Speaker, in meetings with officials of Ukraine and top officials of our own government, I have repeatedly emphasized that I cannot support lifting Jackson-Vanik provisions for Ukraine when the government fails to deal with the issue of anti-Semitism. I have called upon Ukrainian officials to speak out and publicly denounce this vile venom from the so-called university and its president.

I am pleased to report to my colleagues, Mr. Speaker, that while this ugly problem has not yet been fully resolved, over the last few months a number of positive steps have been taken by the Government of Ukraine, and that is the reason I am willing to support the lifting of Jackson-Vanik for Ukraine.

I would like to mention the most positive actions that have been taken to deal with anti-Semitism in response to the serious concerns that I have raised with both Ukrainian and American officials. The President of Ukraine, Victor Yushchenko, on December 5, 2005, publicly condemned anti-Semitism, and he specifically criticized the so-called university, MAUP, for its systematic publication of viciously and violently anti-Semitic articles.

President Yushchenko urged all Ukrainians to join him in condemning all manifestations of anti-Semitism and xenophobia, which he said the new democratic Ukrainian state will not tolerate. President Yushchenko called upon the faculty of this so-called university to respect citizens of all nationalities and religious faiths and to stop rousing national hatred.

On January 23 of this year, the Foreign Minister of Ukraine, Borys Tarasiuk, strongly condemned the anti-Semitic actions of this university. He announced, ''Having exhausted all efforts to convince the university's leaders to drop their unlawful and wrongful actions'', the Foreign Minister broke off all contacts with the university a year ago. The Foreign Minister stressed, ''There is no place for any form of anti-Semitism or xenophobia in Ukraine.''

The Ministry of Education and Science also issued a statement on January 23 accusing this so-called university of violating Ukrainian law. It said that there was persistent noncompliance with requirements of state licensing rules for universities. The ministry's statements said this institution pursued ''activities inconsistent with the status of higher educational institutions in the Ukraine.''

I am calling on the Government of Ukraine to lift the license of the so-called university to function. It is a disgrace to the new Ukraine, and it is a disgrace to the civilized world, and I am looking forward to early action by the Government of Ukraine.

On February 16, Mr. Speaker, the Presidential party made a statement condemning the anti-Semitic activities of this institution, noting, ''Inflaming hostility, anti-Semitism and xenophobia by leaders of MAUP is a blatant violation of the rights and freedoms of the people. It casts a shadow on Ukraine, a country pursuing the way of democracy''.

Just this past Friday, Ukraine's Foreign Minister, Borys Tarasiuk, in a letter to me, said that his government takes anti-Semitism seriously and will deal with it in a bold manner. He said that all governmental departments have ceased cooperation with this institution, that it is becoming isolated and marginalized. Its future is more than vague, in view of the ongoing investigations, said Minister Tarasiuk in his letter. He also stated that formal charges are to be filed in the coming weeks.

I look forward to the filing of these formal charges and the lifting of the license of the institution.

Mr. Speaker, at the end of my statement, I will insert into the RECORD the full text of all of these documents.

Mr. Speaker, I believe Ukrainian officials are acting in good faith to stop the nauseating and repulsive anti-Semitic actions of this so-called university and its vile and despicable leadership. I will continue to monitor anti-Semitism in Ukraine, and I will continue to work with the officials of the Ukrainian Government to bring this ugly process to an end.

I support, Mr. Speaker, reluctantly and with reservations, the legislation before us today to grant PNT status and to remove the Jackson-Vanik provisions from Ukraine. Ukraine has taken important steps forward, and I look forward to working with the Government of Ukraine under the leadership of President Yushchenko in dealing with the problem I discussed.

Mr. Speaker, I include for the RECORD here the materials I discussed previously:

UKRAINE PRESIDENT CONDEMNS ANTI-SEMITISM

Victor Yushchenko urged society to jointly condemn all manifestations of anti-Semitism and xenophobia, and claimed that the state would not tolerate them.

The President stressed that government should protect citizens of all nationalities and religious beliefs. He pledged that it would consistently fight against national, racial or religious discrimination in our country.

''There can be no national issue in a civilized country,'' he said. The Head of State is worried that anti-Semitism spreads throughout Ukraine.

He condemned the Interregional Academy of Personnel Management (IAPM) as an institution that systematically publishes anti-Semitic articles in its publication 'Personnel.'

Yushchenko said he had left the supervisory council of the journal to protest against this inhumane policy. He called on professors of the IAPM to respect citizens of all nationalities and confessions and to ''stop rousing national hatred.''

FOREIGN MINISTER TARASIUK: MAUP ACTIVITIES UNLAWFUL

On January 23d speaking on national television Foreign Minister of Ukraine Borys Tarasiuk strongly condemned the anti-Semitic actions of MAUP University in Ukraine. He confirmed that ''having exhausted all efforts to convince MAUP leaders to drop their unlawful and wrongful actions'' he broke off contacts with the University a year ago. According to Tarasiuk, ''there is no place for any form of anti-Semitism or xenophobia in Ukraine''.

At the same time the Ministry of Education and Science of Ukraine issued a press-release accusing MAUP of breaking Ukrainian law. In particular it pointed out persistent incompliance with requirements of state licensing rules for universities, failure to abide with legally binding procedures of the State Accreditation Commission etc. The press release qualifies it as ''a general negligence of law and a desire to pursue activities inconsistent with the status of Higher Education Institute in Ukraine''. The Ministry addresses the issue to the Ukrainian law enforcement bodies with request to analyze to what extent the actions of MAUP comply with Ukrainian law.

STATEMENT BY ''OUR UKRAINE'' OF THE OUR UKRAINE BLOC ON MANIFESTATION OF ANTI-SEMITISM AT MAUP

Inflaming hostility, anti-Semitism and xenophobia by certain leaders of the Inter Regional Academy of Personnel Management (MAUP) in MAUP-owned or affiliated mass media is a blatant violation of rights and freedoms of people. It casts a shadow on Ukraine, a country pursuing the way of democracy. A new anti-Semitic article ''Minister of American synagogue'' was published

in the last edition of ''Ukrainian newspaper plus''. It represents a deliberate xenophobic act towards Ukrainian citizens.

The Our Ukraine Bloc considers such activity outrageous and damaging, especially at the time of formation of a free civil society. The Orange revolution displayed Ukraine as a new democracy. Anti-Semitic attacks on the side of MAUP damage Ukraine's image and hamper equal and close relations with its biggest world partners. Atavistic thinking of MAUP leadership might create a bizarre picture of Ukraine as a primitive and nationalistic state.

We consider this humiliation of Ukraine in the eyes of the world community inappropriate and strongly urge the MAUP leadership to review their views as harmful and shameful for Ukrainian people. In the beginning of the III millennium there cannot be any place for paranoid ideology in public and political sphere!

Representatives of any nation in Ukraine have a right for self-realization and development of their national and socio-cultural identity. There is only one Ukraine for all of us!

MINISTER FOR
FOREIGN AFFAIRS OF UKRAINE,
March 3, 2006.

Hon. TOM LANTOS,
House of Representatives,
Washington, DC.

DEAR MR. LANTOS: Let me first of all express my deep respect to you as a long-time supporter of my country. Being a part of opposition in Ukraine during dramatic elections of 2004 I was encouraged and impressed by the letters you co-signed in defense of Ukrainian democracy. I also appreciate the unequivocal support of my country's graduation from the Jackson-Vanik amendment you rendered right after the victory of democratic forces in December 2004.

It is my strong conviction that the present moment gives a precious opportunity to lay a solid fundament for a reliable Ukrainian-American partnership for decades to come. Let me assure you that Ukrainian Government won't let marginal forces like infamous MAUP University thwart that chance.

In December–February President Yushchenko, myself and pro-presidential party bloc ''Our Ukraine'' have strongly condemned the anti-Semitic escapades of MAUP leaders. All governmental bodies have seized their co-operation with MAUP. All political forces denied them collaboration during the forthcoming elections.

Politically, MAUP University is isolated and marginalized. Legally, its future is more than vague in view of ongoing investigations (the formal charges are to be filed in the coming weeks). I sincerely hope that you won't see the very existence of this small group of obscurants in my country as an impediment on the way of enhancing Ukrainian-American partnership.

Dear Congressman, anti-Semitism is an issue Ukrainian Government takes seriously and deals with in an expedient and bold manner. This is yet another issue on which we are ready to actively co-operate with the United States. In this regard, I would appreciate if we could meet and discuss all range of Ukraine-U.S. issues during my visit to Washington, D.C. on March 9–10, 2006.

Sincerely,

BORYS TARASYUK.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in support of this bill and particularly to congratulate the gentleman from Pennsylvania (Mr. GERLACH), who is its primary sponsor and who has carefully shepherded it forward at a very sensitive time in U.S.-Ukrainian relations.

Mr. Speaker, I strongly support this bill especially when taken in tandem with economic and political reforms made by the Ukraine, as well as the efforts of our negotiators to put together a solid WTO market access agreement.

I urge my colleagues to vote in favor of passage of this bill on the heels of the other body passing a similar measure under unanimous consent. Just 2 days ago an agreement on market access was signed between the U.S. and the Ukraine. This agreement is an excellent start to fostering a continued growth between our two countries.

We recognize that some frictions remain, but this agreement, along with the Ukraine's accession to the WTO, will better enable us to resolve these frictions expeditiously, and in a mutually beneficial manner. Granting permanent normal trade relations, along with steps already taken to make government loan guarantees from the Export-Import Bank available to U.S. exporters to the Ukraine, will significantly increase U.S. investment in the Ukraine.

Granting the Ukraine permanent normal trade relations status will not only complement the difficult economic reforms that have been made. It will also support and reinforce the democratic reforms being made by President Yushchenko.

It is vital that Congress move forward and reaffirm our commitment to the Ukraine, to its reforms, both democratic and economic. Mr. Speaker, I urge passage of this bill.

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that each side be given an additional 2 minutes.

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

There was no objection.

Mr. CARDIN. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, I join my colleagues in support of this for the reasons that they have all given. What happens in Ukraine is important for its people, obviously. It is important for its neighbors. It is important for us in the United States, and I think really in the world. Let me just state why I think it is important in terms of its economic and democratic development.

Clearly it has met the requirement in Jackson-Vanik as to immigration. Jackson-Vanik was an amendment to a trade bill, and so it is relevant for us to look at the economic and democratic developments within Ukraine. The Jackson-Vanik instrument is our opportunity in the Congress to deal with the accession of countries to the World Trade Organization, and that is why we have withheld PNTR in several cases until we were satisfied in terms of the WTO accession agreements and could participate in the development of those agreements.

The U.S. has now negotiated with Ukraine a WTO accession agreement, and it is satisfactory. I think it will be mutually beneficial. I think also it will spark further reforms within Ukraine, both economic and also, I think, help the evolution of democracy within that country. So this is an important moment in terms of the economic role of Ukraine and the evolution of its democratic processes.

Let me say another word, if I might quickly, about the importance. We have been working on this legislation for a number of years. In proposals that we have placed on the record, that we have introduced, we have talked about various aspects of our relationship with Ukraine, and various doings within Ukraine, both human rights, how it treats its workers and many other aspects.

All of these aspects are not covered in this legislation, but I do think this legislation points out the importance of Ukraine to continue its democratic evolution. There are challenges ahead. I have had the chance to talk with constituents, with the large Ukrainian-American community in the 12th District.

And I want to close with this. To echo what Mr. LANTOS has said, and others, what happens in Ukraine is important, as I said, not only for its people, but really for the whole world. The Orange Revolution really resounded throughout the globe. It was an important moment for all of us, and so is its progress in terms of human rights and in terms of the elimination of anti-Semitism within Ukraine.

Mr. Speaker, so I join in this effort, and I urge that we all support it.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as has been discussed here today certainly, the Jackson-Vanik restrictions were made as an amendment to a 1974 trade bill actually to punish the Soviet bloc nations for their despicable human rights record.

Following the collapse of the Soviet Union, Jackson-Vanik restrictions were placed on all of the former Soviet Republics, including the Ukraine. In recent years, the world has watched as the Ukraine has embraced democracy and freedom through their Orange Revolution.

The Ukraine has been a great ally in the war on terror. The Ukraine has clearly taken appropriate steps to open their society and economy and becoming an important member of the community of free nations. The Ukraine should be free of the onerous restrictions, because they have met each of the tests laid out by the law. In fact,

the Ukraine has been granted an annual waiver from these restrictions each year for nearly a decade.

Mr. Speaker, my district is home to many people of Ukrainian descent. In fact, southeast Michigan, I believe, has, if not the largest, certainly one of the largest Ukrainian populations in our entire Nation.

These people are great Americans. They are great patriots. For years they have fought against Soviet oppression of the Ukrainian people and on behalf of freedom. They now embrace democracy and freedom that has come to their homeland, and they know it is both appropriate and very necessary for this Congress to act on this issue.

It is time for us to recognize the friendship of the Ukraine as well as permanently remove them from the restrictions of Jackson-Vanik.

Mr. Speaker, I urge my colleagues to support this very, very important legislation today on the floor.

□ 1230

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON) who is a very active Member of the Congress with regard to our relationship with the Ukraine.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in solid support of this legislation and with deep thanks to the leadership on both sides of the aisle for their work on this issue.

This is a critically important piece of legislation, not just for the people of Ukraine but for the people of the world. As a founder and cochair of the Ukrainian Rada-U.S. Congress relationship, this has been our number one priority for a number of years. But going back in my own career as a mayor and former county commissioner, I can recall each January that, with hundreds of my Ukrainian-American constituents, we would assemble and light candles. We would light candles for those people who are being oppressed by the Soviet regime.

In working with groups like the National Council of Soviet Jewry, we would make visits into the Soviet Union and go to those homes where people were being oppressed. We understood in a real way the oppression that was being brought by the Soviet leadership. And those candles that we lit each January were to show our solidarity with the Ukrainian people, that one day they would achieve independence and one day they would achieve the full equal respect of our country.

In the early nineties they achieved their independence. Today they receive the full respect of America and its people, because today we grant them equal status as a trading partner.

Ukraine has been working hard to achieve the basic foundation of democracy. They worked hard as a million people stood in the streets in the area of the Maden and stood up to the leadership in attempting to take away the election of the people. They stood tall for the leadership of President Yushchenko.

President Yushchenko has continuously called for this action that we take today. And certainly the timing is appropriate because in several weeks Ukraine will elect a new Rada. This sends a signal that Ukraine now has the full and equal respect of the government and of the people of the United States. And it sends a signal to all those other emerging democracies that you can follow the Orange Revolution.

Ukraine has been very helpful to us, Mr. Speaker, in ways that we do not often talk about publicly. It was President Kuchma, before Yushchenko, who laid the groundwork with contacts in Libya through his Foreign Minister, Konstantin Greshenko, to assist us in getting Gadhafi to give up his weapons of mass destruction. Quiet discussions among Ukraine leaders were assisting us to achieve what many thought was impossible in Libya.

It has been Ukraine and the diaspora in this country that has constantly reminded us of the economic bonds between our two nations. Today we stand tall with the people of Ukraine, and we tell them that we are with them, as we told Prime Minister Yekhanurov when he was here only a few weeks ago.

Today Ukraine becomes a symbol for all of the world. Hopefully, we will continue to work with Russia to achieve a similar status before the end of this year. I was encouraged by the comments of our Trade Representative in calling for that ultimate conclusion, once Russia has continued to show success and improvement in their economic relations.

To all of our colleagues, I say vote for this issue.

Slava Ukraine.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), a member of the Rules Committee, a Member who knows what it is to lose freedom and then regain it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank Chairman Shaw for his kind remarks. I want to thank all the distinguished Members who have made possible this legislation today. I think it is very timely.

I had the privilege of visiting Ukraine last December along with Under Secretary of State Paula Dobriansky and a humanitarian delegation from my community. My community has begun a process of helping the people of Ukraine, especially the sick children who, because of the decades-long environmental degradation, really attack upon the environment of the totalitarian regime, are still suffering and for generations, unfortunately, will have to suffer the consequences of the horrors of totalitarianism in a most unfair way. So humanitarian efforts are ongoing, and I am very proud of that, from my community, to help the people of Ukraine.

I was again very impressed and thank Mr. LANTOS for standing up today and mentioning an extremely important subject area. I want to point out that in the discussions that we had with President Yushchenko, Under Secretary Dobriansky, I was impressed by how much emphasis she made and the seriousness with which she made arguments that were brought out today by Mr. LANTOS. And so I am pleased to see that he will continue his very important monitoring of really the despicable matters that he made reference to, and I certainly look forward to joining him in that monitoring.

That said, I think it is important that a friend that has gone through, because of really the heroism of its people, has gone through a democratic transition, and, even after independence from the Soviet Union, was really still living under the undue influence of Russia.

I think that those hundreds of thousands of people that took to the streets just over a year ago, they deserve our respect. And the people of Ukraine deserve our respect. And in the same manner in which Jackson-Vanik, I am very proud of, was another way in which the United States stood on behalf of freedom, I think today it is time to remove Jackson-Vanik from democratic Ukraine, to say congratulations for what you have achieved, and to say we will be with you as you further achieve progress in perfecting your democracy and the rule of law.

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

Mr. Speaker, let me once again thank my friends for bringing this legislation forward. I want to acknowledge again Mr. LANTOS and his strong work on behalf of human rights and fighting anti-Semitism, and Mr. LEVIN who authored a bill on our side for PNTR for Ukraine.

Mr. Speaker, I include for the RECORD a letter from the Anti-Defamation League acknowledging the changes that have been made by the leadership of the Ukraine, dated January 25, 2006. The Anti-Defamation League is the premier organization fighting anti-Semitism globally.

Mr. Speaker, I urge my colleagues to support the bill.

ANTI-DEFAMATION LEAGUE

ADL WELCOMES UKRAINE'S STRONG CONDEMNATION OF UNIVERSITY FOMENTING ANTI-SEMITISM

New York, NY, January 25, 2006 . . . The Anti-Defamation League (ADL) welcomed the statements and actions of the Ukrainian government to condemn anti-Semitism, and specifically one of the country's leading institutions of higher education, which ADL has called a hotbed for anti-Semitic incitement. Ukraine's Foreign Minister and the Ministry of Education and Science publicly condemned MAUP University's anti-Semitic activities and called for ''anti-incitement laws to be effectively enforced.''

In a letter to Borys Tarasyuk, Ukraine's Foreign Minister, Barbara B. Balser, ADL

National Chair, and Abraham H. Foxman, ADL National Director welcomed his ''strong statement condemning the anti-Semitic actions of MAUP University as unlawful and wrongful and proclaiming that 'there is no place for any form of anti-Semitism and xenophobia in the Ukraine.'''

The League leaders also welcomed the statement of the Ministry of Education and Science accusing MAUP of breaking Ukrainian law by persistent incompliance with requirements of state licensing rules for universities and failure to abide with legally binding procedures of the State Accreditation Commission.

''We hope the Ukrainian government will continue to condemn such anti-Semitic activities and ensure anti-incitement laws will be effectively enforced,'' Ms. Balser and Mr. Foxman said.

A university with 50,000 students, MAUP has made statements supporting the President of Iran's denial of the Holocaust and appeal for Israel's destruction and is a bastion of anti-Jewish propaganda and incitement in the Ukraine.

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

The SPEAKER pro tempore (Mr. FEENEY). The gentleman from Florida (Mr. SHAW) has 7½ minutes remaining.

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

Mr. Speaker, I would like to first of all associate myself with the remarks from the gentleman from Maryland as well as the gentleman from California. I think they expressed very well, as did the other speakers from the majority side, the feeling of the Congress with regard to this resolution. I rise in very strong support of H.R. 1053 which would grant permanent normal trade relations to the products of the Ukraine.

Members of the House have the opportunity to show their support for the important economic and democratic reforms underway by Ukraine by affirming their support to the PNTR status.

As chairman of the Ways and Means Trade Subcommittee, I routinely observe the tremendous benefits that free and fair trade can have on both countries involved. In fact, many times the economic benefit of trade is a carrot that is held out to encourage movements by countries towards a free and open society. To most effectively continue advocating that countries make these reforms, we must take steps to recognize and reward those efforts to demonstrate the benefits of those actions.

In addition to rising in support of this legislation, I applaud the negotiations on both sides for their work on the bilateral market access agreement reached between the United States and Ukraine on March 6, 2006, just 2 days ago. In particular, I commend the strong protections for intellectual property rights contained in the agreement. For example, the Ukraine has agreed to provide 5 years of data protection for pharmaceuticals and 10 years of data protection for agriculture chemicals.

I applaud both the Ukraine and the United States Trade Representative, Mr. PORTMAN, for this and I continue to urge the United States Trade Representative to press for intellectual property rights in future agreements, particularly in the discussions with Russia.

Mr. Speaker, Ukraine has made strong commitments in this and many other areas. In addition, the country has made tremendous economic and democratic strides. All of us were thrilled to watch actually on television the Orange Revolution and watch it go forward and watch the freedom, the human spirit, rise up in the Ukraine and come to bring them where they are today.

Because of this and other matters, I urge my colleagues to support permanent and normal trade relations for the Ukraine and vote in favor of this important bill, H.R. 1053.

Mr. NEUGEBAUER. Mr. Speaker, I thank Congressmen HENSARLING and MOORE and Chairmen OXLEY and BACHUS for their efforts to bring H.R. 3505 to the floor today. Regulatory relief is much-needed by our nation's financial institutions, and I am pleased to support this legislation.

Since 1989, federal banking regulators have adopted more than 851 new rules and regulations. Regulatory costs, which total $38 billion, account for 13 percent of banks' non-interest expenses. It is time for Congress to provide relief.

I am especially concerned about the impact of unnecessary regulations on community banks and small credit unions, which are the types of institutions that serve much of rural West Texas. The regressive burden of regulations has contributed to the decline in the number of community banks and diminished the investments they are able to make in small communities.

H.R. 3505 includes a balance of regulatory relief among all types of financial institutions, and all institutions will benefit from the elimination of annual privacy notices when they do not share information or have not changed their privacy policy. There are provisions in this legislation that provide relief specific to community banks, national banks, credit unions and thrifts.

I am especially supportive of the much needed relief on Currency Transaction Reports and Suspicious Activity Reports. Last year banks filed more than 13 million CTRs and 300,000 SARs, overwhelming law enforcement with reports. Eliminating CTRs for seasoned customers will save institutions many hours of paperwork and redirect resources to the most useful reports. Focusing resources on transactions that pose the greatest risks benefits law enforcement, financial institutions and citizens.

I encourage my colleagues to support the long-overdue regulatory relief in H.R. 3505.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the Resolution offered by Representative GERLACH, H.R. 1053—lifting the provisions of Jackson-Vanik from the country of Ukraine.

In December 2004, the world watched as a democratic candidate was poisoned, a stolen victory, and marches in the street by people hungry for freedom and for a better future for their children.

The world witnessed true passion. We witnessed people expressing themselves and their will to live freely and democratically. We witnessed people determined to take charge of their nation's destiny and risk all to do so. We witnessed young and old, families and students—all camping outdoors in the blistering Ukrainian cold to protest against a sham victory and demand true elections. What we witnessed was true everyday heroism.

While we, the people of the world, witnessed victory—the people of Ukraine lived it by forcing it. By rejecting tyranny and corruption and demanding equality and freedom, they brought about peaceful democratic regime change.

As a result, President Viktor Yushchenko has been able to democratically reform laws in Ukraine to bring this country to Market Economy Status. Additionally, Ukraine has continued to bring religious minorities together, restore privately owned property, and condemn anti-Semitic remarks from national organization. As a result of Ukraine's tireless effort to reform, on March 6, 2006 the United States and Ukraine signed a very important trade agreement that would eventually help grant Ukraine access to the World Trade Organization.

Now the only piece of the puzzle still left for this fledgling democracy is lifting of the Jackson-Vanik restriction—and permanently granting normal trade relations status with the United States.

I am pleased to join with my colleagues and my constituents in support of H.R. 1053 and grant Ukraine PNTR for the hard work and democratic reforms that have been instituted after the ''Orange Revolution'' Let's support this democratically elected government and grant them Permanent Normal Trade Relations status.

Mr. KUCINICH. Mr. Speaker, Congresswoman NANCY KAPTUR, co-chair of the Ukranian Caucus, and I have been strong supporters of political freedom in Ukraine and have advanced the cause of Ukranian culture internationally and in the United States.

Today we will vote ''present'' on H.R. 1053, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine. We wish to make clear that this was not a ''no'' vote, but a ''we know'' vote.

We know that democracy is on the march in Ukraine. We also know that the conditions for a fully functioning democracy are not in place.

We adhere to the principles of a similar bill to life Ukraine from Jackson-Vanik in the 107th Congress, H.R. 3939. However, that bill specified certain conditions be met prior to lifting that reflect the spirit of the law as much as the letter of the law, including that the government of Ukraine—

(1) Adopt and institute policies that remove undue restrictions and harassment on labor organizations to freely associate according to internationally recognized labor rights; (2) Take additional positive steps to transfer places of worship and related religious property for all confessions to their original owners; (3) Establish an independent legal and judicial system with rule of law that is free of political interference and corruption; (4) Commit to providing funding and administrative support for reforms of the legislature; (5) Demonstrate a firm commitment to freedom of the press by prohibiting physical harm and intimidation of journalists through such means as prevention of abuse of tax and libel laws; (6) Adopt and

vigorously enforce laws to prohibit the trafficking of women and of illicit narcotics; (7) Accelerate governmental structural reform and land privatization policies which benefit ordinary citizens; (8) Adopt a more comprehensive program to protect the environment; (9) Support internationally recognized standards of transparency in monitoring of elections; and (10) Remedy trade disputes involving violation of international property rights, transshipment of counterfeit goods, and dumping of such products as steel into the United States market in such increased quantities as to cause harm to the domestic industry.

Despite our high aspirations for the Ukraine, we do not believe that these conditions have been met, although we are mindful that there are people in civil society working to bring these principles to fruition.

The Jackson-Vanik requirement for annual review of the trading relationship was originally intended as a way to sanction anti-Semitic regimes. According to the Anti-Defamation League, in a document attached to this statement, that we attach for the RECORD, at least one university in Ukraine, sadly, is still teaching anti-Semitism in Ukraine.

We have both worked to ensure human rights, labor rights and environmental quality standards are including in trade agreements. However, the WTO does not permit trade on this basis. This makes new entrants into the WTO highly vulnerable to the export of their jobs to nations which offer cheap labor and no standards. A transfer of wealth from the great mass of the people of Ukraine to multi-national corporate interests will result unless there are safeguards. Any nation, and Ukraine is no exception, which is heavily influenced by oligarchical interests, could easily be sacrificed. We remain committed to continuing to work with the valiant people of Ukraine and the wonderful groups of the diaspora to lift up the economic, political and social progress of the Ukranian people. We are optimistic about the blossoming of freedom, economic democracy and human rights in Ukraine.

UKRAINE UNIVERSITY SCHOOLING IN ANTI-SEMITISM

MAUP: SCHOOLING IN ANTI-SEMITISM

MAUP is the main source of anti-Semitic agitation and propaganda in Ukraine. It organizes anti-Semitic meetings and conferences, regularly issues anti-Semitic statements and publishes two widely distributed periodicals, Personnel and Personnel Plus, which frequently contain anti-Semitic articles.

At the same time, MAUP is a bona fide university—its English name is the Interregional Academy for Personnel Management—accredited by Ukraine's Ministry of Education, with more than 50,000 students enrolled at campuses in various locations. Business, political science and agriculture are among the subjects taught.

The anti-Semitic activities are directed by MAUP's President, Georgy Tschokin, and a number of his colleagues. In addition, Tschokin is the head of another body called the ''International Personnel Academy'' (IPA), which he also uses to issue anti-Semitic statements.

White supremacist David Duke has close links with MAUP: he ''teaches'' a course on history and international relations, has been awarded a doctorate for a thesis on Zionism and was a key participant in MAUP's June 2005 conference on ''Zionism: Threat to World Peace''.

On November 22, Tschokin issued a statement of solidarity with Iranian President Ahmadinejad's threat to wipe out Israel. The statement blended traditional Christian anti-Semitism with anti-Zionism: ''We'd like to remind that the Living God Jesus Christ said to Jews two thousand years ago: 'Your father is a devil!' . . . Israel, as known, means 'Theologian', and Zionism in 1975 was acknowledged by General Assembly of UNO as the form of racism and race discrimination, that, in the opinion of the absolute majority of modern Europeans, makes the most threat to modern civilization. Israel is the artificially created state (classic totalitarian type) which appeared on the political Earth map only in 1948, thanks to good will of UNO . . . Their end is known, and only the God's true will rescue all of us. We are not afraid, as God always together with his children!'' .

MAUP's June 2005 anti-Zionist conference was attended by anti-Semites from all over the region, as well as Duke, French Holocaust denier Serge Thion and Israel Shamir, a Russian Jew who converted to Christianity and is notorious for publishing anti-Semitic essays on the internet. The Palestinian Authority representative in Ukraine, Walid Zakut, was also reported to have attended.

MAUP's anti-Semitic activities can be traced back to at least 2002. MAUP's leading figures have been at the root of attempts to bar Jewish organizations in Ukraine and, more recently, a call to ban ''The Tanya'', a classic work of Hassidic Jewish literature, on the grounds that it promotes racism against non-Jews.

MAUP: CONTEXT AND RESPONSES

At the Auschwitz liberation ceremonies in January 2005, Ukrainian President Viktor Yushchenko declared that his country had adopted a policy of ''zero tolerance'' towards anti-Semitism. Yet over this year, there has been a sharp spike in anti-Semitic incidents, including the brutal beating in August of a Yeshiva student in Kiev, who remains hospitalized in Israel in a coma. Following this attack, 30 Ukrainian rabbis declared: ''Calls to violence against Judaism and Jews are published in the press, freely distributed and sold. On the walls of synagogues, buildings, bus stops and along the road, anti-Semitic symbols appear more and more often.''

Critically, Mr. Yushchenko has done nothing against MAUP, aside from resigning from its Board.

Ukraine needs to take decisive action now. Measures could include the following: Invoking anti-incitement laws against Tschokin and his colleagues; the Education Ministry revoking recognition of MAUP diplomas; a statement of condemnation by Mr. Yushchenko and a ban on David Duke entering Ukraine.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 1053, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING SUPPORT FOR THE REPUBLIC OF BELARUS TO ESTABLISH A FULL DEMOCRACY

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 673) expressing support for the efforts of the people of the Republic of Belarus to establish a full democracy, the rule of law, and respect for human rights and urging the Government of Belarus to conduct a free and fair Presidential election on March 19, 2006.

The Clerk read as follows:

H. RES. 673

Whereas the establishment of a democratic, transparent, and fair election process for the 2006 presidential election in the Republic of Belarus and of a genuinely democratic political system are prerequisites for that country's integration into the Western community of nations;

Whereas the Government of Belarus has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the 1990 Copenhagen Document;

Whereas these commitments, which encourage transparency, balance, and impartiality in an election process, have become the standard by which observers determine whether elections have been conducted freely and fairly;

Whereas the election on March 19, 2006, of the next president of Belarus will provide an unambiguous test of the extent of the commitment of the Belarusian authorities to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas previous elections in Belarus have not met international standards;

Whereas the 2004 vote on the constitutional referendum in Belarus did not meet international standards;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on an equal basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote free from intimidation, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas control and manipulation of the media by national and local officials and

others acting at their behest could raise grave concerns regarding the commitment of the Belarusian authorities to free and fair elections;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign will call into question the fairness of the upcoming election in Belarus; and

Whereas the arrest or intimidation of opposition political parties and candidates, such as the leader of the Unified Democratic Forces and other people involved with the opposition, represents a deliberate assault on the democratic process: Now, therefore, be it

Resolved, That the House of Representatives—

(1) looks forward to the development of cordial relations between the United States and the Republic of Belarus;

(2) emphasizes that a precondition for the integration of Belarus into the Western community of nations is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Belarusian people to establish a full democracy, the rule of law, and respect for human rights in Belarus;

(4) urges the Government of Belarus to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by national or local officials or others acting at their behest;

(5) urges the Government of Belarus to meet its Organization for Security and Cooperation in Europe (OSCE) standards and commitments on democratic elections, including the standards on free and fair elections as defined in the 1990 Copenhagen Document;

(6) urges the Belarusian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2006 presidential election;

(B) unobstructed access by election monitors from the Office of Democratic Institutions and Human Rights (ODIHR), other participating States of the OSCE, Belarusian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations—both foreign and domestic—to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory and bureaucratic procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) encourages the international community, including the Council of Europe, the OSCE, and the OSCE Parliamentary Assembly, to continue their efforts to support democracy in Belarus and urges countries such as Lithuania and other Baltic countries and Nordic countries to continue to provide assistance to nongovernmental organizations and other Belarusian organizations involved in promoting democracy and fair elections in Belarus; and

(8) pledges its support to the Belarusian people, their commitment to a fully free and open democratic system, their creation of a prosperous free market economy, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 673, sponsored by our distinguished colleague from Illinois, Mr. SHIMKUS, expresses support and solidarity for the efforts of the people of Belarus to establish a full democracy, the rule of law and respect for fundamental human rights. It also urges the Government of Belarus to conduct free and fair Presidential elections on March 19.

I would like at the outset to commend our distinguished colleague, Mr. SHIMKUS, for his hard work on this resolution and his great interest and passion for supporting freedom in Belarus and in other countries of the former Soviet Union.

Belarus, as my colleagues know, is often described as ''the last dictatorship in Europe.'' In the past 3 or 4 years, especially since the 2004 parliamentary elections and referendum, President Alexander Lukashenko has increased repression against NGOs, media outlets, any opponents of the government, including youth groups. Perhaps most disturbing are the cases of forced disappearances of lawmakers and journalists and others who have dared to criticize the Lukashenko dictatorship.

To date, the Government of Belarus has refused to conduct an impartial investigation into these disappearances and has refused to allow an independent U.N.-appointed investigator to look into these cases.

Sadly, Mr. Speaker, the Lukashenko regime has only become more dictatorial with the passage of time. The assault on civil society, the NGOs, the independent media, democratic opposition, and increasing pressure on unregistered and minority religious groups has only intensified, becoming daily occurrences. Despite innumerable calls for Belarus to live up to its freely undertaken OSCE election commitments, elections in 2000, 2001, and 2004 were neither free nor fair.

It follows along a downward trajectory that began a decade ago when Lukashenko, through an illegitimate referendum, took control over the legislature and the judiciary and manipulated the Constitution to remain in power.

Mr. Speaker, Belarus, which borders on EU and NATO member countries, has become an increasingly stark anomaly in a growing democratic Europe. The Belarusian people have become even more isolated from the winds of democracy following neighboring Ukraine's Orange Revolution. Lukashenko's fear that the people would follow the Ukrainian example has led to further clamping down on those who dare to speak out for freedom.

Among the numerous examples that can be cited here on the floor: Just last week, one Belarusian opposition candidate running for next week's elections was detained by security forces and severely beaten. Yesterday we received reports that five members of the campaign of the United Opposition Candidate, Alexander Milinkevych, was held by police and driven away. In recent weeks Lukashenko has launched an intensive campaign to encourage a climate of fear and stoke hostility among the Belarusian people through a Soviet-style propaganda campaign against the opposition: Europe and the United States.

□ 1245

Mr. Speaker, as the prime sponsor of the Belarus Democracy Act, which was signed into law by President Bush, I welcome the administration's growing engagement with the people of Belarus. I am pleased that President Bush and other high-ranking officials met with Irena Krasovska and Tatyana Zavadska, two of the wives of opposition figures believed to have been murdered with the complicity of Belarusian senior officials. I would note, parenthetically, that I have had the privilege of meeting with them and others on a number of occasions over the last 6 years and have admired their determination and courage to seek an accounting of their loved ones, in most cases their missing, possibly murdered husbands.

Given the disturbing, Mr. Speaker, preelection environment, where meaningful access to the media by opposition candidates is denied, where independent voices are stifled, and where the regime maintains pervasive control over the election process, it is very hard to imagine that next week's elections will be free. They are already not fair. In the event that protests are held in response to electoral fraud, we are reminded by Belarusian authorities that the right to peaceful assembly is a fundamental human right and a basic tenet of the OSCE. Any violent suppression of peaceful protests will have serious repercussions and only deepen Belarus' self-imposed isolation.

Over the course of the last century, the Belarusian people have endured great suffering at the hands of murderous dictators such as Stalin and Hitler. Twenty years ago they endured,

and continue to endure, Chernobyl's dark cloud. The Belarusian people deserve the freedom and the dignity long denied them, and Belarus deserves its rightful place in a free, prosperous and democratic Europe.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of this resolution.

First, I want to commend my good friend CHRIS SMITH from New Jersey for his leadership on this issue, as well as all of my colleagues who played a role in its development.

Mr. Speaker, Alexander Lukashenko is, in fact, the last dictator of Europe. He is running for reelection as President of Belarus for the third time, and there is really no suspense about the outcome. He is running a neo-Stalinist dictatorship with the usual techniques.

Although it is now a decade and a half since the collapse of the Soviet Union, Lukashenko is conducting elections that would make Leonid Brezhnev and Nikita Khrushchev blush.

Freedom of the press is nonexistent in Belarus. All television and radio stations are either owned or controlled by the government. Newscasts offer nothing but sickening praise for Lukashenko. The main opposition candidate, Alexander Milinkevich, says that his name has never been mentioned on television.

A publication called ''People's Will'' is the last remaining newspaper in the country which is not yet under the thumb of Lukashenko. The state-owned media distribution network refused to distribute this newspaper, and the state-run press kiosks are prohibited from selling it.

Last year a government-controlled court found this newspaper guilty of slandering a progovernment politician properly accused in the U.N. Oil-for-Food investigation. This so-called court imposed a fine of $50,000 against the newspaper, an absolutely incredible figure in a country such as Belarus where $50,000 sounds like $500 million to us. Of course, the newspaper, which has a very modest circulation, was unable to pay the fine, and its loyal readers contributed in small amounts enough money to pay the fine.

The editor of this paper was informed by the government that the printing company, which was under contract to print the newspaper, was breaking its contract and would no longer print it. The newspaper had to find a printing house in Russia, and copies of the paper are mailed to subscribers, but, of course, they arrive days or weeks later.

Mr. Speaker, the government's techniques for keeping journalists in line is quite simple. Over the past several years, journalists known for their critical coverage of Lukashenko died under mysterious circumstances. Independent journalists simply vanished without a trace.

In October, Lukashenko pushed through a law that makes it a crime to discredit the state or any of its officials. This ''crime'' carries a sentence of 2 years in prison. The head of the Belarusian Journalists' Association said, ''All information that contradicts official propaganda is blocked.''

The government is so paranoid about controlling the dissemination of information that even buying a copying machine requires the approval of the Ministry of the Interior.

Mr. Speaker, complete control of newspapers, television and radio is not all this nondemocratic government is doing to ensure the reelection of Lukashenko. Less than a week ago, the opposition presidential candidate was accused of damaging a picture of the country's President and imprisoned.

The Belarus State Security Committee, which, significantly in Russian, has the initials of the KGB, which were the initials of Stalin's secret police, reported that it had uncovered a coup masterminded by the opposition, planned for the day after the election. The supposed coup became a basis for the Government of Belarus to ban 72 nongovernmental organizations which were accused of plotting this supposed coup.

Mr. Speaker, the resolution we are considering expresses support for the people of Belarus and urges the government to show respect for the rule of law and respect for human and civil rights of the Belarusian people. It calls for free and fair elections.

It is important that we put on record our indignation, our frustration and our outrage at Belarus' blatant disregard for civilized governmental procedures and human rights. We earnestly seek the establishment of good relations with the people of Belarus, but that can only happen if the government of that country guarantees its citizens the opportunity to exercise their civil liberties, their political rights and privileges, including the right to full freedom of expression.

Mr. Speaker, I urge all of my colleagues to support this very important resolution. We must send a clear and unequivocal message to Lukashenko that before Belarus can be integrated into the community of civilized Nations, a democratic political system must be in place in that country.

I urge all of my colleagues to support the resolution, and I insert at this point in the RECORD a statement by the National Democratic Institute.

STATEMENT BY THE NATIONAL DEMOCRATIC INSTITUTE ON THE CURRENT SITUATION IN BELARUS

Around the world, citizens have organized in a nonpartisan way to monitor elections as a means of promoting confidence and participation in the electoral process. The right of citizens to monitor their elections is a fundamental democratic principle, and over the past 25 years the National Democratic Institute is proud to have worked with nonpartisan monitoring groups in more than 65 countries in every region of the world.

In Belarus, civic activists have also sought to monitor their elections, a right which is guaranteed to them under Article 13 of the Belarusian electoral code and the Organization for Security and Cooperation in Europe (OSCE) 1990 Copenhagen Document.

In 2001, the OSCE along with NDI provided support to a coalition of nonpartisan domestic monitors who observed the 2001 presidential poll, and NDI assisted the efforts of more than 3,000 Belarusian nonpartisan monitors for the 2004 parliamentary elections. These monitors acted with integrity and professionalism, although their attempts to register as a nonpartisan election monitoring organization had been rejected by the Belarusian authorities. A year later, many of the same monitors once again sought to register a citizen initiative called Partnership in order to monitor the upcoming presidential poll. Their request for registration was once again denied.

Two weeks ago, on February 21, several of these civic activists were arrested and their offices and homes raided. The KGB accused them of ''slandering the president and illegally running an unregistered organization.'' In its propaganda campaign the Belarusian authorities falsely accused Partnership of organizing fraudulent exit polls and planning a violent uprising after the election. The activists were formally charged on March 3 and remain in detention.

NDI Chairman Madeleine K. Albright made the following statement:

''The National Democratic Institute deplores this attempt by the Belarusian authorities to deny the basic rights of their citizens to peacefully monitor the March 19 presidential election.

We condemn the recent arrests of civic activists and the accusations leveled against Partnership, whose only interest is to promote a democratic election process and peacefully monitor that process.

By refusing to register nonpartisan monitoring groups and restricting their access to assistance from outside organizations, Belarus is violating its commitments as a member state of the OSCE and other international human rights instruments to which it is a party.

We call on the government of Belarus to immediately release those detained and allow them to continue their rightful monitoring effort without interference.

The Belarus government cannot expect to earn international respect if it does not respect international norms.''

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of H. Res. 673, my good friend and colleague.

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

Mr. SHIMKUS. Mr. Speaker, if my colleague Chris Smith will allow me to speak from this side, because I have great respect for Tom Lantos, and you know it is always in fashion to fight for democracy and freedom, it is an issue that easily, many times, most times, crosses across the center aisle, and I am proud of what you do and I am proud of what we do to fight for democracy and freedom.

We have got another opportunity to do that today with addressing the upcoming elections in Belarus and the last dictatorship in Europe.

I have with me the, it is being called the ''Denim Revolution,'' and it has got the dictator concerned. How do you

have free and fair elections when you do not let the opponents campaign, or you let them campaign, but solely door to door, no mail, no advertising, no public billboards? There is no freedom for the opposition to get their word out.

In fact, today as I was coming down to the floor, I just received an e-mail, a great thing with the new technologies today, the ability to find out what is going on, and I want to read this to my colleagues: ''According to the press release distributed by the office of the single candidate from the unified Belarusian opposition, Alexander Milinkevych, this morning, after a meeting of Milinkevych with voters in the 'Byarestse' cinema theater, five representatives of his team, including,'' a friend of mine who I have met a couple times, ''Vintsuk Viachorka were held by the police and driven away. The opposition activists might have been beaten. For the moment, it is not clear where they are. Their mobile phones are switched off.''

Now, what is really problematic about this is that usually the Belarusians, through the use of the KGB and the uniformed police, are very proud when they grab people who want to run for elected office, and they proudly display the fact that they are held in police custody. Well, we do not know where these gentlemen are. And we have no idea, there has been no claims of who has them. So, really, the basic plea right now is where are they.

That is just a symbol of people would not believe that in Europe that we would still have this subversion of freedom and democracy.

So I want to thank the International Relations Committee, of course my good friend and colleague from Illinois, HENRY HYDE, and the ranking member, of course, CHRIS SMITH, who has done such a great job, and Chairman GALLEGLY, who was very helpful to me in moving this legislation because we talk about the issues of freedom a lot on this floor. I think our Founding Fathers would be very proud that we still take up that torch of freedom for all people, and, yeah, we may be accused of being biased to some extent at some time, but we are a human institution, and we need friends on both sides who will call us to account that freedom is good enough for all the countries in Europe and even in the last dictatorship. It is good enough for other areas around the world, and I am one that is not ashamed of standing up for freedom and democracy.

This is a great resolution. It is very timely. As we know, the election is coming, and we have got our fellow freedom fighters being jailed for activities that we take for granted here in the United States. This is right that we send a signal, and I am proud to join you, and I want to thank the ranking member, and I want to thank my colleague, Congressman SMITH, for the opportunity.

Mr. Speaker, I rise today to speak in support of the country of Belarus and their ongoing struggle for free and fair elections. The last dictator in Europe, Aleksander Lukashenko, rules this country through a combination of intimidation and fear, suppressing the voices and rights of the Belarusian people as they watch their neighbors in Georgia and in the Ukraine rise up and take back their countries to emerge as thriving democracies.

I am proud to be the sponsor of H. Res. 673, along with my colleague Mr. GALLEGLY. This legislation, among many other things, pledges the support of the United States House of Representatives to the Belarusian people, and calls for a free and open election. Unfortunately, as we have seen in many events covered in the past week this will most likely not happen for the Belarusian people on March 19th. Instead the ongoing cycle of violence and intimidation will steal another election for Mr. Lukashenko.

I encourage my colleagues to stand with me in the support of the Belarusian people and keep them in your thoughts and prayers in this difficult time. As President Bush said, ''The fate of Belarus will rest not with a dictator, but with the students, trade unionists, civic and religious leaders, journalists, and all citizens of Belarus claiming freedom for their nation.'' I urge my colleagues to vote in favor of this resolution.

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Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Illinois (Mr. SHIMKUS) for authoring this legislation. It sends a clear, unmistakable message to the Lukashenko dictatorship, and a message of solidarity and concern to the people that hopefully there will be a brighter day for this important country. But it is only because of ongoing, dogged determination on the part of the pro-democracy advocates inside that country and their friends outside, like Mr. LANTOS, Mr. HYDE, Mr. SHIMKUS, and others; that we keep the pressure on from without so that someday human rights and democracy will flourish in Belarus.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 673.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 673.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FINANCIAL SERVICES REGULATORY RELIEF ACT OF 2005

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3505) to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3505

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Financial Services Regulatory Relief Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL BANK PROVISIONS

Sec. 101. National bank directors.
Sec. 102. Voting in shareholder elections.
Sec. 103. Simplifying dividend calculations for national banks.
Sec. 104. Repeal of obsolete limitation on removal authority of the Comptroller of the Currency.
Sec. 105. Repeal of intrastate branch capital requirements.
Sec. 106. Clarification of waiver of publication requirements for bank merger notices.
Sec. 107. Equal treatment for Federal agencies of foreign banks.
Sec. 108. Maintenance of a Federal branch and a Federal agency in the same State.
Sec. 109. Business organization flexibility for national banks.
Sec. 110. Clarification of the main place of business of a national bank.
Sec. 111. Capital equivalency deposits for Federal branches and agencies of foreign banks.
Sec. 112. Enhancing the authority for national banks to make community development investments.

TITLE II—SAVINGS ASSOCIATION PROVISIONS

Sec. 201. Parity for savings associations under the Securities Exchange Act of 1934 and the Investment Advisers Act of 1940.
Sec. 202. Investments by Federal savings associations authorized to promote the public welfare.
Sec. 203. Mergers and consolidations of Federal savings associations with nondepository institution affiliates.
Sec. 204. Repeal of statutory dividend notice requirement for savings association subsidiaries of savings and loan holding companies.
Sec. 205. Modernizing statutory authority for trust ownership of savings associations.
Sec. 206. Repeal of overlapping rules governing purchased mortgage servicing rights.
Sec. 207. Restatement of authority for Federal savings associations to invest in small business investment companies.

Sec. 208. Removal of limitation on investments in auto loans.
Sec. 209. Selling and offering of deposit products.
Sec. 210. Funeral- and cemetery-related fiduciary services.
Sec. 211. Repeal of qualified thrift lender requirement with respect to out-of-state branches.
Sec. 212. Small business and other commercial loans.
Sec. 213. Clarifying citizenship of Federal savings associations for Federal court jurisdiction.
Sec. 214. Increase in limits on commercial real estate loans.
Sec. 215. Repeal of one limit on loans to one borrower.
Sec. 216. Savings association credit card banks.
Sec. 217. Interstate acquisitions by S&L holding companies.
Sec. 218. Business organization flexibility for federal savings associations.

TITLE III—CREDIT UNION PROVISIONS

Sec. 301. Privately insured credit unions authorized to become members of a Federal home loan bank.
Sec. 302. Leases of land on Federal facilities for credit unions.
Sec. 303. Investments in securities by Federal credit unions.
Sec. 304. Increase in general 12-year limitation of term of Federal credit union loans to 15 years.
Sec. 305. Increase in 1 percent investment limit in credit union service organizations.
Sec. 306. Member business loan exclusion for loans to nonprofit religious organizations.
Sec. 307. Check cashing and money transfer services offered within the field of membership.
Sec. 308. Voluntary mergers involving multiple common-bond credit unions.
Sec. 309. Conversions involving common-bond credit unions.
Sec. 310. Credit union governance.
Sec. 311. Providing the National Credit Union Administration with greater flexibility in responding to market conditions.
Sec. 312. Exemption from pre-merger notification requirement of the Clayton Act.
Sec. 313. Treatment of credit unions as depository institutions under securities laws.
Sec. 314. Clarification of definition of net worth under certain circumstances for purposes of prompt corrective action.
Sec. 315. Amendments relating to nonfederally insured credit unions.

TITLE IV—DEPOSITORY INSTITUTION PROVISIONS

Sec. 401. Easing restrictions on interstate branching and mergers.
Sec. 402. Statute of limitations for judicial review of appointment of a receiver for depository institutions.
Sec. 403. Reporting requirements relating to insider lending.
Sec. 404. Amendment to provide an inflation adjustment for the small depository institution exception under the Depository Institution Management Interlocks Act.
Sec. 405. Enhancing the safety and soundness of insured depository institutions.
Sec. 406. Investments by insured savings associations in bank service companies authorized.
Sec. 407. Cross guarantee authority.
Sec. 408. Golden parachute authority and nonbank holding companies.
Sec. 409. Amendments relating to change in bank control.
Sec. 410. Community reinvestment credit for esops and ewocs.
Sec. 411. Minority financial institutions.

TITLE V—DEPOSITORY INSTITUTION AFFILIATES PROVISIONS

Sec. 501. Clarification of cross marketing provision.
Sec. 502. Amendment to provide the Federal Reserve Board with discretion concerning the imputation of control of shares of a company by trustees.
Sec. 503. Eliminating geographic limits on thrift service companies.
Sec. 504. Clarification of scope of applicable rate provision.
Sec. 505. Savings associations acting as agents for affiliated depository institutions.
Sec. 506. Credit card bank investments for the public welfare.

TITLE VI—BANKING AGENCY PROVISIONS

Sec. 601. Waiver of examination schedule in order to allocate examiner resources.
Sec. 602. Interagency data sharing.
Sec. 603. Penalty for unauthorized participation by convicted individual.
Sec. 604. Amendment permitting the destruction of old records of a depository institution by the FDIC after the appointment of the FDIC as receiver.
Sec. 605. Modernization of recordkeeping requirement.
Sec. 606. Streamlining reports of condition.
Sec. 607. Expansion of eligibility for 18-month examination schedule for community banks.
Sec. 608. Short form reports of condition for certain community banks.
Sec. 609. Clarification of extent of suspension, removal, and prohibition authority of Federal banking agencies in cases of certain crimes by institution-affiliated parties.
Sec. 610. Streamlining depository institution merger application requirements.
Sec. 611. Inclusion of Director of the Office of Thrift Supervision in list of banking agencies regarding insurance customer protection regulations.
Sec. 612. Protection of confidential information received by Federal banking regulators from foreign banking supervisors.
Sec. 613. Prohibition on participation by convicted individual.
Sec. 614. Clarification that notice after separation from service may be made by an order.
Sec. 615. Enforcement against misrepresentations regarding FDIC deposit insurance coverage.
Sec. 616. Changes required to small bank holding company policy statement on assessment of financial and managerial factors.
Sec. 617. Exception to annual privacy notice requirement under the Gramm-Leach-Bliley Act.
Sec. 618. Biennial reports on the status of agency employment of minorities and women.
Sec. 619. Coordination of State examination authority.
Sec. 620. Nonwaiver of privileges.
Sec. 621. Right to Financial Privacy Act of 1978 amendment.
Sec. 622. Deputy director; succession authority for Director of the Office of Thrift Supervision.
Sec. 623. Limitation on scope of new agency guidelines.

TITLE VII—''BSA'' COMPLIANCE BURDEN REDUCTION

Sec. 701. Exception from currency transaction reports for seasoned customers.
Sec. 702. Reduction in inconsistencies in monetary transaction recordkeeping and reporting enforcement and examination requirements.
Sec. 703. Additional reforms relating to monetary transaction and recordkeeping requirements applicable to financial institutions.
Sec. 704. Study by Comptroller General.
Sec. 705. Feasibility study required.
Sec. 706. Annual report by Secretary of the Treasury.
Sec. 707. Preservation of money services businesses.

TITLE VIII—CLERICAL AND TECHNICAL AMENDMENTS

Sec. 801. Clerical amendments to the Home Owners' Loan Act.
Sec. 802. Technical corrections to the Federal Credit Union Act.
Sec. 803. Other technical corrections.
Sec. 804. Repeal of obsolete provisions of the Bank Holding Company Act of 1956.

TITLE IX—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

Sec. 901. Exception for certain bad check enforcement programs.
Sec. 902. Other amendments.

TITLE I—NATIONAL BANK PROVISIONS

SEC. 101. NATIONAL BANK DIRECTORS.

(a) IN GENERAL.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended—

(1) by striking ''SEC. 5146. Every director must during'' and inserting the following:

''SEC. 5146. REQUIREMENTS FOR BANK DIRECTORS.

''(a) RESIDENCY REQUIREMENTS.—Every director of a national bank shall, during'';

(2) by striking ''total number of directors. Every director must own in his or her own right'' and inserting ''total number of directors.

''(b) INVESTMENT REQUIREMENT.—

''(1) IN GENERAL.—Every director of a national bank shall own, in his or her own right,''; and

(3) by adding at the end the following new paragraph:

''(2) EXCEPTION FOR SUBORDINATED DEBT IN CERTAIN CASES.—In lieu of the requirements of paragraph (1) relating to the ownership of capital stock in the national bank, the Comptroller of the Currency may, by regulation or order, permit an individual to serve as a director of a national bank that has elected, or notifies the Comptroller of the bank's intention to elect, to operate as a S corporation pursuant to section 1362(a) of the Internal Revenue Code of 1986, if that individual holds debt of at least $1,000 issued by the national bank that is subordinated to the interests of depositors and other general creditors of the national bank.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by striking the item relating to section 5146 and inserting the following new item:

''5146. Requirements for bank directors.''.

SEC. 102. VOTING IN SHAREHOLDER ELECTIONS.

Section 5144 of the Revised Statutes of the United States (12 U.S.C. 61) is amended—

(1) by striking ''or to cumulate'' and inserting ''or, if so provided by the articles of association of the national bank, to cumulate'';

(2) by striking the comma after ''his shares shall equal''; and

(3) by adding at the end the following new sentence: ''The Comptroller of the Currency may prescribe such regulations to carry out the purposes of this section as the Comptroller determines to be appropriate.''.

SEC. 103. SIMPLIFYING DIVIDEND CALCULATIONS FOR NATIONAL BANKS.

(a) IN GENERAL.—Section 5199 of the Revised Statutes of the United States (12 U.S.C. 60) is amended to read as follows:

"SEC. 5199. NATIONAL BANK DIVIDENDS.

''(a) IN GENERAL.—Subject to subsection (b), the directors of any national bank may declare a dividend of so much of the undivided profits of the bank as the directors judge to be expedient.

''(b) APPROVAL REQUIRED UNDER CERTAIN CIRCUMSTANCES.—A national bank may not declare and pay dividends in any year in excess of an amount equal to the sum of the total of the net income of the bank for that year and the retained net income of the bank in the preceding two years, minus any transfers required by the Comptroller of the Currency (including any transfers required to be made to a fund for the retirement of any preferred stock), unless the Comptroller of the Currency approves the declaration and payment of dividends in excess of such amount.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter three of title LXII of the Revised Statutes of the United States is amended by striking the item relating to section 5199 and inserting the following new item:

''5199. National bank dividends.''.

SEC. 104. REPEAL OF OBSOLETE LIMITATION ON REMOVAL AUTHORITY OF THE COMPTROLLER OF THE CURRENCY.

Section 8(e)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(4)) is amended by striking the 5th sentence.

SEC. 105. REPEAL OF INTRASTATE BRANCH CAPITAL REQUIREMENTS.

Section 5155(c) of the Revised Statutes of the United States (12 U.S.C. 36(c)) is amended—

(1) in the 2nd sentence, by striking '', without regard to the capital requirements of this section,''; and

(2) by striking the last sentence.

SEC. 106. CLARIFICATION OF WAIVER OF PUBLICATION REQUIREMENTS FOR BANK MERGER NOTICES.

The last sentence of sections 2(a) and 3(a)(2) of the National Bank Consolidation and Merger Act (12 U.S.C. 215(a) and 215a(a)(2), respectively) are each amended by striking ''Publication of notice may be waived, in cases where the Comptroller determines that an emergency exists justifying such waiver, by unanimous action of the shareholders of the association or State bank'' and inserting ''Publication of notice may be waived if the Comptroller determines that an emergency exists justifying such waiver or if the shareholders of the association or State bank agree by unanimous action to waive the publication requirement for their respective institutions''.

SEC. 107. EQUAL TREATMENT FOR FEDERAL AGENCIES OF FOREIGN BANKS.

The 1st sentence of section 4(d) of the International Banking Act of 1978 (12 U.S.C. 3102(d)) is amended by inserting ''from citizens or residents of the United States'' after ''deposits''.

SEC. 108. MAINTENANCE OF A FEDERAL BRANCH AND A FEDERAL AGENCY IN THE SAME STATE.

Section 4(e) of the International Banking Act of 1978 (12 U.S.C. 3102(e)) is amended by inserting ''if the maintenance of both an agency and a branch in the State is prohibited under the law of such State'' before the period at the end.

SEC. 109. BUSINESS ORGANIZATION FLEXIBILITY FOR NATIONAL BANKS.

(a) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

"SEC. 5136C. ALTERNATIVE BUSINESS ORGANIZATION.

''(a) IN GENERAL.—The Comptroller of the Currency may prescribe regulations—

''(1) to permit a national bank to be organized other than as a body corporate; and

''(2) to provide requirements for the organizational characteristics of a national bank organized and operating other than as a body corporate, consistent with the safety and soundness of the national bank.

''(b) EQUAL TREATMENT.—Except as provided in regulations prescribed under subsection (a), a national bank that is operating other than as a body corporate shall have the same rights and privileges and shall be subject to the same duties, restrictions, penalties, liabilities, conditions, and limitations as a national bank that is organized as a body corporate.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended, in the matter preceding the paragraph designated as the ''First'', by inserting ''or other form of business organization provided under regulations prescribed by the Comptroller of the Currency under section 5136C'' after ''a body corporate''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after the item relating to section 5136B the following new item:

''5136C. Alternative business organization.''.

SEC. 110. CLARIFICATION OF THE MAIN PLACE OF BUSINESS OF A NATIONAL BANK.

Title LXII of the Revised Statutes of the United States is amended—

(1) in the paragraph designated the ''Second'' of section 5134 (12 U.S.C. 22), by striking ''The place where its operations of discount and deposit are to be carried on'' and inserting ''The place where the main office of the national bank is, or is to be, located''; and

(2) in section 5190 (12 U.S.C. 81), by striking ''the place specified in its organization certificate'' and inserting ''the main office of the national bank''.

SEC. 111. CAPITAL EQUIVALENCY DEPOSITS FOR FEDERAL BRANCHES AND AGENCIES OF FOREIGN BANKS.

Section 4(g) of the International Banking Act of 1978 (12 U.S.C. 3102(g)) is amended to read as follows:

''(g) CAPITAL EQUIVALENCY DEPOSIT.—

''(1) IN GENERAL.—Upon the opening of a Federal branch or agency of a foreign bank in any State and thereafter, the foreign bank, in addition to any deposit requirements imposed under section 6, shall keep on deposit, in accordance with such regulations as the Comptroller of the Currency may prescribe in accordance with paragraph (2), dollar deposits, investment securities, or other assets in such amounts as the Comptroller of the Currency determines to be necessary for the protection of depositors and other investors and to be consistent with the principles of safety and soundness.

''(2) LIMITATION.—Notwithstanding paragraph (1), regulations prescribed under such paragraph shall not permit a foreign bank to keep assets on deposit in an amount that is less than the amount required for a State licensed branch or agency of a foreign bank under the laws and regulations of the State in which the Federal agency or branch is located.''.

SEC. 112. ENHANCING THE AUTHORITY FOR NATIONAL BANKS TO MAKE COMMUNITY DEVELOPMENT INVESTMENTS.

The last sentence in the paragraph designated as the ''Eleventh.'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by striking ''10 percent'' each place such term appears and inserting ''15 percent''.

TITLE II—SAVINGS ASSOCIATION PROVISIONS

SEC. 201. PARITY FOR SAVINGS ASSOCIATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) SECURITIES EXCHANGE ACT OF 1934.—

(1) DEFINITION OF BANK.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)) is amended—

(A) in subparagraph (A), by inserting ''or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act'' after ''a banking institution organized under the laws of the United States''; and

(B) in subparagraph (C)—

(i) by inserting ''or savings association as defined in section 2(4) of the Home Owners' Loan Act,'' after ''banking institution,''; and

(ii) by inserting ''or savings associations'' after ''having supervision over banks''.

(2) INCLUDE OTS UNDER THE DEFINITION OF APPROPRIATE REGULATORY AGENCY FOR CERTAIN PURPOSES.—Section 3(a)(34) of such Act (15 U.S.C. 78c(a)(34)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking ''(i) or (iii)'' and inserting ''(i), (iii), or (iv)'';

(ii) by striking ''and'' at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (iii):

''(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, a subsidiary or a department or division of any such savings association, or a savings and loan holding company; and'';

(B) in subparagraph (B)—

(i) in clause (ii), by striking ''(i) or (iii)'' and inserting ''(i), (iii), or (iv)'';

(ii) by striking ''and'' at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (iii):

''(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary of any such savings association, or a savings and loan holding company; and'';

(C) in subparagraph (C)—

(i) in clause (ii), by striking ''(i) or (iii)'' and inserting ''(i), (iii), or (iv)'';

(ii) by striking ''and'' at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (iii):

''(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, a savings and loan holding company, or a subsidiary of a savings and loan holding company when the appropriate regulatory agency for such clearing agency is not the Commission; and'';

(D) in subparagraph (D)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting the following new clause after clause (ii):

''(iii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation; and'';

(E) in subparagraph (F)—

(i) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively; and

(ii) by inserting the following new clause after clause (i):

''(ii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation; and'';

(F) by moving subparagraph (H) and inserting such subparagraph after subparagraph (G); and

(G) by adding at the end the following new sentence: ''As used in this paragraph, the term 'savings and loan holding company' has the meaning given it in section 10(a) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)).''.

(b) INVESTMENT ADVISERS ACT OF 1940.—

(1) DEFINITION OF BANK.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(2)) is amended—

(A) in subparagraph (A) by inserting ''or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act'' after ''a banking institution organized under the laws of the United States''; and

(B) in subparagraph (C)—

(i) by inserting '', savings association as defined in section 2(4) of the Home Owners' Loan Act,'' after ''banking institution''; and

(ii) by inserting ''or savings associations'' after ''having supervision over banks''.

(2) CONFORMING AMENDMENTS.—Subsections (a)(1)(A)(i), (a)(1)(B), (a)(2), and (b) of section 210A of such Act (15 U.S.C. 80b–10a), as added by section 220 of the Gramm-Leach-Bliley Act, are each amended by striking ''bank holding company'' each place it occurs and inserting ''bank holding company or savings and loan holding company''.

(c) CONFORMING AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(c)), as amended by section 213(c) of the Gramm-Leach-Bliley Act, is amended by inserting after ''1956)'' the following: ''or any one savings and loan holding company (together with its affiliates and subsidiaries) (as such terms are defined in section 10 of the Home Owners' Loan Act)''.

SEC. 202. INVESTMENTS BY FEDERAL SAVINGS ASSOCIATIONS AUTHORIZED TO PROMOTE THE PUBLIC WELFARE.

(a) IN GENERAL.—Section 5(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(c)) is amended by adding at the end the following new subparagraph:

''(D) DIRECT INVESTMENTS TO PROMOTE THE PUBLIC WELFARE.—

''(i) IN GENERAL.—A Federal savings association may make investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families through the provision of housing, services, and jobs.

''(ii) DIRECT INVESTMENTS OR ACQUISITION OF INTEREST IN OTHER COMPANIES.—Investments under clause (i) may be made directly or by purchasing interests in an entity primarily engaged in making such investments.

''(iii) PROHIBITION ON UNLIMITED LIABILITY.—No investment may be made under this subparagraph which would subject a Federal savings association to unlimited liability to any person.

''(iv) SINGLE INVESTMENT LIMITATION TO BE ESTABLISHED BY DIRECTOR.—Subject to clauses (v) and (vi), the Director shall establish, by order or regulation, limits on—

''(I) the amount any savings association may invest in any 1 project; and

''(II) the aggregate amount of investment of any savings association under this subparagraph.

''(v) FLEXIBLE AGGREGATE INVESTMENT LIMITATION.—The aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 5 percent of the savings association's capital stock actually paid in and unimpaired and 5 percent of the savings association's unimpaired surplus, unless—

''(I) the Director determines that the savings association is adequately capitalized; and

''(II) the Director determines, by order, that the aggregate amount of investments in a higher amount than the limit under this clause will pose no significant risk to the affected deposit insurance fund.

''(vi) MAXIMUM AGGREGATE INVESTMENT LIMITATION.—Notwithstanding clause (v), the aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 15 percent of the savings association's capital stock actually paid in and unimpaired and 15 percent of the savings association's unimpaired surplus.

''(vii) INVESTMENTS NOT SUBJECT TO OTHER LIMITATION ON QUALITY OF INVESTMENTS.—No obligation a Federal savings association acquires or retains under this subparagraph shall be taken into account for purposes of the limitation contained in section 28(d) of the Federal Deposit Insurance Act on the acquisition and retention of any corporate debt security not of investment grade.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(c)(3)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(3)(A)) is amended to read as follows:

''(A) [Repealed].''.

SEC. 203. MERGERS AND CONSOLIDATIONS OF FEDERAL SAVINGS ASSOCIATIONS WITH NONDEPOSITORY INSTITUTION AFFILIATES.

Section 5(d)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B) MERGERS AND CONSOLIDATIONS WITH NONDEPOSITORY INSTITUTION AFFILIATES.—

''(i) IN GENERAL.—Upon the approval of the Director, a Federal savings association may merge with any nondepository institution affiliate of the savings association.

''(ii) RULE OF CONSTRUCTION.—No provision of clause (i) shall be construed as—

''(I) affecting the applicability of section 18(c) of the Federal Deposit Insurance Act; or

''(II) granting a Federal savings association any power or any authority to engage in any activity that is not authorized for a Federal savings association under any other provision of this Act or any other provision of law.''.

SEC. 204. REPEAL OF STATUTORY DIVIDEND NOTICE REQUIREMENT FOR SAVINGS ASSOCIATION SUBSIDIARIES OF SAVINGS AND LOAN HOLDING COMPANIES.

Section 10(f) of the Home Owners' Loan Act (12 U.S.C. 1467a(f)) is amended to read as follows:

''(f) DECLARATION OF DIVIDEND.—The Director may—

''(1) require a savings association that is a subsidiary of a savings and loan holding company to give prior notice to the Director of the intent of the savings association to pay a dividend on its guaranty, permanent, or other nonwithdrawable stock; and

''(2) establish conditions on the payment of dividends by such a savings association.''.

SEC. 205. MODERNIZING STATUTORY AUTHORITY FOR TRUST OWNERSHIP OF SAVINGS ASSOCIATIONS.

(a) IN GENERAL.—Section 10(a)(1)(C) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(C)) is amended—

(1) by striking ''trust,'' and inserting ''business trust,''; and

(2) by inserting ''or any other trust unless by its terms it must terminate within 25 years or not later than 21 years and 10 months after the death of individuals living on the effective date of the trust,'' after ''or similar organization,''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 10(a)(3) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(3)) is amended—

(1) by striking ''does not include—'' and all that follows through ''any company by virtue'' where such term appears in subparagraph (A) and inserting ''does not include any company by virtue'';

(2) by striking ''; and'' at the end of subparagraph (A) and inserting a period; and

(3) by striking subparagraph (B).

SEC. 206. REPEAL OF OVERLAPPING RULES GOVERNING PURCHASED MORTGAGE SERVICING RIGHTS.

Section 5(t) of the Home Owners' Loan Act (12 U.S.C. 1464(t)) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

''(4) [Repealed].''; and

(2) in paragraph (9)(A), by striking ''intangible assets, plus'' and all that follows through the period at the end and inserting ''intangible assets.''.

SEC. 207. RESTATEMENT OF AUTHORITY FOR FEDERAL SAVINGS ASSOCIATIONS TO INVEST IN SMALL BUSINESS INVESTMENT COMPANIES.

Subparagraph (D) of section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)) is amended to read as follows:

''(D) SMALL BUSINESS INVESTMENT COMPANIES.—Any Federal savings association may invest in 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies formed under the Small Business Investment Act of 1958, except that the total amount of investments under this subparagraph may not at any time exceed the amount equal to 5 percent of capital and surplus of the savings association.''.

SEC. 208. REMOVAL OF LIMITATION ON INVESTMENTS IN AUTO LOANS.

(a) IN GENERAL.—Section 5(c)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)) is amended by adding at the end the following new subparagraph:

''(V) AUTO LOANS.—Loans and leases for motor vehicles acquired for personal, family, or household purposes.''.

(b) TECHNICAL AND CONFORMING AMENDMENT RELATING TO QUALIFIED THRIFT INVESTMENTS.—Section 10(m)(4)(C)(ii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)(ii)) is amended by adding at the end the following new subclause:

''(VIII) Loans and leases for motor vehicles acquired for personal, family, or household purposes.''.

SEC. 209. SELLING AND OFFERING OF DEPOSIT PRODUCTS.

Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(h)) is amended by adding at the end the following new paragraph:

''(4) SELLING AND OFFERING OF DEPOSIT PRODUCTS.—No law, rule, regulation, or order, or other administrative action of any State or political subdivision thereof shall directly or indirectly require any individual who is an agent of 1 Federal savings association (as such term is defined in section 2(5) of the Home Owners' Loan Act (12 U.S.C. 1462(5)) in selling or offering deposit (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)) products issued by such association to qualify or register as a broker, dealer, associated person of a broker, or associated person of a dealer, or to qualify or register in any other similar status or capacity, if the individual does not—

''(A) accept deposits or make withdrawals on behalf of any customer of the association;

''(B) offer or sell a deposit product as an agent for another entity that is not subject to supervision and examination by a Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act (12 U.S.C. 1813(z)), the National Credit Union Administration, or any officer, agency, or other entity of any State which has primary regulatory authority over State banks, State savings associations, or State credit unions;

''(C) offer or sell a deposit product that is not an insured deposit (as defined in section 3(m) of the Federal Deposit Insurance Act (12 U.S.C. 1813(m)));

''(D) offer or sell a deposit product which contains a feature that makes it callable at the option of such Federal savings association; or

''(E) create a secondary market with respect to a deposit product or otherwise add enhancements or features to such product independent of those offered by the association.''.

SEC. 210. FUNERAL- AND CEMETERY-RELATED FIDUCIARY SERVICES.

Section 5(n) of the Home Owners' Loan Act (12 U.S.C. 1464(n)) is amended by adding at the end the following new paragraph:

''(11) FUNERAL- AND CEMETERY-RELATED FIDUCIARY SERVICES.—

''(A) IN GENERAL.—A funeral director or cemetery operator, when acting in such capacity, (or any other person in connection with a contract or other agreement with a funeral director or cemetery operator) may engage any Federal savings association, regardless of where the association is located, to act in any fiduciary capacity in which the savings association has the right to act in accordance with this section, including holding funds deposited in trust or escrow by the funeral director or cemetery operator (or by such other party), and the savings association may act in such fiduciary capacity on behalf of the funeral director or cemetery operator (or such other person).

''(B) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

''(i) CEMETERY.—The term 'cemetery' means any land or structure used, or intended to be used, for the interment of human remains in any form.

''(ii) CEMETERY OPERATOR.—The term 'cemetery operator' means any person who contracts or accepts payment for merchandise, endowment, or perpetual care services in connection with a cemetery.

''(iii) FUNERAL DIRECTOR.—The term 'funeral director' means any person who contracts or accepts payment to provide or arrange—

''(I) services for the final disposition of human remains; or

''(II) funeral services, property, or merchandise (including cemetery services, property, or merchandise).''.

SEC. 211. REPEAL OF QUALIFIED THRIFT LENDER REQUIREMENT WITH RESPECT TO OUT-OF-STATE BRANCHES.

Section 5(r)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(r)(1)) is amended by striking the last sentence.

SEC. 212. SMALL BUSINESS AND OTHER COMMERCIAL LOANS.

(a) ELIMINATION OF LENDING LIMIT ON SMALL BUSINESS LOANS.—Section 5(c)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)) is amended by inserting after subparagraph (V) (as added by section 208 of this title) the following new subparagraph:

''(W) SMALL BUSINESS LOANS.—Small business loans, as defined in regulations which the Director shall prescribe.''.

(b) INCREASE IN LENDING LIMIT ON OTHER BUSINESS LOANS.—Section 5(c)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(2)(A)) is amended by striking '', and amounts in excess of 10 percent'' and all that follows through ''by the Director''.

SEC. 213. CLARIFYING CITIZENSHIP OF FEDERAL SAVINGS ASSOCIATIONS FOR FEDERAL COURT JURISDICTION.

Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by adding at the end the following new subsection:

''(x) HOME STATE CITIZENSHIP.—In determining whether a Federal court has diversity jurisdiction over a case in which a Federal savings association is a party, the Federal savings association shall be considered to be a citizen only of the States in which such savings association has its home office and its principal place of business (if the principal place of business is in a different State than the home office).''.

SEC. 214. INCREASE IN LIMITS ON COMMERCIAL REAL ESTATE LOANS.

Section 5(c)(2)(B)(i) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(2)(B)(i)) is amended by striking ''400 percent'' and inserting ''500 percent''.

SEC. 215. REPEAL OF ONE LIMIT ON LOANS TO ONE BORROWER.

Subparagraph (A) of section 5(u)(2) of the Home Owners' Loan Act (12 U.S.C. 1464(u)(2)(A)) is amended—

(1) by striking subclause (I) of clause (ii);

(2) by redesignating subclauses (II), (III), (IV), and (V) of clause (ii) as subclauses (I), (II), (III), and (IV), respectively;

(3) in clause (i)—

(A) by striking ''for any'' and inserting ''For any''; and

(B) by striking ''; or'' and inserting a period; and

(4) in clause (ii), by striking ''to develop domestic'' and inserting ''To develop domestic''.

SEC. 216. SAVINGS ASSOCIATION CREDIT CARD BANKS.

Section 10(a)(1)(A) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(A)) is amended by inserting ''and such term does not include an institution described in section 2(c)(2)(F) of the Bank Holding Company Act of 1956 for purposes of subsections (a)(1)(E), (c)(3)(B)(i), (c)(9)(C)(i), and (e)(3)'' before the period at the end.

SEC. 217. INTERSTATE ACQUISITIONS BY S&L HOLDING COMPANIES.

Section 10(e)(3) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(3)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively; and

(2) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) such acquisition would be permissible under section 3(d) of the Bank Holding Company Act of 1956 if the savings and loan holding company were a bank holding company and any savings association to be acquired were a bank;''.

SEC. 218. BUSINESS ORGANIZATION FLEXIBILITY FOR FEDERAL SAVINGS ASSOCIATIONS.

(a) IN GENERAL.—Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by inserting after subsection (x) (as added by section 213) following new subsection:

''(y) ALTERNATIVE BUSINESS ORGANIZATION.—

''(1) IN GENERAL.—The Director may prescribe regulations that—

''(A) permit a Federal savings association to be organized other than as a corporation; and

''(B) provide requirements for the organizational characteristics of a Federal savings association organized and operating other than as a corporation, consistent with the safety and soundness of the Federal savings association.

''(2) EQUAL TREATMENT.—Except as otherwise provided in regulations prescribed under subsection (1), a Federal savings association that is operating other than as a corporation shall have the same rights and privileges and shall be subject to the same duties, restrictions, penalties, liabilities, conditions, and limitations as a Federal savings association that is organized as a corporation.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5(a)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(a)(1)) is amended by striking ''organization, incorporation,'' and inserting ''organization (as a corporation or other form of business organization provided under regulations prescribed by the Director under subsection (x)),''.

(2) The last sentence of section 5(i)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(i)(1)) is amended by striking ''incorporated'' and inserting ''organized''.

(3) Section 5(o)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(a)(1)) is amended by striking ''organization, incorporation,'' and inserting ''organization (as a corporation or other form of business organization provided under regulations prescribed by the Director under subsection (x)),''.

TITLE III—CREDIT UNION PROVISIONS

SEC. 301. PRIVATELY INSURED CREDIT UNIONS AUTHORIZED TO BECOME MEMBERS OF A FEDERAL HOME LOAN BANK.

(a) IN GENERAL.—Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding at the end the following new paragraph:

''(5) CERTAIN PRIVATELY INSURED CREDIT UNIONS.—

''(A) IN GENERAL.—A credit union which has been determined, in accordance with section 43(e)(1) of the Federal Deposit Insurance Act and subject to the requirements of subparagraph (B), to meet all eligibility requirements for Federal deposit insurance shall be treated as an insured depository institution for purposes of determining the eligibility of such credit union for membership in a Federal home loan bank under paragraphs (1), (2), and (3).

''(B) CERTIFICATION BY APPROPRIATE SUPERVISOR.—

''(i) IN GENERAL.—For purposes of this paragraph and subject to clause (ii), a credit union which lacks Federal deposit insurance and which has applied for membership in a Federal home loan bank may be treated as meeting all the eligibility requirements for Federal deposit insurance only if the appropriate supervisor of the State in which the credit union is chartered has determined that the credit union meets all the eligibility requirements for Federal deposit insurance as of the date of the application for membership.

''(ii) CERTIFICATION DEEMED VALID.—If, in the case of any credit union to which clause (i) applies, the appropriate supervisor of the State in which such credit union is chartered fails to make a determination pursuant to such clause by the end of the 6-month period beginning on the date of the application, the credit union shall be deemed to have met the requirements of clause (i).

''(C) SECURITY INTERESTS OF FEDERAL HOME LOAN BANK NOT AVOIDABLE.—Notwithstanding any provision of State law authorizing a conservator or liquidating agent of a credit union to repudiate contracts, no such provision shall apply with respect to—

''(i) any extension of credit from any Federal home loan bank to any credit union which is a member of any such bank pursuant to this paragraph; or

''(ii) any security interest in the assets of such credit union securing any such extension of credit.''.

(b) COPIES OF AUDITS OF PRIVATE INSURERS OF CERTAIN DEPOSITORY INSTITUTIONS REQUIRED TO BE PROVIDED TO SUPERVISORY AGENCIES.—Section 43(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A)(i);

(2) by striking the period at the end of clause (ii) of subparagraph (A) and inserting a semicolon;

(3) by inserting the following new clauses at the end of subparagraph (A):

''(iii) in the case of depository institutions described in subsection (f)(2)(A) the deposits of which are insured by the private insurer, the National Credit Union Administration, not later than 7 days after that audit is completed; and

''(iv) in the case of depository institutions described in subsection (f)(2)(A) the deposits of which are insured by the private insurer which are members of a Federal home loan bank, the Federal Housing Finance Board, not later than 7 days after that audit is completed.''; and

(4) by adding at the end the following new subparagraph:

''(C) CONSULTATION.—The appropriate supervisory agency of each State in which a private deposit insurer insures deposits in an institution described in subsection (f)(2)(A) which—

''(i) lacks Federal deposit insurance; and

''(ii) has become a member of a Federal home loan bank,

shall provide the National Credit Union Administration, upon request, with the results of any examination and reports related thereto concerning the private deposit insurer to which such agency may have in its possession.''.

SEC. 302. LEASES OF LAND ON FEDERAL FACILITIES FOR CREDIT UNIONS.

(a) IN GENERAL.—Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended—

(1) by striking ''Upon application by any credit union'' and inserting ''Notwithstanding any other provision of law, upon application by any credit union'';

(2) by inserting ''on lands reserved for the use of, and under the exclusive or concurrent jurisdiction of, the United States or'' after ''officer or agency of the United States charged with the allotment of space'';

(3) by inserting ''lease land or'' after ''such officer or agency may in his or its discretion''; and

(4) by inserting ''or the facility built on the lease land'' after ''credit union to be served by the allotment of space''.

(b) CLERICAL AMENDMENT.—The heading for section 124 is amended by inserting ''OR FEDERAL LAND'' after ''BUILDINGS''.

SEC. 303. INVESTMENTS IN SECURITIES BY FEDERAL CREDIT UNIONS.

Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended—

(1) in the matter preceding paragraph (1) by striking ''A Federal credit union'' and inserting ''(a) IN GENERAL.—Any Federal credit union''; and

(2) by adding at the end the following new subsection:

''(b) ADDITIONAL INVESTMENT AUTHORITY.—

''(1) IN GENERAL.—In addition to any investments otherwise authorized, a Federal credit union may purchase and hold for its own account such investment securities of investment grade as the Board may authorize by regulation, subject to such limitations and restrictions as the Board may prescribe in the regulations.

''(2) PERCENTAGE LIMITATIONS.—

''(A) SINGLE OBLIGOR.—In no event may the total amount of investment securities of any single obligor or maker held by a Federal credit union for the credit union's own account exceed at any time an amount equal to 10 percent of the net worth of the credit union.

''(B) AGGREGATE INVESTMENTS.—In no event may the aggregate amount of investment securities held by a Federal credit union for the credit union's own account exceed at any time an amount equal to 10 percent of the assets of the credit union.

''(3) INVESTMENT SECURITY DEFINED.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'investment security' means marketable obligations evidencing the indebtedness of any person in the form of bonds, notes, or debentures and other instruments commonly referred to as investment securities.

''(B) FURTHER DEFINITION BY BOARD.—The Board may further define the term 'investment security'.

''(4) INVESTMENT GRADE DEFINED.—The term 'investment grade' means with respect to an investment security purchased by a credit union for its own account, an investment security that at the time of such purchase is rated in one of the 4 highest rating categories by at least 1 nationally recognized statistical rating organization.

''(5) CLARIFICATION OF PROHIBITION ON STOCK OWNERSHIP.—No provision of this subsection shall be construed as authorizing a Federal credit union to purchase shares of stock of any corporation for the credit union's own account, except as otherwise permitted by law.''.

SEC. 304. INCREASE IN GENERAL 12-YEAR LIMITATION OF TERM OF FEDERAL CREDIT UNION LOANS TO 15 YEARS.

Section 107(a)(5) of the Federal Credit Union Act (12 U.S.C. 1757(5)) (as so designated by section 303 of this title) is amended—

(1) in the matter preceding subparagraph (A), by striking ''to make loans, the maturities of which shall not exceed twelve years except as otherwise provided herein'' and inserting ''to make loans, the maturities of which shall not exceed 15 years or any longer maturity as the Board may allow, in regulations, except as otherwise provided in this Act'';

(2) in subparagraph (A)—

(A) by striking clause (ii);

(B) by redesignating clauses (iii) through (x) as clauses (ii) through (ix), respectively; and

(C) by inserting ''and'' after the semicolon at the end of clause (viii) (as so redesignated).

SEC. 305. INCREASE IN 1 PERCENT INVESTMENT LIMIT IN CREDIT UNION SERVICE ORGANIZATIONS.

Section 107(a)(7)(I) of the Federal Credit Union Act (12 U.S.C. 1757(7)(I)) (as so designated by section 303 of this title) is amended by striking ''up to 1 per centum of the total paid'' and inserting ''up to 3 percent of the total paid''.

SEC. 306. MEMBER BUSINESS LOAN EXCLUSION FOR LOANS TO NONPROFIT RELIGIOUS ORGANIZATIONS.

Section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended by inserting '', excluding loans made to nonprofit religious organizations,'' after ''total amount of such loans''.

SEC. 307. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.

Paragraph (12) of section 107(a) of the Federal Credit Union Act (12 U.S.C. 1757(12)) (as so designated by section 303 of this title) is amended to read as follows:

''(12) in accordance with regulations prescribed by the Board—

''(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and

''(B) to cash checks and money orders and receive international and domestic electronic fund transfers for persons in the field of membership for a fee;''.

SEC. 308. VOLUNTARY MERGERS INVOLVING MULTIPLE COMMON-BOND CREDIT UNIONS.

Section 109(d)(2) of the Federal Credit Union Act (12 U.S.C. 1759(d)(2)) is amended—

(1) by striking ''or'' at the end of clause (ii) of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) a merger involving any such Federal credit union approved by the Board on or after August 7, 1998.''.

SEC. 309. CONVERSIONS INVOLVING COMMON-BOND CREDIT UNIONS.

Section 109(g) of the Federal Credit Union Act (12 U.S.C. 1759(g)) is amended by inserting after paragraph (2) the following new paragraph:

''(3) CRITERIA FOR CONTINUED MEMBERSHIP OF CERTAIN MEMBER GROUPS IN COMMUNITY CHARTER CONVERSIONS.—In the case of a voluntary conversion of a common-bond credit union described in paragraph (1) or (2) of subsection (b) into a community credit union described in subsection (b)(3), the Board shall prescribe, by regulation, the criteria under which the Board may determine that a member group or other portion of a credit union's existing membership, that is located outside the well-defined local community, neighborhood, or rural district that shall constitute the community charter, can be satisfactorily served by the credit union and remain within the community credit union's field of membership.''.

SEC. 310. CREDIT UNION GOVERNANCE.

(a) EXPULSION OF MEMBERS FOR JUST CAUSE.—Subsection (b) of section 118 of the Federal Credit Union Act (12 U.S.C. 1764(b)) is amended to read as follows:

''(b) POLICY AND ACTIONS OF BOARDS OF DIRECTORS OF FEDERAL CREDIT UNIONS.—

''(1) EXPULSION OF MEMBERS FOR NONPARTICIPATION OR FOR JUST CAUSE.—The board of directors of a Federal credit union may, by majority vote of a quorum of directors, adopt and enforce a policy with respect to expulsion from membership, by a majority vote of such board of directors, based on just cause, including disruption of credit union operations, or on nonparticipation by a member in the affairs of the credit union.

''(2) WRITTEN NOTICE OF POLICY TO MEMBERS.—If a policy described in paragraph (1) is adopted, written notice of the policy as adopted and the effective date of such policy shall be provided to—

''(A) each existing member of the credit union not less than 30 days prior to the effective date of such policy; and

''(B) each new member prior to or upon applying for membership.''.

(b) TERM LIMITS AUTHORIZED FOR BOARD MEMBERS OF FEDERAL CREDIT UNIONS.—Section 111(a) of the Federal Credit Union Act (12 U.S.C. 1761(a)) is amended by adding at the end the following new sentence: ''The bylaws of a Federal credit union may limit the number of consecutive terms any person may serve on the board of directors of such credit union.''.

(c) REIMBURSEMENT FOR LOST WAGES DUE TO SERVICE ON CREDIT UNION BOARD NOT TREATED AS COMPENSATION.—Section 111(c) of the Federal Credit Union Act (12 U.S.C. 1761(c)) is amended by inserting '', including lost wages,'' after ''the reimbursement of reasonable expenses''.

SEC. 311. PROVIDING THE NATIONAL CREDIT UNION ADMINISTRATION WITH GREATER FLEXIBILITY IN RESPONDING TO MARKET CONDITIONS.

Section 107(a)(5)(A)(v)(I) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vi)(I)) (as so designated by section 303 and redesignated by section 304(2)(B) of this title) is amended by striking ''six-month period and that prevailing interest rate levels'' and inserting ''6-month period or that prevailing interest rate levels''.

SEC. 312. EXEMPTION FROM PRE-MERGER NOTIFICATION REQUIREMENT OF THE CLAYTON ACT.

Section 7A(c)(7) of the Clayton Act (15 U.S.C. 18a(c)(7)) is amended by inserting ''section 205(b)(3) of the Federal Credit Union Act (12 U.S.C. 1785(b)(3)),'' before ''or section 3''.

SEC. 313. TREATMENT OF CREDIT UNIONS AS DEPOSITORY INSTITUTIONS UNDER SECURITIES LAWS.

(a) DEFINITION OF BANK UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)) (as amended by section 201(a)(1) of this Act) is amended—

(1) by striking ''this title, and (D) a receiver'' and inserting ''this title, (D) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act) but only for purposes of paragraphs (4) and (5) of this subsection and only for activities otherwise authorized by applicable laws to which such credit unions are subject, and (E) a receiver''; and

(2) in subparagraph (E) (as so redesignated by paragraph (1) of this subsection) by striking ''(A), (B), or (C)'' and inserting ''(A), (B), (C), or (D)''.

(b) DEFINITION OF BANK UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(2)) (as amended by section 201(b)(1) of this Act) is amended—

(1) by striking ''this title, and (D) a receiver'' and inserting ''this title, (D) an insured credit

union (as defined in section 101(7) of the Federal Credit Union Act) but only for activities otherwise authorized by applicable laws to which such credit unions are subject, and (E) a receiver''; and

(2) in subparagraph (E) (as so redesignated by paragraph (1) of this subsection) by striking ''(A), (B), or (C)'' and inserting ''(A), (B), (C), or (D)''.

(c) DEFINITION OF APPROPRIATE FEDERAL BANKING AGENCY.—Section 210A(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–10a(c)) is amended by inserting ''and includes the National Credit Union Administration Board, in the case of an insured credit union (as defined in section 101(7) of the Federal Credit Union Act)'' before the period at the end.

SEC. 314. CLARIFICATION OF DEFINITION OF NET WORTH UNDER CERTAIN CIRCUMSTANCES FOR PURPOSES OF PROMPT CORRECTIVE ACTION.

Subparagraph (A) of section 216(o)(2) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)(A)) is amended—

(1) by inserting ''the'' before ''retained earnings balance''; and

(2) by inserting '', together with any amounts that were previously retained earnings of any other credit union with which the credit union has combined'' before the semicolon at the end.

SEC. 315. AMENDMENTS RELATING TO NONFEDERALLY INSURED CREDIT UNIONS.

(a) IN GENERAL.—Subsection (a) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)) is amended by adding at the end the following new paragraph:

''(3) ENFORCEMENT BY APPROPRIATE STATE SUPERVISOR.—Any appropriate State supervisor of a private deposit insurer, and any appropriate State supervisor of a depository institution which receives deposits that are insured by a private deposit insurer, may examine and enforce compliance with this subsection under the applicable regulatory authority of such supervisor.''.

(b) AMENDMENT RELATING TO DISCLOSURES REQUIRED, PERIODIC STATEMENTS AND ACCOUNT RECORDS.—Section 43(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(1)) is amended by striking ''or similar instrument evidencing a deposit'' and inserting ''or share certificate''.

(c) AMENDMENTS RELATING TO DISCLOSURES REQUIRED, ADVERTISING, PREMISES.— Section 43(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(2)) is amended to read as follows:

''(2) ADVERTISING; PREMISES.—

''(A) IN GENERAL.—Include clearly and conspicuously in all advertising, except as provided in subparagraph (B); and at each station or window where deposits are normally received, its principal place of business and all its branches where it accepts deposits or opens accounts (excluding automated teller machines or point of sale terminals), and on its main Internet page, a notice that the institution is not federally insured.

''(B) EXCEPTIONS.—The following need not include a notice that the institution is not federally insured:

''(i) Statements or reports of financial condition of the depository institution that are required to be published or posted by State or Federal law or regulation.

''(ii) Any sign, document, or other item that contains the name of the depository institution, its logo, or its contact information, but only if the sign, document, or item does not include any information about the institution's products or services or information otherwise promoting the institution.

''(iii) Small utilitarian items that do not mention deposit products or insurance if inclusion of the notice would be impractical.''.

(d) AMENDMENTS RELATING TO ACKNOWLEDGMENT OF DISCLOSURE.—Section 43(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(3)) is amended to read as follows:

''(3) ACKNOWLEDGMENT OF DISCLOSURE.—

''(A) NEW DEPOSITORS OBTAINED OTHER THAN THROUGH A CONVERSION OR MERGER.—With respect to any depositor who was not a depositor at the depository institution before the effective date of the Financial Services Relief Act of 2005, and who is not a depositor as described in subparagraph (B), receive any deposit for the account of such depositor only if the depositor has signed a written acknowledgement that—

''(i) the institution is not federally insured; and

''(ii) if the institution fails, the Federal Government does not guarantee that the depositor will get back the depositor's money.

''(B) NEW DEPOSITORS OBTAINED THROUGH A CONVERSION OR MERGER.—With respect to a depositor at a federally insured depository institution that converts to, or merges into, a depository institution lacking federal insurance after the effective date of the Financial Services Regulatory Relief Act of 2005, receive any deposit for the account of such depositor only if—

''(i) the depositor has signed a written acknowledgement described in subparagraph (A); or

''(ii) the institution makes an attempt, as described in subparagraph (D) and sent by mail no later than 45 days after the effective date of the conversion or merger, to obtain the acknowledgment.

''(C) CURRENT DEPOSITORS.—Receive any deposit after the effective date of the Financial Services Regulatory Relief Act of 2005 for the account of any depositor who was a depositor on that date only if—

''(i) the depositor has signed a written acknowledgement described in subparagraph (A); or

''(ii) the institution makes an attempt, as described in subparagraph (D) and sent by mail no later than 45 days after the effective date of the Financial Services Regulatory Relief Act of 2005, to obtain the acknowledgment.

''(D) ALTERNATIVE PROVISION OF NOTICE TO CURRENT DEPOSITORS AND NEW DEPOSITORS OBTAINED THROUGH A CONVERSION OR MERGER.—

''(i) IN GENERAL.—Transmit to each depositor who has not signed a written acknowledgement described in subparagraph (A)—

''(I) a conspicuous card containing the information described in clauses (i) and (ii) of subparagraph (A), and a line for the signature of the depositor; and

''(II) accompanying materials requesting the depositor to sign the card, and return the signed card to the institution.''.

(e) REPEAL OF PROVISION PROHIBITING NONDEPOSITORY INSTITUTIONS FROM ACCEPTING DEPOSITS.—Section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(f) REPEAL OF PROVISION CONCERNING NONDEPOSITORY INSTITUTIONS MASQUERADING AS DEPOSITORY INSTITUTIONS AND CLARIFICATION OF DEPOSITORY INSTITUTIONS COVERED BY THE STATUTE.—Subsection (e)(2) (as so redesignated by subsection (e) of this section) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) is amended to read as follows:

''(2) DEPOSITORY INSTITUTION.—The term 'depository institution'—

''(A) includes any entity described in section 19(b)(1)(A)(iv) of the Federal Reserve Act; and

''(B) does not include any national bank, State member bank, or Federal branch.''.

(g) REPEAL OF FTC AUTHORITY TO ENFORCE INDEPENDENT AUDIT REQUIREMENT; CONCURRENT STATE ENFORCEMENT.—Subsection (f) (as so redesignated by subsection (e) of this section) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) is amended to read as follows:

''(f) ENFORCEMENT.—

''(1) LIMITED FTC ENFORCEMENT AUTHORITY.—Compliance with the requirements of subsections (b) and (c), and any regulation prescribed or order issued under any such subsection, shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

''(2) BROAD STATE ENFORCEMENT AUTHORITY.—

''(A) IN GENERAL.—Subject to subparagraph (C), an appropriate State supervisor of a depository institution lacking Federal deposit insurance may examine and enforce compliance with the requirements of this section, and any regulation prescribed under this section.

''(B) STATE POWERS.—For purposes of bringing any action to enforce compliance with this section, no provision of this section shall be construed as preventing an appropriate State supervisor of a depository institution lacking Federal deposit insurance from exercising any powers conferred on such official by the laws of such State.

''(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Federal Trade Commission has instituted an enforcement action for a violation of this section, no appropriate State supervisor may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this section that is alleged in that complaint.''.

TITLE IV—DEPOSITORY INSTITUTION PROVISIONS

SEC. 401. EASING RESTRICTIONS ON INTERSTATE BRANCHING AND MERGERS.

(a) DE NOVO INTERSTATE BRANCHES OF NATIONAL BANKS.—

(1) IN GENERAL.—Section 5155(g)(1) of the Revised Statutes of the United States (12 U.S.C. 36(g)(1)) is amended by striking ''maintain a branch if—'' and all that follows through the end of subparagraph (B) and inserting ''maintain a branch.''.

(2) CLERICAL AMENDMENT.—The heading for subsection (g) of section 5155 of the Revised Statutes of the United States is amended by striking ''STATE 'OPT-IN' ELECTION TO PERMIT''.

(b) DE NOVO INTERSTATE BRANCHES OF STATE NONMEMBER BANKS.—

(1) IN GENERAL.—Section 18(d)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)(A)) is amended by striking ''maintain a branch if—'' and all that follows through the end of clause (ii) and inserting ''maintain a branch.''.

(2) INTERSTATE BRANCHING BY SUBSIDIARIES OF COMMERCIAL FIRMS PROHIBITED.—Section 18(d)(3)) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(3)) is amended by adding at the end the following new subparagraph:

''(C) INTERSTATE BRANCHING BY SUBSIDIARIES OF COMMERCIAL FIRMS PROHIBITED.—

''(i) IN GENERAL.—If the appropriate State bank supervisor of the home State of any industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956, or the appropriate State bank supervisor of any host State with respect to such company, bank, or institution, determines that such company, bank, or institution is controlled, directly or indirectly, by a commercial firm, such company, bank, or institution may not acquire, establish, or operate a branch in such host State.

''(ii) COMMERCIAL FIRM DEFINED.—For purposes of this subsection, the term 'commercial firm' means any entity at least 15 percent of the annual gross revenues of which on a consolidated basis, including all affiliates of the entity, were derived from engaging, on an on-going basis, in activities that are not financial in nature or incidental to a financial activity during at least 3 of the prior 4 calendar quarters.

''(iii) GRANDFATHERED INSTITUTIONS.—Clause (i) shall not apply with respect to any industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956—

''(I) which became an insured depository institution before October 1, 2003 or pursuant to an application for deposit insurance which was approved by the Corporation before such date; and

''(II) with respect to which there is no change in control, directly or indirectly, of the company, bank, or institution after September 30, 2003, that requires an application under subsection (c), section 7(j), section 3 of the Bank Holding Company Act of 1956, or section 10 of the Home Owners' Loan Act.

''(iv) TRANSITION PROVISION.—Any divestiture required under this subparagraph of a branch in a host State shall be completed as quickly as is reasonably possible.

''(v) CORPORATE REORGANIZATIONS PERMITTED.—The acquisition of direct or indirect control of the company, bank, or institution referred to in clause (iii)(II) shall not be treated as a 'change in control' for purposes of such clause if the company acquiring control is itself directly or indirectly controlled by a company that was an affiliate of such company, bank, or institution on the date referred to in clause (iii)(II), and remained an affiliate at all times after such date.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18(d)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)) is amended—

(A) in subparagraph (A) by striking ''Subject to subparagraph (B)'' and inserting ''Subject to subparagraph (B) and paragraph (3)(C)''; and

(B) in subparagraphs (D) and (E), by striking ''The term'' and inserting ''For purposes of this subsection, the term''.

(4) CLERICAL AMENDMENT.—The heading for paragraph (4) of section 18(d) of the Federal Deposit Insurance Act is amended by striking ''STATE 'OPT-IN' ELECTION TO PERMIT INTERSTATE'' and inserting ''INTERSTATE''.

(c) DE NOVO INTERSTATE BRANCHES OF STATE MEMBER BANKS.—The 3rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) is amended by adding at the end the following new sentences: ''A State member bank may establish and operate a de novo branch in a host State (as such terms are defined in section 18(d) of the Federal Deposit Insurance Act) on the same terms and conditions and subject to the same limitations and restrictions as are applicable to the establishment of a de novo branch of a national bank in a host State under section 5155(g) of the Revised Statutes of the United States or are applicable to an insured State nonmember bank under section 18(d)(3) of the Federal Deposit Insurance Act''. Such section 5155(g) shall be applied for purposes of the preceding sentence by substituting 'Board of Governors of the Federal Reserve System' for 'Comptroller of the Currency' and 'State member bank' for 'national bank'.''.

(d) INTERSTATE MERGER OF BANKS.—

(1) MERGER OF INSURED BANK WITH ANOTHER DEPOSITORY INSTITUTION OR TRUST COMPANY.—Section 44(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(a)(1)) is amended—

(A) by striking ''Beginning on June 1, 1997, the'' and inserting ''The''; and

(B) by striking ''insured banks with different home States'' and inserting ''an insured bank and another insured depository institution or trust company with a different home State than the resulting insured bank''.

(2) NATIONAL BANK TRUST COMPANY MERGER WITH OTHER TRUST COMPANY.—Subsection (b) of section 4 of the National Bank Consolidation and Merger Act (12 U.S.C. 215a–1(b)) is amended to read as follows:

''(b) MERGER OF NATIONAL BANK TRUST COMPANY WITH ANOTHER TRUST COMPANY.—A national bank that is a trust company may engage in a consolidation or merger under this Act with any trust company with a different home State, under the same terms and conditions that would apply if the trust companies were located within the same State.''.

(e) INTERSTATE FIDUCIARY ACTIVITY.—Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) is amended by adding at the end the following new paragraph:

''(5) INTERSTATE FIDUCIARY ACTIVITY.—

''(A) AUTHORITY OF STATE BANK SUPERVISOR.—The State bank supervisor of a State bank may approve an application by the State bank, when not in contravention of home State or host State law, to act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity in a host State in which State banks or other corporations which come into competition with national banks are permitted to act under the laws of such host State.

''(B) NONCONTRAVENTION OF HOST STATE LAW.—Whenever the laws of a host State authorize or permit the exercise of any or all of the foregoing powers by State banks or other corporations which compete with national banks, the granting to and the exercise of such powers by a State bank as provided in this paragraph shall not be deemed to be in contravention of host State law within the meaning of this paragraph.

''(C) STATE BANK INCLUDES TRUST COMPANIES.—For purposes of this paragraph, the term 'State bank' includes any State-chartered trust company (as defined in section 44(g)).

''(D) OTHER DEFINITIONS.—For purposes of this paragraph, the term 'home State' and 'host State' have the meanings given such terms in section 44.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 44 of the Federal Deposit Insurance Act (12 U.S.C. 1831u) is amended—

(A) in subsection (a)—

(i) by striking paragraph (4) and inserting the following new paragraph:

''(4) TREATMENT OF BRANCHES IN CONNECTION WITH CERTAIN INTERSTATE MERGER TRANSACTIONS.—In the case of an interstate merger transaction which involves the acquisition of a branch of an insured depository institution or trust company without the acquisition of the insured depository institution or trust company, the branch shall be treated, for purposes of this section, as an insured depository institution or trust company the home State of which is the State in which the branch is located.''; and

(ii) by striking paragraphs (5) and (6) and inserting the following new paragraph:

''(5) APPLICABILITY TO INDUSTRIAL LOAN COMPANIES.—No provision of this section shall be construed as authorizing the approval of any transaction involving a industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956, or the acquisition, establishment, or operation of a branch by any such company, bank, or institution, that is not allowed under section 18(d)(3).''.

(B) in subsection (b)—

(i) by striking ''bank'' each place such term appears in paragraph (2)(B)(i) and inserting ''insured depository institution'';

(ii) by striking ''banks'' where such term appears in paragraph (2)(E) and inserting ''insured depository institutions or trust companies'';

(iii) by striking ''bank affiliate'' each place such term appears in that portion of paragraph (3) that precedes subparagraph (A) and inserting ''insured depository institution affiliate'';

(iv) by striking ''any bank'' where such term appears in paragraph (3)(B) and inserting ''any insured depository institution'';

(v) by striking ''bank'' where such term appears in paragraph (4)(A) and inserting ''insured depository institution and trust company''; and

(vi) by striking ''all banks'' where such term appears in paragraph (5) and inserting ''all insured depository institutions and trust companies'';

(C) in subsection (d)(1), by striking ''any bank'' and inserting ''any insured depository institution or trust company'';

(D) in subsection (e)—

(i) by striking ''1 or more banks'' and inserting ''1 or more insured depository institutions''; and

(ii) by striking ''paragraph (2), (4), or (5)'' and inserting ''paragraph (2)'';

(E) by striking clauses (i) and (ii) of subsection (g)(4)(A) and inserting the following new clauses:

''(i) with respect to a national bank or Federal savings association, the State in which the main office of the bank or savings association is located; and

''(ii) with respect to a State bank, State savings association, or State-chartered trust company, the State by which the bank, savings association, or trust company is chartered; and'';

(F) by striking paragraph (5) of subsection (g) and inserting the following new paragraph:

''(5) HOST STATE.—The term 'host State' means—

''(A) with respect to a bank, a State, other than the home State of the bank, in which the bank maintains, or seeks to establish and maintain, a branch; and

''(B) with respect to a trust company and solely for purposes of section 18(d)(5), a State, other than the home State of the trust company, in which the trust company acts, or seeks to act, in 1 or more fiduciary capacities.'';

(G) in subsection (g)(10), by striking ''section 18(c)(2)'' and inserting ''paragraph (1) or (2) of section 18(c), as appropriate,''; and

(H) in subsection (g), by adding at the end the following new paragraph:

''(12) TRUST COMPANY.—The term 'trust company' means—

''(A) any national bank;

''(B) any savings association; and

''(C) any bank, banking association, trust company, savings bank, or other banking institution which is incorporated under the laws of any State,

that is authorized to act in 1 or more fiduciary capacities but is not engaged in the business of receiving deposits other than trust funds (as defined in section 3(p)).''.

(2) Section 3(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (B) and (C); and

(ii) by redesignating subparagraph (D) as subparagraph (B); and

(B) in paragraph (5), by striking ''subparagraph (B) or (D)'' and inserting ''subparagraph (B)''.

(3) Subsection (c) of section 4 of the National Bank Consolidation and Merger Act (12 U.S.C. 215a–1(c)) is amended to read as follows:

''(c) DEFINITIONS.—For purposes of this section, the terms 'home State', 'out-of-State bank', and 'trust company' each have the same meaning as in section 44(g) of the Federal Deposit Insurance Act.''.

(g) CLERICAL AMENDMENTS.—

(1) The heading for section 44(b)(2)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(b)(2)(E)) is amended by striking ''BANKS'' and inserting ''INSURED DEPOSITORY INSTITUTIONS AND TRUST COMPANIES''.

(2) The heading for section 44(e) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(e)) is amended by striking ''BANKS'' and inserting ''INSURED DEPOSITORY INSTITUTIONS''.

SEC. 402. STATUTE OF LIMITATIONS FOR JUDICIAL REVIEW OF APPOINTMENT OF A RECEIVER FOR DEPOSITORY INSTITUTIONS.

(a) NATIONAL BANKS.—Section 2 of the National Bank Receivership Act (12 U.S.C. 191) is amended—

(1) by striking ''SECTION 2. The Comptroller of the Currency'' and inserting the following:

''SEC. 2. APPOINTMENT OF RECEIVER FOR A NATIONAL BANK.

''(a) IN GENERAL.—The Comptroller of the Currency''; and

(2) by adding at the end the following new subsection:

''(b) JUDICIAL REVIEW.—If the Comptroller of the Currency appoints a receiver under subsection (a), the national bank may, within 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such bank is located, or in the United States District Court for the District of Columbia, for an order requiring the Comptroller of the Currency to remove the receiver, and the court shall, upon the merits, dismiss such action or direct the Comptroller of the Currency to remove the receiver.''.

(b) INSURED DEPOSITORY INSTITUTIONS.—Section 11(c)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(7)) is amended to read as follows:

''(7) JUDICIAL REVIEW.—If the Corporation is appointed (including the appointment of the Corporation as receiver by the Board of Directors) as conservator or receiver of a depository institution under paragraph (4), (9), or (10), the depository institution may, within 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such depository institution is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the conservator or receiver (regardless of how such appointment was made), and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the conservator or receiver.''.

(c) EXPANSION OF PERIOD FOR CHALLENGING THE APPOINTMENT OF A LIQUIDATING AGENT.—Subparagraph (B) of section 207(a)(1) of the Federal Credit Union Act (12 U.S.C. 1787(a)(1)) is amended by striking ''10 days'' and inserting ''30 days''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to conservators, receivers, or liquidating agents appointed on or after the date of the enactment of this Act.

SEC. 403. REPORTING REQUIREMENTS RELATING TO INSIDER LENDING.

(a) REPORTING REQUIREMENTS REGARDING LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS.—Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) is amended—

(1) by striking paragraphs (6) and (9); and

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (6), (7), and (8), respectively.

(b) REPORTING REQUIREMENTS REGARDING LOANS FROM CORRESPONDENT BANKS TO EXECUTIVE OFFICERS AND SHAREHOLDERS OF INSURED BANKS.—Section 106(b)(2) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)) is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

SEC. 404. AMENDMENT TO PROVIDE AN INFLATION ADJUSTMENT FOR THE SMALL DEPOSITORY INSTITUTION EXCEPTION UNDER THE DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.

Section 203(1) of the Depository Institution Management Interlocks Act (12 U.S.C. 3202(1)) is amended by striking ''$20,000,000'' and inserting ''$100,000,000''.

SEC. 405. ENHANCING THE SAFETY AND SOUNDNESS OF INSURED DEPOSITORY INSTITUTIONS.

(a) CLARIFICATION RELATING TO THE ENFORCEABILITY OF AGREEMENTS AND CONDITIONS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

''SEC. 49. ENFORCEMENT OF AGREEMENTS.

''(a) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 8(b)(6)(A) or section 38(e)(2)(E)(i), an appropriate Federal banking agency may enforce, under section 8, the terms of—

''(1) any condition imposed in writing by the agency on a depository institution or an institution-affiliated party (including a bank holding company) in connection with any action on any application, notice, or other request concerning a depository institution; or

''(2) any written agreement entered into between the agency and an institution-affiliated party (including a bank holding company).

''(b) RECEIVERSHIPS AND CONSERVATORSHIPS.—After the appointment of the Corporation as the receiver or conservator for any insured depository institution, the Corporation may enforce any condition or agreement described in paragraph (1) or (2) of subsection (a) involving such institution or any institution-affiliated party (including a bank holding company), through an action brought in an appropriate United States district court.''.

(b) PROTECTION OF CAPITAL OF INSURED DEPOSITORY INSTITUTIONS.—Paragraph (1) of section 18(u) of the Federal Deposit Insurance Act (12 U.S.C. 1828(u)) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

SEC. 406. INVESTMENTS BY INSURED SAVINGS ASSOCIATIONS IN BANK SERVICE COMPANIES AUTHORIZED.

(a) IN GENERAL.—Sections 2 and 3 of the Bank Service Company Act (12 U.S.C. 1862, 1863) are each amended by striking ''insured bank'' each place such term appears and inserting ''insured depository institution''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 1(b)(4) of the Bank Service Company Act (12 U.S.C. 1861(b)(4)) is amended—

(A) by inserting '', except when such term appears in connection with the term 'insured depository institution','' after ''means''; and

(B) by striking ''Federal Home Loan Bank Board'' and inserting ''Director of the Office of Thrift Supervision''.

(2) Section 1(b) of the Bank Service Company Act (12 U.S.C. 1861(b)) is amended—

(A) by striking paragraph (5) and inserting the following new paragraph:

''(5) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the meaning given the term in section 3(c) of the Federal Deposit Insurance Act;'';

(B) by striking ''and'' at the end of paragraph (7);

(C) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(9) the terms 'State depository institution', 'Federal depository institution', 'State savings association' and 'Federal savings association' have the meanings given the terms in section 3 of the Federal Deposit Insurance Act.''.

(3) The 1st sentence of section 5(c)(4)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) is amended by striking ''by savings associations of such State and by Federal associations'' and inserting ''by State and Federal depository institutions''.

(4) Subparagraph (A)(ii) and subparagraph (B)(ii) of section 1(b)(2) of the Bank Service Company Act (12 U.S.C. 1861(b)(2)) are each amended by striking ''insured banks'' and inserting ''insured depository institutions''.

(5) Section 1(b)(8) of the Bank Service Company Act (12 U.S.C. 1861(b)(8)) is further amended—

(A) by striking ''insured bank'' and inserting ''insured depository institution'';

(B) by striking ''insured banks'' each place such term appears and inserting ''insured depository institutions''; and

(C) by striking ''the bank's'' and inserting ''the depository institution's''.

(6) Section 2 of the Bank Service Company Act (12 U.S.C. 1862) is amended by inserting ''or savings associations, other than the limitation on the amount of investment by a Federal savings association contained in section 5(c)(4)(B) of the Home Owners' Loan Act'' after ''relating to banks''.

(7) Section 4(b) of the Bank Service Company Act (12 U.S.C. 1864(b)) is amended by inserting ''as permissible under subsection (c), (d), or (e) or'' after ''Except''.

(8) Section 4(c) of the Bank Service Company Act (12 U.S.C. 1864(c)) is amended by inserting ''or State savings association'' after ''State bank'' each place such term appears.

(9) Section 4(d) of the Bank Service Company Act (12 U.S.C. 1864(d)) is amended by inserting ''or Federal savings association'' after ''national bank'' each place such term appears.

(10) Section 4(e) of the Bank Service Company Act (12 U.S.C. 1864(e)) is amended to read as follows:

''(e) A bank service company may perform—

''(1) only those services that each depository institution shareholder or member is otherwise authorized to perform under any applicable Federal or State law; and

''(2) such services only at locations in a State in which each such shareholder or member is authorized to perform such services.''.

(11) Section 4(f) of the Bank Service Company Act (12 U.S.C. 1864(f)) is amended by inserting ''or savings associations'' after ''location of banks''.

(12) Section 5 of the Bank Service Company Act (12 U.S.C. 1865) is amended—

(A) in subsection (a)—

(i) by striking ''insured bank'' and inserting ''insured depository institution''; and

(ii) by striking ''bank's'' and inserting ''institution's'';

(B) in subsection (b)—

(i) by striking ''insured bank'' and inserting ''insured depository institution'';

(ii) by inserting ''authorized only'' after ''performs any service''; and

(iii) by inserting ''authorized only'' after ''perform any activity''; and

(C) in subsection (c)—

(i) by striking ''the bank or banks'' and inserting ''any depository institution''; and

(ii) by striking ''capability of the bank'' and inserting ''capability of the depository institution''.

(13) Section 7 of the Bank Service Company Act (12 U.S.C. 1867) is amended—

(A) in subsection (b), by striking ''insured bank'' and inserting ''insured depository institution''; and

(B) in subsection (c)—

(i) by striking ''a bank'' each place such term appears and inserting ''a depository institution''; and

(ii) by striking ''the bank'' each place such term appears and inserting ''the depository institution''.

SEC. 407. CROSS GUARANTEE AUTHORITY.

Subparagraph (A) of section 5(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1815(e)(9)(A)) is amended to read as follows:

''(A) such institutions are controlled by the same company; or''.

SEC. 408. GOLDEN PARACHUTE AUTHORITY AND NONBANK HOLDING COMPANIES.

Subsection (k) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)) is amended—

(1) in paragraph (2)(A), by striking ''or depository institution holding company'' and inserting ''or covered company'';

(2) by striking subparagraph (B) of paragraph (2) and inserting the following new subparagraph:

''(B) Whether there is a reasonable basis to believe that the institution-affiliated party is substantially responsible for—

''(i) the insolvency of the depository institution or covered company;

''(ii) the appointment of a conservator or receiver for the depository institution; or

''(iii) the depository institution's troubled condition (as defined in the regulations prescribed pursuant to section 32(f)).'';

(3) in paragraph (2)(F), by striking ''depository institution holding company'' and inserting ''covered company,'';

(4) in paragraph (3) in the matter preceding subparagraph (A), by striking ''depository institution holding company'' and inserting ''covered company'';

(5) in paragraph (3)(A), by striking ''holding company'' and inserting ''covered company'';

(6) in paragraph (4)(A)—

(A) by striking ''depository institution holding company'' each place such term appears and inserting ''covered company''; and

(B) by striking ''holding company'' each place such term appears (other than in connection with the term referred to in subparagraph (A)) and inserting ''covered company'';

(7) in paragraph (5)(A), by striking ''depository institution holding company'' and inserting ''covered company'';

(8) in paragraph (5), by adding at the end the following new subparagraph:

''(D) COVERED COMPANY.—The term 'covered company' means any depository institution holding company (including any company required to file a report under section 4(f)(6) of the Bank Holding Company Act of 1956), or any other company that controls an insured depository institution.''; and

(9) in paragraph (6)—

(A) by striking ''depository institution holding company'' and inserting ''covered company,''; and

(B) by striking ''or holding company'' and inserting ''or covered company''.

SEC. 409. AMENDMENTS RELATING TO CHANGE IN BANK CONTROL.

Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is amended—

(1) in paragraph (1)(D)—

(A) by striking ''is needed to investigate'' and inserting ''is needed—

''(i) to investigate'';

(B) by striking ''United States Code.'' and inserting ''United States Code; or''; and

(C) by adding at the end the following new clause:

''(ii) to analyze the safety and soundness of any plans or proposals described in paragraph (6)(E) or the future prospects of the institution.''; and

(2) in paragraph (7)(C), by striking ''the financial condition of any acquiring person'' and inserting ''either the financial condition of any acquiring person or the future prospects of the institution''.

SEC. 410. COMMUNITY REINVESTMENT CREDIT FOR ESOPS AND EWOCS.

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection—

''(d) ESTABLISHMENT OF ESOPS AND EWOCS.—

''(1) IN GENERAL.—In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency shall consider as a factor activities that support or enable the establishment of employee stock ownership plans or eligible worker-owned cooperatives, so long as the employer sponsoring the plan or cooperative is at least 51 percent owned by employees, including low to moderate income employees.

''(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the same meaning as in section 4975(e)(7) of the Internal Revenue Code of 1986.

''(B) ELIGIBLE WORKER-OWNED COOPERATIVE.—The term 'eligible worker-owned cooperative' has the same meaning as in section 1042(c)(2) of the Internal Revenue Code of 1986.''.

SEC. 411. MINORITY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Federal Deposit Insurance Corporation and the Office of Thrift Supervision shall provide such technical assistance to minority financial institutions affected by Hurricane Katrina, Hurricane Rita, and Hurricane Wilma as may be appropriate to preserve the present number of minority depository institutions and preserve the minority character in cases involving mergers or acquisitions of a minority depository institution consistent with section 308(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(b) MINORITY FINANCIAL INSTITUTION DEFINED.—For purposes of this subsection, the term ''minority financial institution'' has the same meaning as in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

TITLE V—DEPOSITORY INSTITUTION AFFILIATES PROVISIONS

SEC. 501. CLARIFICATION OF CROSS MARKETING PROVISION.

Section 4(n)(5) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(n)(5)) is amended—

(1) in subparagraph (B), by striking ''subsection (k)(4)(I)'' and inserting ''subparagraph (H) or (I) of subsection (k)(4)''; and

(2) by adding at the end the following new subparagraph:

''(C) THRESHOLD OF CONTROL.—Subparagraph (A) shall not apply with respect to a company described or referred to in clause (i) or (ii) of such subparagraph if the financial holding company does not own or control 25 percent or more of the total equity or any class of voting securities of such company.''.

SEC. 502. AMENDMENT TO PROVIDE THE FEDERAL RESERVE BOARD WITH DISCRETION CONCERNING THE IMPUTATION OF CONTROL OF SHARES OF A COMPANY BY TRUSTEES.

Section 2(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(2)) is amended by inserting '', unless the Board determines that such treatment is not appropriate in light of the facts and circumstances of the case and the purposes of this Act'' before the period at the end.

SEC. 503. ELIMINATING GEOGRAPHIC LIMITS ON THRIFT SERVICE COMPANIES.

(a) IN GENERAL.—The 1st sentence of section 5(c)(4)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) (as amended by section 406(b)(3) of this Act) is amended—

(1) by striking ''corporation organized'' and all that follows through ''is available for purchase'' and inserting ''company, if the entire capital of the company is available for purchase''; and

(2) by striking ''having their home offices in such State''.

(b) TECHNICAL CORRECTIONS.—

(1) The heading for subparagraph (B) of section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) is amended by striking ''CORPORATIONS'' and inserting ''COMPANIES''.

(2) The 2nd sentence of section 5(n)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(n)(1)) is amended by striking ''service corporations'' and inserting ''service companies''.

(3) Section 5(q)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(q)(1)) is amended by striking ''service corporation'' each place such term appears in subparagraphs (A), (B), and (C) and inserting ''service company''.

(4) Section 10(m)(4)(C)(iii)(II) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)(iii)(II)) is amended by striking ''service corporation'' each place such term appears and inserting ''service company''.

SEC. 504. CLARIFICATION OF SCOPE OF APPLICABLE RATE PROVISION.

Section 44(f) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)) is amended by adding at the end the following new paragraphs:

''(3) OTHER LENDERS.—In the case of any other lender doing business in the State described in paragraph (1), the maximum interest rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved from time to time in any loan, discount, or credit sale made, or upon any note, bill of exchange, financing transaction, or other evidence of debt issued to or acquired by any other lender shall be equal to not more than the greater of the rates described in subparagraph (A) or (B) of paragraph (1).

''(4) OTHER LENDER DEFINED.—For purposes of paragraph (3), the term 'other lender' means any person engaged in the business of selling or financing the sale of personal property (and any services incidental to the sale of personal property) in such State, except that, with regard to any person or entity described in such paragraph, such term does not include—

''(A) an insured depository institution; or

''(B) any person or entity engaged in the business of providing a short-term cash advance to any consumer in exchange for—

''(i) a consumer's personal check or share draft, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

''(ii) a consumer authorization to debit the consumer's transaction account, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.''.

SEC. 505. SAVINGS ASSOCIATIONS ACTING AS AGENTS FOR AFFILIATED DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—Section 18(r) of the Federal Deposit Insurance Act (12 U.S.C. 1828(r)) is amended—

(1) in paragraph (1)—

(A) by striking ''bank subsidiary'' and inserting ''depository institution subsidiary''; and

(B) by striking ''bank holding company'' and inserting ''depository institution holding company'';

(2) in paragraph (2), by striking ''a bank acting'' and inserting ''a depository institution acting'';

(3) in paragraphs (3) and (5), by striking ''or (6)'' each place such term appears in each such paragraph; and

(4) by striking paragraph (6).

(b) CLERICAL AMENDMENT.—The heading for section 18(r)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1828(r)) is amended by striking ''BANK'' and inserting ''DEPOSITORY INSTITUTION''.

SEC. 506. CREDIT CARD BANK INVESTMENTS FOR THE PUBLIC WELFARE.

Section 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F)) is amended—

(1) in clause (i), by striking ''engages only in credit card operations;'' and inserting ''engages only in—

''(I) credit card operations; and

''(II) making investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families (such as by providing housing, services, or jobs), in the manner and to the extent permitted for national banks under the paragraph designated the 'Eleventh' of section 5136 of the Revised Statutes of the United States and regulations prescribed under such paragraph, except that the last sentence of such paragraph shall be applied for purposes of this subclause by substituting '5 percent' for '15 percent' each place such term appears; ''; and

(2) in clause (v), by inserting '', other than making or purchasing loans for the purposes described in and to the extent permitted in clause (i)(II))'' before the period at the end.

TITLE VI—BANKING AGENCY PROVISIONS

SEC. 601. WAIVER OF EXAMINATION SCHEDULE IN ORDER TO ALLOCATE EXAMINER RESOURCES.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), (9), and (10) as paragraphs (6), (7), (8), (9), (10), and (11), respectively;

(2) by inserting after paragraph (4), the following new paragraph:

''(5) WAIVER OF SCHEDULE WHEN NECESSARY TO ACHIEVE SAFE AND SOUND ALLOCATION OF EXAMINER RESOURCES.—Notwithstanding paragraphs (1), (2), (3), and (4), an appropriate Federal banking agency may make adjustments in the examination cycle for an insured depository institution if necessary to allocate available resources of examiners in a manner that provides for the safety and soundness of, and the effective examination and supervision of, insured depository institutions.''; and

(3) in paragraphs (8) and (9), as so redesignated, by striking ''paragraph (6)'' and inserting ''paragraph (7)''.

SEC. 602. INTERAGENCY DATA SHARING.

(a) FEDERAL BANKING AGENCIES.—Section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) is amended by adding at the end the following new subparagraph:

''(C) DATA SHARING WITH OTHER AGENCIES AND PERSONS.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Corporation (with respect to all insured depository institutions, including a depository institution for which the Corporation has been appointed conservator or receiver) or an appropriate State bank supervisor (with respect to a State depository institution) under subparagraph (A) or (B), a Federal banking agency may, in the agency's discretion, furnish any report of examination or other confidential supervisory information concerning any depository institution or other entity examined by such agency under authority of any Federal law, to—

''(i) any other Federal or State agency or authority with supervisory or regulatory authority over the depository institution or other entity;

''(ii) any officer, director, or receiver of such depository institution or entity; and

''(iii) any other person the Federal banking agency determines to be appropriate.''.

(b) NATIONAL CREDIT UNION ADMINISTRATION.—Section 202(a) of the Federal Credit Union Act (12 U.S.C. 1782(a)) is amended by adding at the end the following new paragraph:

''(8) DATA SHARING WITH OTHER AGENCIES AND PERSONS.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Board (with respect to all insured credit unions, including a credit union for which the Corporation has been appointed conservator or liquidating agent) or an appropriate State commission, board, or authority having supervision of a State-chartered credit union, the Board may, in the Board's discretion, furnish any report of examination or other confidential supervisory information concerning any credit union or other entity examined by the Board under authority of any Federal law, to—

''(A) any other Federal or State agency or authority with supervisory or regulatory authority over the credit union or other entity;

''(B) any officer, director, or receiver of such credit union or entity; and

''(C) any other institution-affiliated party of such credit union or entity the Board determines to be appropriate.''.

SEC. 603. PENALTY FOR UNAUTHORIZED PARTICIPATION BY CONVICTED INDIVIDUAL.

Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by adding at the end the following new subsection:

''(c) NONINSURED BANKS.—Subsections (a) and (b) shall apply to a noninsured national bank and a noninsured State member bank, and any agency or noninsured branch (as such terms are defined in section 1(b) of the International Banking Act of 1978) of a foreign bank as if such bank, branch, or agency were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting the agency determined under the following paragraphs for 'Corporation' each place such term appears in such subsections:

''(1) The Comptroller of the Currency, in the case of a noninsured national bank or any Federal agency or noninsured Federal branch of a foreign bank.

''(2) The Board of Governors of the Federal Reserve System, in the case of a noninsured State member bank or any State agency or noninsured State branch of a foreign bank.''.

SEC. 604. AMENDMENT PERMITTING THE DESTRUCTION OF OLD RECORDS OF A DEPOSITORY INSTITUTION BY THE FDIC AFTER THE APPOINTMENT OF THE FDIC AS RECEIVER.

Section 11(d)(15)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(15)(D)) is amended—

(1) by striking ''RECORDKEEPING REQUIREMENT.—After the end of the 6-year period'' and inserting ''RECORDKEEPING REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), after the end of the 6-year period'';

(2) by striking ''to be unnecessary'' and inserting ''are unnecessary and not relevant to any pending or reasonably probable future litigation''; and

(3) by adding at the end the following new clause:

''(ii) OLD RECORDS.—In the case of records of an insured depository institution which—

''(I) are at least 10 years old, as of the date the Corporation is appointed as the receiver of such depository institution; and

''(II) are unnecessary and not relevant to any pending or reasonably probable future litigation, as provided in clause (i),

the Corporation may destroy such records in accordance with clause (i) any time after such appointment is final without regard to the 6-year period of limitation contained in such clause.''.

SEC. 605. MODERNIZATION OF RECORDKEEPING REQUIREMENT.

Subsection (f) of section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820(f)) is amended to read as follows:

''(f) PRESERVATION OF AGENCY RECORDS.—

''(1) IN GENERAL.—A Federal banking agency may cause any and all records, papers, or documents kept by the agency or in the possession or custody of the agency to be—

''(A) photographed or microphotographed or otherwise reproduced upon film; or

''(B) preserved in any electronic medium or format which is capable of—

''(i) being read or scanned by computer; and

''(ii) being reproduced from such electronic medium or format by printing or any other form of reproduction of electronically stored data.

''(2) TREATMENT AS ORIGINAL RECORDS.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies and shall be admissible to prove any act, transaction, occurrence, or event therein recorded.

''(3) AUTHORITY OF THE FEDERAL BANKING AGENCIES.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be preserved in such manner as the Federal banking agency shall prescribe and the original records, papers, or documents may be destroyed or otherwise disposed of as the Federal banking agency may direct.''.

SEC. 606. STREAMLINING REPORTS OF CONDITION.

Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding the following new paragraph:

''(11) STREAMLINING REPORTS OF CONDITION.—

''(A) REVIEW OF INFORMATION AND SCHEDULES.—Before the end of the 1-year period beginning on the date of the enactment of the Financial Services Regulatory Relief Act of 2005 and before the end of each 5-year period thereafter, each Federal banking agency shall, in consultation with the other relevant Federal banking agencies, review the information and schedules that are required to be filed by an insured depository institution in a report of condition required under paragraph (3).

''(B) REDUCTION OR ELIMINATION OF INFORMATION FOUND TO BE UNNECESSARY.—After completing the review required by subparagraph (A), a Federal banking agency, in consultation with the other relevant Federal banking agencies, shall reduce or eliminate any requirement to file information or schedules under paragraph (3) (other than information or schedules that are otherwise required by law) if the agency determines that the continued collection of such information or schedules is no longer necessary or appropriate.''.

SEC. 607. EXPANSION OF ELIGIBILITY FOR 18-MONTH EXAMINATION SCHEDULE FOR COMMUNITY BANKS.

Paragraph (4)(A) of section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended by striking ''$250,000,000'' and inserting ''$1,000,000,000''.

SEC. 608. SHORT FORM REPORTS OF CONDITION FOR CERTAIN COMMUNITY BANKS.

(a) IN GENERAL.—Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by inserting after paragraph (11) (as added by section 606 of this title) the following new paragraph:

''(12) SHORT FORM REPORTS OF CONDITION FOR COMMUNITY BANKS.—

''(A) IN GENERAL.—With respect to reports of condition required under paragraph (3) for each calendar quarter, an insured depository institution described in subparagraphs (A), (B), (C), and (D) of section 10(d)(4) may submit a short form of any such report of condition in 2 nonsequential quarters of any calendar year.

''(B) SHORT FORM DEFINED.—The term 'short form', when used in connection with any report of condition required under paragraph (3), means a report of condition in a format established by the appropriate Federal banking agency, after notice and opportunity for comment, that—

''(i) is significantly and materially less burdensome for the insured depository institution to prepare than the format of the report of condition required under paragraph (3); and

''(ii) provides sufficient material information for the appropriate Federal banking agency to assure the maintenance of the safe and sound condition of the depository institution and safe and sound practices.''.

(b) REGULATIONS.—Any regulation required to carry out the amendment made by subsection (a) shall be published in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 609. CLARIFICATION OF EXTENT OF SUSPENSION, REMOVAL, AND PROHIBITION AUTHORITY OF FEDERAL BANKING AGENCIES IN CASES OF CERTAIN CRIMES BY INSTITUTION-AFFILIATED PARTIES.

(a) INSURED DEPOSITORY INSTITUTIONS.—

(1) IN GENERAL.—Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking ''is charged in any information, indictment, or complaint, with the commission of or participation in'' and inserting ''is the subject of any information, indictment, or complaint, involving the commission of or participation in'';

(ii) by striking ''may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution,'' and insert ''posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in,

any relevant depository institution (as defined in subparagraph (E)),''; and

(iii) by striking ''affairs of the depository institution'' and inserting ''affairs of any depository institution'';

(B) in subparagraph (B)(i), by striking ''the depository institution'' and inserting ''any depository institution that the subject of the notice is affiliated with at the time the notice is issued'';

(C) in subparagraph (C)(i)—

(i) by striking ''may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution,'' and insert ''posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in, and relevant depository institution (as defined in subparagraph (E)),''; and

(ii) by striking ''affairs of the depository institution'' and inserting ''affairs of any depository institution'';

(D) in subparagraph (C)(ii), by striking ''affairs of the depository institution'' and inserting ''affairs of any depository institution'';

(E) in subparagraph (D)(i), by striking ''the depository institution'' and inserting ''any depository institution that the subject of the order is affiliated with at the time the order is issued''; and

(F) by adding at the end the following new subparagraph:

''(E) RELEVANT DEPOSITORY INSTITUTION.—For purposes of this subsection, the term 'relevant depository institution' means any depository institution of which the party is or was an institution-affiliated party at the time—

''(i) the information, indictment or complaint described in subparagraph (A) was issued; or

''(ii) the notice is issued under subparagraph (A) or the order is issued under subparagraph (C)(i).''.

(2) CLERICAL AMENDMENT.—The heading for section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)) is amended to read as follows:

''(g) SUSPENSION, REMOVAL, AND PROHIBITION FROM PARTICIPATION ORDERS IN THE CASE OF CERTAIN CRIMINAL OFFENSES.—''.

(b) INSURED CREDIT UNIONS.—

(1) IN GENERAL.—Section 206(i)(1) of the Federal Credit Union Act (12 U.S.C. 1786(i)(1)) is amended—

(A) in subparagraph (A), by striking ''the credit union'' each place such term appears and inserting ''any credit union'';

(B) in subparagraph (B)(i), by inserting ''of which the subject of the order is, or most recently was, an institution-affiliated party'' before the period at the end;

(C) in subparagraph (C)—

(i) by striking ''the credit union'' each place such term appears and inserting ''any credit union''; and

(ii) by striking ''the credit union's'' and inserting ''any credit union's'';

(D) in subparagraph (D)(i), by striking ''upon such credit union'' and inserting ''upon the credit union of which the subject of the order is, or most recently was, an institution-affiliated party''; and

(E) by adding at the end the following new subparagraph:

''(E) CONTINUATION OF AUTHORITY.—The Board may issue an order under this paragraph with respect to an individual who is an institution-affiliated party at a credit union at the time of an offense described in subparagraph (A) without regard to—

''(i) whether such individual is an institution-affiliated party at any credit union at the time the order is considered or issued by the Board; or

''(ii) whether the credit union at which the individual was an institution-affiliated party at the time of the offense remains in existence at the time the order is considered or issued by the Board.''.

(2) CLERICAL AMENDMENT.—Section 206(i) of the Federal Credit Union Act (12 U.S.C. 1786(i)) is amended by striking ''(i)'' at the beginning and inserting the following new subsection heading:

''(i) SUSPENSION, REMOVAL, AND PROHIBITION FROM PARTICIPATION ORDERS IN THE CASE OF CERTAIN CRIMINAL OFFENSES.—''.

SEC. 610. STREAMLINING DEPOSITORY INSTITUTION MERGER APPLICATION REQUIREMENTS.

(a) IN GENERAL.—Paragraph (4) of section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended to read as follows:

''(4) REPORTS ON COMPETITIVE FACTORS.—

''(A) REQUEST FOR REPORT.—In the interests of uniform standards and subject to subparagraph (B), the responsible agency shall, before acting on any application for approval of a merger transaction—

''(i) request a report on the competitive factors involved from the Attorney General; and

''(ii) provide a copy of the request to the Corporation (when the Corporation is not the responsible agency).

''(B) CONCURRENT CONSIDERATION.—The responsible agency shall not be required to make a request under subparagraph (A) before acting on an application for approval of a merger transaction if—

''(i) the agency finds that it must act immediately in order to prevent the probable failure of a depository institution involved in the transaction; or

''(ii) the transaction consists of a merger between an insured depository institution and 1 or more affiliates of the depository institution.

''(C) FURNISHING OF REPORT.—The report requested under subparagraph (A) shall be furnished by the Attorney General to the responsible agency—

''(i) not more than 30 calendar days after the date on which the Attorney General received the request; or

''(ii) not more than 10 calendar days after such date, if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended—

(1) in the second sentence by striking ''banks or savings associations involved'' and inserting the following: ''insured depository institutions involved, or if the proposed merger transaction is solely between an insured depository institution and 1 or more of affiliates of the depository institution,'' and

(2) by striking the penultimate sentence and inserting the following: ''If the agency has advised the Attorney General under paragraph (4)(C)(ii) of the existence of an emergency requiring expeditious action and has requested a report on the competitive factors within 10 days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency.''.

SEC. 611. INCLUSION OF DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION IN LIST OF BANKING AGENCIES REGARDING INSURANCE CUSTOMER PROTECTION REGULATIONS.

Section 47(g)(2)(B)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1831x(g)(2)(B)(i)) is amended by inserting ''the Director of the Office of Thrift Supervision,'' after ''Comptroller of the Currency,''.

SEC. 612. PROTECTION OF CONFIDENTIAL INFORMATION RECEIVED BY FEDERAL BANKING REGULATORS FROM FOREIGN BANKING SUPERVISORS.

Section 15 of the International Banking Act of 1978 (12 U.S.C. 3109) is amended by adding at the end the following new subsection:

''(c) CONFIDENTIAL INFORMATION RECEIVED FROM FOREIGN SUPERVISORS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), a Federal banking agency shall not be compelled to disclose information received from a foreign regulatory or supervisory authority if—

''(A) the Federal banking agency determines that the foreign regulatory or supervisory authority has, in good faith, determined and represented to such Federal banking agency that public disclosure of the information would violate the laws applicable to that foreign regulatory or supervisory authority; and

''(B) the relevant Federal banking agency obtained such information pursuant to—

''(i) such procedures as the Federal banking agency may establish for use in connection with the administration and enforcement of Federal banking laws; or

''(ii) a memorandum of understanding or other similar arrangement between the Federal banking agency and the foreign regulatory or supervisory authority.

''(2) TREATMENT UNDER TITLE 5, UNITED STATES CODE.—For purposes of section 552 of title 5, United States Code, this subsection shall be treated as a statute described in subsection (b)(3)(B) of such section.

''(3) SAVINGS PROVISION.—No provision of this section shall be construed as—

''(A) authorizing any Federal banking agency to withhold any information from any duly authorized committee of the House of Representatives or the Senate; or

''(B) preventing any Federal banking agency from complying with an order of a court of the United States in an action commenced by the United States or such agency.

''(4) FEDERAL BANKING AGENCY DEFINED.—For purposes of this subsection, the term 'Federal banking agency' means the Board, the Comptroller, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision.''.

SEC. 613. PROHIBITION ON PARTICIPATION BY CONVICTED INDIVIDUAL.

(a) EXTENSION OF AUTOMATIC PROHIBITION.—Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by inserting after subsection (c) (as added by section 603 of this title) the following new subsections:

''(d) BANK HOLDING COMPANIES.—Subsections (a) and (b) shall apply to any company (other than a foreign bank) that is a bank holding company and any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act as if such bank holding company or organization were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting 'Board of Governors of the Federal Reserve System' for 'Corporation' each place such term appears in such subsections.

''(e) SAVINGS AND LOAN HOLDING COMPANIES.—Subsections (a) and (b) shall apply to any savings and loan holding company and any subsidiary (other than a savings association) of a savings and loan holding company as if such savings and loan holding company or subsidiary were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting 'Director of the Office of Thrift Supervision' for 'Corporation' each place such term appears in such subsections.''.

(b) ENHANCED DISCRETION TO REMOVE CONVICTED INDIVIDUALS.—Section 8(e)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(2)(A)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the comma at the end of clause (iii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iv) an institution-affiliated party of a subsidiary (other than a bank) of a bank holding company has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such an offense,''.

SEC. 614. CLARIFICATION THAT NOTICE AFTER SEPARATION FROM SERVICE MAY BE MADE BY AN ORDER.

(a) IN GENERAL.—Section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting ''or order'' after ''notice'' each place such term appears.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting ''OR ORDER'' after ''NOTICE''.

SEC. 615. ENFORCEMENT AGAINST MISREPRESENTATIONS REGARDING FDIC DEPOSIT INSURANCE COVERAGE.

(a) IN GENERAL.—Section 18(a) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by adding at the end the following new paragraph:

''(4) FALSE ADVERTISING, MISUSE OF FDIC NAMES, AND MISREPRESENTATION TO INDICATE INSURED STATUS.—

''(A) PROHIBITION ON FALSE ADVERTISING AND MISUSE OF FDIC NAMES.—No person may—

''(i) use the terms 'Federal Deposit', 'Federal Deposit Insurance', 'Federal Deposit Insurance Corporation', any combination of such terms, or the abbreviation 'FDIC' as part of the business name or firm name of any person, including any corporation, partnership, business trust, association, or other business entity; or

''(ii) use such terms or any other sign or symbol as part of an advertisement, solicitation, or other document,

to represent, suggest or imply that any deposit liability, obligation, certificate or share is insured or guaranteed by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured or guaranteed by the Corporation.

''(B) PROHIBITION ON MISREPRESENTATIONS OF INSURED STATUS.—No person may knowingly misrepresent—

''(i) that any deposit liability, obligation, certificate, or share is federally insured, if such deposit liability, obligation, certificate, or share is not insured by the Corporation; or

''(ii) the extent to which or the manner in which any deposit liability, obligation, certificate, or share is insured by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured by the Corporation to the extent or in the manner represented.

''(C) AUTHORITY OF FDIC.—The Corporation shall have—

''(i) jurisdiction over any person that violates this paragraph, or aids or abets the violation of this paragraph; and

''(ii) for purposes of enforcing the requirements of this paragraph with regard to any person—

''(I) the authority of the Corporation under section 10(c) to conduct investigations; and

''(II) the enforcement authority of the Corporation under subsections (b), (c), (d) and (i) of section 8,

as if such person were a state nonmember insured bank.

''(D) OTHER ACTIONS PRESERVED.—No provision of this paragraph shall be construed as barring any action otherwise available, under the laws of the United States or any State, to any Federal or State law enforcement agency or individual.''.

(b) ENFORCEMENT ORDERS.—Section 8(c) of the Federal Deposit Insurance Act (12 U.S.C. 1818(c)) is amended by adding at the end the following new paragraph:

''(4) FALSE ADVERTISING OR MISUSE OF NAMES TO INDICATE INSURED STATUS.—

''(A) TEMPORARY ORDER.—

''(i) IN GENERAL.—If a notice of charges served under subsection (b)(1) of this section specifies on the basis of particular facts that any person is engaged in conduct described in section 18(a)(4), the Corporation may issue a temporary order requiring—

''(I) the immediate cessation of any activity or practice described, which gave rise to the notice of charges; and

''(II) affirmative action to prevent any further, or to remedy any existing, violation.

''(ii) EFFECT OF ORDER.—Any temporary order issued under this subparagraph shall take effect upon service.

''(B) EFFECTIVE PERIOD OF TEMPORARY ORDER.—A temporary order issued under subparagraph (A) shall remain effective and enforceable, pending the completion of an administrative proceeding pursuant to subsection (b)(1) in connection with the notice of charges—

''(i) until such time as the Corporation shall dismiss the charges specified in such notice; or

''(ii) if a cease-and-desist order is issued against such person, until the effective date of such order.

''(C) CIVIL MONEY PENALTIES.—Violations of section 18(a)(4) shall be subject to civil money penalties as set forth in subsection (i) in an amount not to exceed $1,000,000 for each day during which the violation occurs or continues.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 18(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended—

(A) in the 1st sentence by striking ''of this subsection'' and inserting ''of paragraphs (1) and (2)'';

(B) by striking the 2nd sentence; and

(C) in the 3rd sentence, by striking ''of this subsection'' and inserting ''of paragraphs (1) and (2)''.

(2) The heading for subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by striking ''INSURANCE LOGO.—'' and inserting ''REPRESENTATIONS OF DEPOSIT INSURANCE.—''.

SEC. 616. CHANGES REQUIRED TO SMALL BANK HOLDING COMPANY POLICY STATEMENT ON ASSESSMENT OF FINANCIAL AND MANAGERIAL FACTORS.

(a) SMALL BANK HOLDING COMPANY POLICY STATEMENT ON ASSESSMENT OF FINANCIAL AND MANAGERIAL FACTORS.—

(1) IN GENERAL.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall publish in the Federal Register proposed revisions to the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors (12 C.F.R. part 225—appendix C) that provide that the policy shall apply to a bank holding company which has pro forma consolidated assets of less than $1,000,000,000 and that—

(A) is not engaged in any nonbanking activities involving significant leverage; and

(B) does not have a significant amount of outstanding debt that is held by the general public.

(2) ADJUSTMENT OF AMOUNT.—The Board of Governors of the Federal Reserve System shall annually adjust the dollar amount referred to in paragraph (1) in the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors by an amount equal to the percentage increase, for the most recent year, in total assets held by all insured depository institutions, as determined by the Board.

(b) INCREASE IN DEBT-TO-EQUITY RATIO OF SMALL BANK HOLDING COMPANY.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall publish in the Federal Register proposed revisions to the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors (12 C.F.R. part 225—appendix C) such that the debt-to-equity ratio allowable for a small bank holding company in order to remain eligible to pay a corporate dividend and to remain eligible for expedited processing procedures under Regulation Y of the Board of Governors of the Federal Reserve System would increase from 1:1 to 3:1.

SEC. 617. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding the following new subsections:

''(c) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—

''(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b);

''(2) does not share information with affiliates under section 603(d)(2)(A) of the Fair Credit Reporting Act; and

''(3) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this subsection,

shall not be required to provide an annual disclosure under this subsection until such time as the financial institution fails to comply with any criteria described in paragraph (1), (2), or (3).

''(d) EXCEPTION TO NOTICE REQUIREMENT.—A financial institution shall not be required to provide any disclosure under this section if—

''(1) the financial institution is licensed by a State and is subject to existing regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands; or

''(2) the financial institution is licensed by a State and becomes subject to future regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands.''.

SEC. 618. BIENNIAL REPORTS ON THE STATUS OF AGENCY EMPLOYMENT OF MINORITIES AND WOMEN.

(a) IN GENERAL.—Before December 31, 2005, and the end of each 2-year period beginning after such date, each Federal banking agency shall submit a report to the Congress on the status of the employment by the agency of minority individuals and women.

(b) FACTORS TO BE INCLUDED.—The report shall include a detailed assessment of each of the following:

(1) The extent of hiring of minority individuals and women by the agency as of the time the report is prepared.

(2) The successes achieved and challenges faced by the agency in operating minority and women outreach programs.

(3) Challenges the agency may face in finding qualified minority individual and women applicants.

(4) Such other information, findings, and conclusions, and recommendations for legislative or agency action, as the agency may determine to be appropriate to include in the report.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) FEDERAL BANKING AGENCY.—The term ''Federal banking agency''—

(A) has the same meaning as in section 3(z) of the Federal Deposit Insurance Act; and

(B) includes the National Credit Union Administration.

(2) MINORITY.—The term ''minority'' has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SEC. 619. COORDINATION OF STATE EXAMINATION AUTHORITY.

Section 10(h) of the Federal Deposit Insurance Act (12 U.S.C. 1820(h)) is amended to read as follows:

''(h) COORDINATION OF EXAMINATION AUTHORITY.—

''(1) STATE BANK SUPERVISORS OF HOME AND HOST STATES.—

''(A) HOME STATE OF BANK.—The appropriate State bank supervisor of the home State of an insured State bank has authority to examine and supervise the bank.

''(B) HOST STATE BRANCHES.—The State bank supervisor of the home State of an insured State bank and any State bank supervisor of an appropriate host State shall exercise their respective authority to supervise and examine the branches of the bank in a host State in accordance with the terms of any applicable cooperative agreement between the home State bank supervisor and the State bank supervisor of the relevant host State.

''(C) SUPERVISORY FEES.—Except as expressly provided in a cooperative agreement between the State bank supervisors of the home State and any host State of an insured State bank, only the State bank supervisor of the home State of an insured State bank may levy or charge State supervisory fees on the bank.

''(2) HOST STATE EXAMINATION.—

''(A) IN GENERAL.—With respect to a branch operated in a host State by an out-of-State insured State bank that resulted from an interstate merger transaction approved under section 44 or that was established in such State pursuant to section 5155(g) of the Revised Statutes, the third undesignated paragraph of section 9 of the Federal Reserve Act or section 18(d)(4) of this Act, the appropriate State bank supervisor of such host State may—

''(i) with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of such home State, examine such branch for the purpose of determining compliance with host State laws that are applicable pursuant to section 24(j) of this Act, including those that govern community reinvestment, fair lending, and consumer protection; and

''(ii) if expressly permitted under and subject to the terms of a cooperative agreement with the State bank supervisor of the bank's home State or if such out-of-State insured State bank has been determined to be in a troubled condition by either the State bank supervisor of the bank's home State or the bank's appropriate Federal banking agency, participate in the examination of the bank by the State bank supervisor of the bank's home State to ascertain that the activities of the branch in such host State are not conducted in an unsafe or unsound manner.

''(B) NOTICE OF DETERMINATION.—

''(i) IN GENERAL.—The State bank supervisor of the home State of an insured State bank should notify the State bank supervisor of each host State of the bank if there has been a final determination that the bank is in a troubled condition.

''(ii) TIMING OF NOTICE.—The State bank supervisor of the home State of an insured State bank should provide notice under clause (i) as soon as reasonably possible but in all cases within 15 business days after the State bank supervisor has made such final determination or has received written notification of such final determination.

''(3) HOST STATE ENFORCEMENT.—If the State bank supervisor of a host State determines that a branch of an out-of-State State insured State bank is violating any law of the host State that is applicable to such branch pursuant to section 24(j) of this Act, including a law that governs community reinvestment, fair lending, or consumer protection, the State bank supervisor of the host State or, to the extent authorized by the law of the host State, a host State law enforcement officer may, with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of the bank's home State, undertake such enforcement actions and proceedings as would be permitted under the law of the host State as if the branch were a bank chartered by that host State.

''(4) COOPERATIVE AGREEMENT.—

''(A) IN GENERAL.—The State bank supervisors from 2 or more States may enter into cooperative agreements to facilitate State regulatory supervision of State banks, including cooperative agreements relating to the coordination of examinations and joint participation in examinations. For purposes of this subsection (h), the term 'cooperative agreement' means a written agreement that is signed by the home State bank supervisor and host State bank supervisor to facilitate State regulatory supervision of State banks and includes nationwide or multi-state cooperative agreements and cooperative agreements solely between the home State and host State.

''(B) RULE OF CONSTRUCTION.—Except for State bank supervisors, no provision of this subsection relating to such cooperative agreements shall be construed as limiting in any way the authority of home and host State law enforcement officers, regulatory supervisors, or other officials that have not signed such cooperative agreements to enforce host State laws that are applicable to a branch of an out-of-State insured State bank located in the host State pursuant to section 24(j) of this Act.

''(5) FEDERAL REGULATORY AUTHORITY.—No provision of this subsection shall be construed as limiting in any way the authority of any Federal banking agency.

''(6) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection (h) shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, or administer any tax or method of taxation to any bank, bank holding company, or foreign bank, or any affiliate of any bank, bank holding company, or foreign bank, to the extent such tax or tax method is otherwise permissible by or under the Constitution of the United States or other Federal law.

''(7) DEFINITIONS.—For purpose of this section, the following definition shall apply:

''(A) HOST STATE, HOME STATE, OUT-OF-STATE BANK.—The terms 'host State', 'home State', and 'out-of-State bank' have the same meanings as in section 44(g).

''(B) STATE SUPERVISORY FEES.—The term 'State supervisory fees' means assessments, examination fees, branch fees, license fees, and all other fees that are levied or charged by a State bank supervisor directly upon an insured State bank or upon branches of an insured State bank.

''(C) TROUBLED CONDITION.—Solely for purposes of subparagraph (2)(B) of this subsection (h), an insured State bank has been determined to be in 'troubled condition' if the bank—

''(i) has a composite rating, as determined in its most recent report of examination, of 4 or 5 under the Uniform Financial Institutions Ratings System (UFIRS); or

''(ii) is subject to a proceeding initiated by the Corporation for termination or suspension of deposit insurance; or

''(iii) is subject to a proceeding initiated by the State bank supervisor of the bank's home State to vacate, revoke, or terminate the charter of the bank, or to liquidate the bank, or to appoint a receiver for the bank.

''(D) FINAL DETERMINATION.—For the purposes of paragraph (2)(B), the term 'final determination' means the transmittal of a report of examination to the bank or transmittal of official notice of proceedings to the bank.''.

SEC. 620. NONWAIVER OF PRIVILEGES.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

''(x) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO BANKING AGENCY OR SUPERVISOR.—

''(1) IN GENERAL.—The submission by any person of any information to any Federal banking agency, State bank supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such agency, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such agency, supervisor, or authority.

''(2) RULE OF CONSTRUCTION.—No provision of paragraph (1) may be construed as implying or establishing that—

''(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

''(B) any person would waive any privilege applicable to any information by submitting the information to any Federal banking agency, State bank supervisor, or foreign banking authority, but for this subsection.''.

(b) INSURED CREDIT UNIONS.—Section 205 of the Federal Credit Union Act (12 U.S.C. 1785) is amended by adding at the end the following new subsection:

''(j) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO BANKING AGENCY OR SUPERVISOR.—

''(1) IN GENERAL.—The submission by any person of any information to the Administration, any State credit union supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such Board, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such Board, supervisor, or authority.

''(2) RULE OF CONSTRUCTION.—No provision of paragraph (1) may be construed as implying or establishing that—

''(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

''(B) any person would waive any privilege applicable to any information by submitting the information to the Administration, any State credit union supervisor, or foreign banking authority, but for this subsection.''.

SEC. 621. RIGHT TO FINANCIAL PRIVACY ACT OF 1978 AMENDMENT.

Paragraph (1) of section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401) is amended by inserting ''(including any lender who advances funds on pledges of personal property)'' after ''consumer finance institution''.

SEC. 622. DEPUTY DIRECTOR; SUCCESSION AUTHORITY FOR DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR.—Section 3(c)(5) of the Home Owners' Loan Act (12 U.S.C. 1462a(c)(5)) is amended to read as follows:

''(5) DEPUTY DIRECTOR.—

''(A) IN GENERAL.—The Secretary of the Treasury shall appoint a Deputy Director and may appoint up to 3 additional Deputy Directors.

''(B) FIRST DEPUTY DIRECTOR.—If the Secretary of the Treasury appoints more than 1 Deputy Director of the Office, the Secretary

shall designate one such appointee as the First Deputy Director.

''(C) DUTIES.—Each Deputy Director appointed under this paragraph shall take an oath of office and perform such duties as the Director shall direct.

''(D) COMPENSATION AND BENEFITS.—The Director shall fix the compensation and benefits for each Deputy Director in accordance with this Act.''.

(b) SERVICE OF DEPUTY DIRECTOR AS ACTING DIRECTOR.—Section 3(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1462a(c)(3)) is amended—

(1) by striking ''VACANCY.—A vacancy in the position of Director'' and inserting ''VACANCY.—

''(A) IN GENERAL.—A vacancy in the position of Director''; and

(2) by adding at the end the following new subparagraphs:

''(B) ACTING DIRECTOR.—

''(i) IN GENERAL.—In the event of a vacancy in the position of Director or during the absence or disability of the Director, the Deputy Director shall serve as Acting Director.

''(ii) SUCCESSION IN CASE OF 2 OR MORE DEPUTY DIRECTORS.—If there are 2 or more Deputy Directors serving at the time a vacancy in the position of Director occurs or the absence or disability of the Director commences, the First Deputy Director shall serve as Acting Director under clause (i) followed by such other Deputy Directors under any order of succession the Director may establish.

''(iii) AUTHORITY OF ACTING DIRECTOR.—Any Deputy Director, while serving as Acting Director under this subparagraph, shall be vested with all authority, duties, and privileges of the Director under this Act and any other provision of Federal law.''.

SEC. 623. LIMITATION ON SCOPE OF NEW AGENCY GUIDELINES.

(a) IN GENERAL.—The provisions of the multiagency guidance Numbered 2003–1 issued by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision that relate to minimum credit card payments and negative amortization—

(1) shall only apply to new credit card accounts established by a creditor for a consumer after the date of the enactment of this Act under an open end consumer credit plan; and

(2) shall not apply to any outstanding balance on any credit card account under an open end consumer credit plan as of such date of enactment.

(b) DEFINITIONS.—For purposes of this section, the terms ''credit'', ''credit card'', ''creditor'', ''consumer'' and ''open end credit plan'' have the same meanings as in section 103 of the Truth in Lending Act.

(c) SUNSET PROVISION.—This section shall not apply after the end of the 3-year period beginning on the date of the enactment of this Act .

TITLE VII—"BSA" COMPLIANCE BURDEN REDUCTION

SEC. 701. EXCEPTION FROM CURRENCY TRANSACTION REPORTS FOR SEASONED CUSTOMERS.

(a) FINDINGS.—The Congress finds as follows:

(1) The completion of and filing of currency transaction reports under section 5313 of title 31, United States Code, poses a compliance burden on the financial industry.

(2) Due to the nature of the transactions or the persons and entities conducting such transactions, certain such reports as currently filed do not appear to be relevant to the detection, deterrence, or investigation of financial crimes, including money laundering and the financing of terrorism.

(3) However, the data contained in such reports can provide valuable context for the analysis of other data derived pursuant to subchapter II of chapter 53 of title 31, United States Code, as well as investigative data, which provides invaluable and indispensable information supporting efforts to combat money laundering and other financial crimes.

(4) An exemption from the reporting requirements for certain currency transactions that are of little or no value to ongoing efforts of law enforcement agencies, financial regulatory agencies, and the financial services industry to investigate, detect, or deter financial crimes would serve to balance the burden placed on members of the financial services industry with the compelling need to produce and provide meaningful information to policy-makers, financial regulators, law enforcement, and intelligence agencies.

(5) The Secretary of the Treasury has by regulation, and in accordance with section 5313 of title 31, United States Code, implemented a process by which institutions may seek exemptions from filing certain currency transaction reports based on appropriate circumstances; however, the existing exemption process has not adequately balanced the burden on the financial industry with the Government's need for data to support its efforts in combating financial crime.

(6) The act of providing notice to the Secretary of the Treasury of designations of exemption provides meaningful information to law enforcement officials on exempt customers and enables law enforcement to obtain account information through appropriate legal process; the act of providing notice of designations of exemption complements other sections of title 31, United States Code, whereby law enforcement can locate financial institutions with relevant records relating to a person of investigative interest, such as information requests made pursuant to regulations implementing section 314(a) of the USA PATRIOT Act of 2001.

(7) A designation of exemption has no effect on requirements for depository institutions to apply the full range of anti-money laundering controls as set forth in subchapter II of chapter 53 of title 31, United States Code, including the requirement to apply the customer identification program pursuant to Section 5326 of subchapter II of chapter 53 of title 31, United States Code, and the requirement to identify, monitor, and, if appropriate, report suspicious activity in accordance with section 5318(g) of title 31, United States Code.

(8) The Federal banking agencies and the Financial Crimes Enforcement Network have recently provided guidance through the Federal Financial Institutions Examination Council Bank Secrecy Act/Anti-Money Laundering Examination Manual on applying appropriate levels of due diligence and identifying suspicious activity by the types of cash-intensive businesses that generally will be subject to exemption.

(b) SEASONED CUSTOMER EXEMPTION.—

(1) IN GENERAL.—Section 5313(e) of title 31, United States Code, is amended to read as follows:

''(e) QUALIFIED CUSTOMER EXEMPTION.—

''(1) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations within 270 days of the enactment of the Financial Services Regulatory Relief Act of 2005 that exempt any depository institution from filing a report pursuant to this section in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes) with a qualified customer of the depository institution.

''(2) QUALIFIED CUSTOMER DEFINED.—For purposes of this section, the term 'qualified customer', with respect to a depository institution, has such meaning as the Secretary of the Treasury shall prescribe, which shall include any person that—

''(A) is incorporated or organized under the laws of the United States or any State, including a sole proprietorship, or is registered as and eligible to do business within the United States or a State;

''(B) has maintained a deposit account with the depository institution for at least 12 months; and

''(C) has engaged, using such account, in multiple currency transactions that are subject to the reporting requirements of subsection (a).

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations requiring a depository institution to file a 1-time notice of designation of exemption for each qualified customer of the depository institution.

''(B) FORM AND CONTENT OF EXEMPTION NOTICE.—The Secretary shall by regulation prescribe the form, manner, content, and timing of the qualified customer exemption notice; such notice shall include information sufficient to identify the qualified customer and its accounts.

''(C) AUTHORITY OF SECRETARY.—

''(i) IN GENERAL.—The Secretary may suspend, reject or revoke any qualified customer exemption notice, in accordance with criteria prescribed by the Secretary by regulation.

''(ii) CONDITIONS.—The Secretary may establish conditions, in accordance with criteria prescribed by regulation, under which exempt qualified customers of an insured depository institution that is merged with or acquired by another insured depository institution will continue to be treated as designated exempt qualified customers of the surviving or acquiring institution.''.

(c) 3-YEAR REVIEW AND REPORT.—Before the end of the 3-year period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General, the Secretary of the Department of Homeland Security, the Federal banking agencies, the banking industry, and such other persons as the Secretary deems appropriate, shall evaluate the operations and effect of this provision and make recommendations to Congress as to any legislative action with respect to this provision as the Secretary may determine to be appropriate.

SEC. 702. REDUCTION IN INCONSISTENCIES IN MONETARY TRANSACTION RECORDKEEPING AND REPORTING ENFORCEMENT AND EXAMINATION REQUIREMENTS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that inconsistencies and redundancies among regulations implementing monetary transaction recordkeeping and reporting enforcement programs under section 8 of the Federal Deposit Insurance Act, section 206(q) of the Federal Credit Union Act, and chapter II of chapter 53 of title 31, United States Code by the Secretary of the Treasury and the Federal banking agencies—

(1) increase the difficulty depository institutions have in complying with congressional intent in creating such enforcement programs,

(2) reduce the transparency and clarity of the regulatory regime;

(3) increase the potential for conflict among the various regulations in the future; and

(4) contribute to the perception that various agencies involved in the enforcement of the monetary transaction recordkeeping and reporting requirements apply such requirements inconsistently.

(b) AGENCY COORDINATION OF MONETARY TRANSACTION RECORDKEEPING AND REPORTING REQUIREMENTS.—

(1) ENFORCEMENT PROGRAMS.—

(A) FEDERAL DEPOSIT INSURANCE ACT.—Section 8(s) of the Federal Deposit Insurance Act (12 U.S.C. 1818(s)) is amended by adding at the end the following new paragraph:

''(4) COORDINATION ON UNIFORM REQUIREMENTS.—In prescribing regulations under paragraph (1), the Federal banking agencies, acting through the Financial Institutions Examination Council, shall—

''(A) consult with each other, the National Credit Union Administration Board, and the Secretary of the Treasury; and

''(B) take such action as may be necessary to ensure that the requirements for procedures established pursuant to such regulations, and the examination standards for reviewing such procedures, are congruent and reasonably uniform (taking into account differences in the form and function of the institutions subject to such requirements).''.

(B) FEDERAL CREDIT UNION ACT.—Section 206(q) of the Federal Credit Union Act (12 U.S.C. 1786(q)) is amended by adding at the end the following new paragraph:

''(4) COORDINATION ON UNIFORM REQUIREMENTS.—In prescribing regulations under paragraph (1), the Board, acting through the Financial Institutions Examination Council, shall—

''(A) consult with the Federal banking agencies and the Secretary of the Treasury; and

''(B) take such action as may be necessary to ensure that the requirements for procedures established pursuant to such regulations, and the examination standards for reviewing such procedures, are congruent and reasonably uniform (taking into account differences in the form and function of the institutions subject to such requirements).''.

(2) EXAMINATION STANDARDS AND DISPUTES.—Section 1006 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305) is amended by adding at the end the following new subsection:

''(h) MONETARY TRANSACTION RECORDKEEPING AND REPORTING REQUIREMENTS.—The Council and the Secretary of the Treasury shall jointly establish—

''(1) uniform standards and principles applicable to the examination of financial institutions to ensure compliance with the requirements of subchapter II of chapter 53, United States Code, sections 8(s) and 21 of the Federal Deposit Insurance Act, and section 206(q) of the Federal Credit Union Act; and

''(2) a clear policy statement on appropriate processes for resolving examiner-institution disagreements concerning the application of subchapter II of chapter 53, United States Code, sections 8(s) and 21 of the Federal Deposit Insurance Act, and section 206(q) of the Federal Credit Union Act to financial institutions.''.

(3) EFFECTIVE DATE.—The Federal banking agencies, the National Credit Union Administration Board, the Financial Institutions Examination Council, and the Secretary of the Treasury shall commence the discussions and consultations required under the amendments made by this subsection as soon as practicable after the date of the enactment of this Act.

(c) REVIEW OF AND REPORT ON ADDITIONAL REGULATORY OR LEGISLATIVE CHANGES.—

(1) REVIEW REQUIRED.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall conduct a review of the potential inconsistencies in, or redundancies among, the regulations pertaining to the application of the requirements of subchapter II of chapter 53, United States Code, sections 8(s) and 21 of the Federal Deposit Insurance Act, and section 206(q) of the Federal Credit Union Act to financial institutions.

(2) REPORT TO CONGRESS AND THE FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.—Upon completion of the review under paragraph (1), the Secretary of the Treasury shall promptly submit a report on the findings and conclusions of the Secretary with respect to the review to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, together with such recommendations for legislative and administrative actions as the Secretary may determine to be appropriate, and shall transmit a copy of such report to the members of the Financial Institutions Examination Council.

(d) REFORM OF APPLICATION OF MONETARY TRANSACTION RECORDKEEPING AND REPORTING REQUIREMENTS TO FINANCIAL INSTITUTIONS.—Before the end of the 9-month period beginning on the date of the submission of the report to Congress under subsection (c)(2), the Secretary of the Treasury shall prescribe regulations implementing appropriate changes to regulations within the jurisdiction of the Secretary to remedy redundancies or inconsistencies identified in the review by, and included in the recommendations of, the Secretary under subsection (c).

SEC. 703. ADDITIONAL REFORMS RELATING TO MONETARY TRANSACTION AND RECORDKEEPING REQUIREMENTS APPLICABLE TO FINANCIAL INSTITUTIONS.

(a) NOTIFICATION OF OFFICERS AND DIRECTORS OF FINANCIAL INSTITUTIONS.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) review any regulation, guideline, or guidance of the Secretary, any Federal banking agency, or the National Credit Union Administration Board that serves as the basis for any requirement to provide notice to any officer or director of a depository institution of any suspicious activity report submitted by the depository institution to the Secretary and any such agency or Board;

(2) modify or eliminate any such requirement of the Secretary that the Secretary determines is not necessary to achieve the purposes of section 5318(g) of title 31, United States Code; and

(3) make a recommendation to any Federal banking agency or the National Credit Union Administration Board to modify or eliminate any such requirement of such agency or Board that the Secretary determines is not necessary to achieve the purposes of section 5318(g) of title 31, United States Code.

(b) ELIMINATION OF UNNECESSARY VERIFICATION REQUIREMENTS APPLICABLE TO THE PURCHASE OF FINANCIAL INSTRUMENTS.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) review all verification of customer identity requirements as they relate to the purchases of monetary instruments by customers of depository institutions, including the regulations codified in section 103.29(a)(ii) of title 31, Code of Federal Regulations; and

(2) modify or eliminate any customer identity requirement related to the purchases of monetary instruments by customers of depository institutions codified in section 103.29(a)(ii) of title 31, Code of Federal Regulations, that the Secretary determines is unnecessary.

(c) ELIMINATION OF RECURRING FILINGS OF SUSPICIOUS ACTIVITY REPORTS ON A SINGLE TRANSACTION.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury, as appropriate, shall prescribe regulations, or issue other forms of guidance, that eliminate the need for depository institutions to file recurring suspicious activity reports on the same transaction unless there has been a subsequent change in any pattern of activity involving any person who was connected with the transaction.

(d) ELECTRONIC ACKNOWLEDGEMENT OF CERTAIN ELECTRONIC FILINGS.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Director of the Financial Crimes Enforcement Network shall put into effect a system for promptly furnishing an electronic acknowledgement of receipt to any institution that files a form with FinCEN under subchapter II of chapter 53 of title 31, United States Code, through the Network's electronic filing system.

SEC. 704. STUDY BY COMPTROLLER GENERAL.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on methods and practices which would—

(1) reduce the overall number of currency transaction reports filed with the Secretary of the Treasury under section 5313(a) of title 31, United States Code, while ensuring that the needs of the Secretary, the Financial Crimes Enforcement Network, law enforcement agencies, and financial institution regulatory agencies continue to be met;

(2) improve financial institution utilization of the current exemption provisions; and

(3) mitigate the difficulties in the current implementation of such exemption provisions that limit the utility of the exemption process for financial institutions.

(b) REPORT.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the findings and conclusions of the Comptroller General with respect to the study conducted under subsection (a) and such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate.

SEC. 705. FEASIBILITY STUDY REQUIRED.

(a) IN GENERAL.—For the purpose of simplifying, and increasing compliance with, the various recordkeeping and reporting requirements under subchapter II of chapter 53 of title 31, United States Code, chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act, and regulations prescribed under such provisions of law, the Secretary of the Treasury (hereafter in this section referred to as the ''Secretary'') shall conduct a study on the feasibility of developing and implementing interfaces and templates for use in electronic communications between financial institutions (as defined in section 5312 of title 31, United States Code) and the Secretary, the Financial Crimes Enforcement Network, and other Federal financial institution regulatory agencies.

(b) FACTORS TO BE CONSIDERED.—In conducting the study required under subsection (a), the Secretary shall take into account—

(1) any procedures required to be maintained by financial institutions under regulations prescribed pursuant to section 5318(a)(2) of title 31 of the United States Code and the manner in which the use of interfaces and templates which might be developed could lessen the burden of complying with such procedures; and

(2) any exemptions prescribed by the Secretary under paragraph (5) or (6) of such section 5318(a) and the manner in which interfaces and templates which might be developed could be programmed to reflect any such exemption for a financial institution, transaction, or class of transactions.

(c) PROTOTYPE AND REPORT REQUIRED.—

(1) IN GENERAL.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress containing a detailed description of the findings and conclusions of the Secretary in connection with the study required under subsection (a), together with such recommendations for legislative or administrative action as the Secretary may determine to be appropriate.

(2) PROTOTYPE.—Any recommendation on the feasibility of developing and implementing interfaces and templates for use in electronic communications shall be accompanied by prototypes of such interfaces and templates that demonstrate such feasibility.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INTERFACE.—The term ''interface'' means the point and method of interaction between any 2 or more electronic data storage and communication systems that permits and facilitates active electronic communication between or among the systems, including any procedures, codes, and protocols that enable the systems to interact.

(2) TEMPLATE.—The term ''template'' means a preestablished layout model using word processing or other authoring software that ensures that data entered into it will adhere to a consistent format and content scheme when used by

all parties engaged in electronic communications among each other.

SEC. 706. ANNUAL REPORT BY SECRETARY OF THE TREASURY.

(a) FINDINGS.—The Congress finds as follows:

(1) Financial institutions have too little information about money laundering and terrorist financing compliance in other markets.

(2) The current Financial Action Task Force designation system does not adequately represent the progress countries are making in combatting money laundering.

(3) Lack of information about the compliance of countries with anti-money laundering standards exposes United States financial markets to excessive risk.

(4) Failure to designate countries that fail to make progress in combatting terrorist financing and money laundering eliminates incentives for internal reform.

(5) The Secretary of the Treasury has an affirmative duty to provide to financial institutions and examiners the best possible information on compliance with anti-money laundering and terrorist financing initiatives in other markets.

(b) REPORT.—Not later than March 1 of each year, the Secretary of the Treasury shall submit to the Congress a report that identifies the applicable standards of each country against money laundering and states whether that country is a country of primary money laundering concern under section 5318A of title 31, United States Code. The report shall include—

(1) information on the effectiveness of each country in meeting its standards against money laundering;

(2) a determination of whether that the efforts of that country to combat money laundering and terrorist financing are adequate, improving, or inadequate; and

(3) the efforts made by the Secretary to provide to the government of each such country of concern technical assistance to cease the activities that were the basis for the determination that the country was of primary money laundering concern.

(c) DISSEMINATION OF INFORMATION IN REPORT.—The Secretary of the Treasury shall make available to the Federal Financial Institutions Examination Council for incorporation into the examination process, in consultation with Federal banking agencies, and to financial institutions the information contained in the report submitted under subsection (a). Such information shall be made available to financial institutions without cost.

(d) DEFINITION.—For purposes of this section, the term ''financial institution'' has the meaning given that term in section 5312(a)(2) of title 31, United States Code.

SEC. 707. PRESERVATION OF MONEY SERVICES BUSINESSES.

(a) FINDINGS.—The Congress finds as follows:

(1) Title III of the USA PATRIOT ACT provided United States law enforcement agencies with new tools to combat terrorist financing and money laundering.

(2) The Financial Crimes Enforcement Network in the Department of the Treasury (hereafter in this section referred to as ''FinCEN'') has defined money services businesses to include the following 5 distinct types of financial services providers as well as the United States Postal Service:

(A) Currency dealers or exchanges.

(B) Check cashing services.

(C) Issuers of travelers' checks, money orders, or stored value cards.

(D) Sellers or redeemers of travelers' checks, money orders, or stored value cards.

(E) Money transmitters.

(3) Money services businesses have had more difficulty in obtaining and maintaining banking services since the passage of the USA PATRIOT ACT.

(4) On March 30, 2005, FinCEN and the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) issued a joint statement recognizing the importance of ensuring that money services businesses that comply with the law have reasonable access to banking services.

(5) On April 26, 2005, FinCEN offered guidance to money service businesses on obtaining and maintaining banking services by identifying and explaining to money services businesses the types of information and documentation they are expected to have, and to provide to, depository institutions when conducting banking business.

(6) At the same time, FinCEN and the Federal banking agencies have issued joint guidance to depository institutions to—

(A) clarify the requirements of subchapter II of chapter 53 of title 31, United States Code, and related provisions of law; and

(B) set forth the minimum steps that depository institutions should take when providing banking services to money services businesses.

(7) It is in the interest of the United States and its allies in the wars against terrorism and drugs to make certain that the international transfer of funds is done in a rules-based, formal, and transparent manner and that individuals are not forced into utilizing informal underground methods due to a lack of services.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that depository institutions and money services businesses should follow the guidance offered by FinCEN for the purpose of giving money services businesses full access to banking services and ensuring that money services businesses remain in the mainstream financial system and can be full players in providing important financial services to their customers and be fully cooperative in the fight against terrorist financing and money laundering.

TITLE VIII—CLERICAL AND TECHNICAL AMENDMENTS

SEC. 801. CLERICAL AMENDMENTS TO THE HOME OWNERS' LOAN ACT.

(a) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in section 1 of the Home Owners' Loan Act (12 U.S.C. 1461) is amended by striking the items relating to sections 5 and 6 and inserting the following new items:

''Sec. 5. Savings associations.

''Sec. 6. [Repealed.].''.

(b) CLERICAL AMENDMENTS TO HEADINGS.—

(1) The heading for section 4(a) of the Home Owners' Loan Act (12 U.S.C. 1463(a)) is amended by striking ''(a) FEDERAL SAVINGS ASSOCIATIONS.—'' and inserting ''(a) GENERAL RESPONSIBILITIES OF THE DIRECTOR.—''.

(2) The section heading for section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended to read as follows:

''SEC. 5. SAVINGS ASSOCIATIONS.''.

SEC. 802. TECHNICAL CORRECTIONS TO THE FEDERAL CREDIT UNION ACT.

The Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended as follows:

(1) In section 101(3), strike ''and'' after the semicolon.

(2) In section 101(5), strike the terms ''account account'' and ''account accounts'' each place any such term appears and insert ''account''.

(3) In section 107(a)(5)(E) (as so designated by section 303 of this Act), strike the period at the end and insert a semicolon.

(4) In paragraphs (6) and (7) of section 107(a) (as so designated by section 303 of this Act), strike the period at the end and insert a semicolon.

(5) In section 107(a)(7)(D) (as so designated by section 303 of this Act), strike ''the Federal Savings and Loan Insurance Corporation or''.

(6) In section 107(a)(7)(E) (as so designated by section 303 of this Act), strike ''the Federal Home Loan Bank Board,'' and insert ''the Federal Housing Finance Board,''.

(7) In section 107(a)(9) (as so designated by section 303 of this Act), strike ''subchapter III'' and insert ''title III''.

(8) In section 107(a)(13) (as so designated by section 303 of this Act), strike the ''and'' after the semicolon at the end.

(9) In section 109(c)(2)(A)(i), strike ''(12 U.S.C. 4703(16))''.

(10) In section 120(h), strike ''the Act approved July 30, 1947 (6 U.S.C., secs. 6–13),'' and insert ''chapter 93 of title 31, United States Code,''.

(11) In section 201(b)(5), strike ''section 116 of''.

(12) In section 202(h)(3), strike ''section 207(c)(1)'' and insert ''section 207(k)(1)''.

(13) In section 204(b), strike ''such others powers'' and insert ''such other powers''.

(14) In section 206(e)(3)(D), strike ''and'' after the semicolon at the end.

(15) In section 206(f)(1), strike ''subsection (e)(3)(B)'' and insert ''subsection (e)(3)''.

(16) In section 206(g)(7)(D), strike ''and subsection (1)''.

(17) In section 206(t)(2)(B), insert ''regulations'' after ''as defined in''.

(18) In section 206(t)(2)(C), strike ''material affect'' and insert ''material effect''.

(19) In section 206(t)(4)(A)(ii)(II), strike ''or'' after the semicolon at the end.

(20) In section 206A(a)(2)(A), strike ''regulator agency'' and insert ''regulatory agency''.

(21) In section 207(c)(5)(B)(i)(I), insert ''and'' after the semicolon at the end.

(22) In the heading for subparagraph (A) of section 207(d)(3), strike ''TO'' and insert ''WITH''.

(23) In section 207(f)(3)(A), strike ''category or claimants'' and insert ''category of claimants''.

(24) In section 209(a)(8), strike the period at the end and insert a semicolon.

(25) In section 216(n), insert ''any action'' before ''that is required''.

(26) In section 304(b)(3), strike ''the affairs or such credit union'' and insert ''the affairs of such credit union''.

(27) In section 310, strike ''section 102(e)'' and insert ''section 102(d)''.

SEC. 803. OTHER TECHNICAL CORRECTIONS.

(a) Section 1306 of title 18, United States Code, is amended by striking ''5136A'' and inserting ''5136B''.

(b) Section 5239 of the Revised Statutes of the United States (12 U.S.C. 93) is amended by redesignating the second of the 2 subsections designated as subsection (d) (as added by section 331(b)(3) of the Riegle Community Development and Regulatory Improvement Act of 1994) as subsection (e).

SEC. 804. REPEAL OF OBSOLETE PROVISIONS OF THE BANK HOLDING COMPANY ACT OF 1956.

(a) IN GENERAL.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended—

(1) in subsection (c)(2), by striking subparagraphs (I) and (J); and

(2) by striking subsection (m) and inserting the following new subsection:

''(m) [Repealed]''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 4(h) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(h)) are each amended by striking ''(G), (H), (I), or (J) of section 2(c)(2)'' and inserting ''(G), or (H) of section 2(c)(2)''.

TITLE IX—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

SEC. 901. EXCEPTION FOR CERTAIN BAD CHECK ENFORCEMENT PROGRAMS.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating section 818 as section 819; and

(2) by inserting after section 817 the following new section:

''§ 818. Exception for certain bad check enforcement programs operated by private entities

''(a) IN GENERAL.—If—

''(1) a State or district attorney establishes, within the jurisdiction of such State or district attorney and with respect to alleged bad check violations that do not involve a check described in subsection (c), a pretrial diversion program for alleged bad check offenders who agree to participate voluntarily in such program to avoid criminal prosecution and are not described in subsection (b);

''(2) a private entity, that is subject to an administrative support services contract with a State or district attorney and operates under the direction, supervision and control of such State or district attorney, operates the pretrial diversion program described in paragraph (1); and

''(3) in the course of performing duties delegated to it by a State or district attorney under the contract, the private entity referred to in paragraph (2)—

''(A) complies with the penal laws of the State;

''(B) conforms with the terms of the contract and directives of the State or district attorney;

''(C) does not exercise independent prosecutorial discretion;

''(D) contacts any alleged offender referred to in paragraph (1) for purposes of participating in a program referred to in such paragraph only—

''(i) as a result of any determination by the State or district attorney that sufficient evidence of a bad check violation under State law exists and that contact with the alleged offender for purposes of participation in the program is appropriate; or

''(ii) as otherwise permitted in response to evidence of a bad check;

''(E) includes as part of an initial written communication with an alleged offender a clear and conspicuous statement that—

''(i) the alleged offender may dispute the validity of any alleged bad check violation through a procedure established and supervised by the State or district attorney, together with an explanation of how such a dispute may be initiated; and

''(ii) where the alleged offender knows, or has reasonable cause to believe, that the alleged bad check violation is the result of theft or forgery of the check, identity theft, or other fraud that is not the result of the alleged offender's conduct, the alleged offender may file a crime report with the appropriate law enforcement agency and have further contacts or restitution efforts suspended until the question of the theft or forgery of the check, identity theft, or other fraud has been resolved, together with clear instructions on how to file such crime report; and

''(F) charges only fees in connection with services under the contract that—

''(i) have been authorized by the contract with the State or district attorney; and

''(ii) conform with the schedule of reasonable charges for such services which shall be established by the National District Attorney's Association, after consultation with the Commission and representatives of interested business and consumer organizations,

the private entity shall be treated as an officer of the State and excluded from the definition of debt collector, pursuant to the exception provided in section 803(6)(C), with respect to the entity's operation of the program described in paragraph (1) under the contract described in paragraph (2).

''(b) CERTAIN OFFENDERS EXCLUDED.—An alleged bad check offender is described in this subsection if a private entity described in subsection (a)(2) can determine from available records that such offender—

''(1) was convicted of a bad check offense in the 3 years prior to issuing the bad check under consideration; or

''(2) participated in a pretrial diversion program in the 18 months prior to issuing the bad check under consideration.

''(c) CERTAIN CHECKS EXCLUDED.—A check is described in this subsection if the check involves, or is subsequently found to involve—

''(1) a postdated check presented in connection with a payday loan, or other similar transaction, where the holder of the check knew that the issuer had insufficient funds at the time the check was made, drawn or delivered;

''(2) a stop payment order where the issuer acted in good faith and with reasonable cause in stopping payment on the check;

''(3) a check dishonored because of an adjustment to the issuer's account by the financial institution holding such account without providing notice to the person at the time the check was made, drawn or delivered;

''(4) a check for partial payment of a debt where the holder had previously accepted partial payment for such debt;

''(5) a check issued by a person who was not competent, or was not of legal age, to enter into a legal contractual obligation at the time the check was made, drawn or delivered; or

''(6) a check issued to pay an obligation arising from a transaction that was illegal in the jurisdiction of the State or district attorney at the time the check was made, drawn or delivered.

''(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) STATE OR DISTRICT ATTORNEY.—The term 'State or district attorney' means the chief elected or appointed prosecuting attorney in a district, county (as defined in section 2 of title 1, United States Code), municipality, or comparable jurisdiction, including State attorneys general who act as chief elected or appointed prosecuting attorneys in a district, county (as so defined), municipality or comparable jurisdiction, who may be referred to by a variety of titles such as district attorneys, prosecuting attorneys, commonwealth's attorneys, solicitors, county attorneys, and state's attorneys, and who are responsible for the prosecution of State crimes and violations of jurisdiction-specific local ordinances.

''(2) CHECK.—The term 'check' has the same meaning as in section 3(6) of the Check Clearing for the 21st Century Act.

''(3) BAD CHECK.—The term 'bad check' means any check that—

''(A) the issuer knew, or should have known, would not be paid upon presentment because the issuer—

''(i) had no account with the drawee financial institution at the time the check was made, drawn, or delivered;

''(ii) had closed the account upon with the check was made or drawn prior to the time the check was made, drawn, or delivered; or

''(iii) used a false or altered check, or false or altered check account number; or

''(B) was refused payment by the financial institution or other drawee for lack of sufficient funds and the issuer failed to pay the full amount of the check, together with reasonable costs as permitted by State law—

''(i) after receiving written notice from the holder of the check that payment was refused by the drawee financial institution to the extent that the timing and mode of delivery of such written notice is in compliance with the applicable State law for determining criminal liability for bad check offenses; or

''(ii) in a case in which there are no applicable State law requirements as described in clause (i), within 30 days of receiving written notice, mailed to the issuer by certified mail to the address printed on the check, or given at the time the check was made, drawn or delivered or, otherwise, at the address where the alleged offender resides or is found, from the holder of the check that payment of 1 or more checks was refused by the drawee financial institution.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

''818. Exception for certain bad check enforcement programs operated by private entities.''.

SEC. 902. OTHER AMENDMENTS.

(a) LEGAL PLEADINGS.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692g) is amended by adding at the end the following new subsection:

''(d) LEGAL PLEADINGS.—A communication in the form of a formal pleading in a civil action shall not be treated as an initial communication for purposes of subsection (a).''.

(b) NOTICE PROVISIONS.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692g) is amended by adding after subsection (d) (as added by subsection (a) of this section) the following new subsection:

''(e) NOTICE PROVISIONS.—The sending or delivery of any form or notice which does not request the payment of a debt and is expressly required by any other Federal or State law or regulation, including the Internal Revenue Code of 1986, title V of Gramm-Leach-Bliley Act, and any data security breach notice and privacy law shall not be treated as a communication in connection with debt collection. ''.

(c) ESTABLISHMENT OF RIGHT TO COLLECT WITHIN THE FIRST 30 DAYS.—Section 809(b) of the Fair Debt Collection Practices Act (15 U.S.C. 1692g(b)) is amended by striking ''If the consumer'' and inserting ''Collection activities and communications may continue during any 30-day period referred to in subsection (a). However, if the consumer''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY), and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

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

Today the House will consider H.R. 3505, the Financial Services Regulatory Relief Act of 2005. H.R. 3505 is intended to alter or eliminate statutory banking provisions to lessen the growing regulatory burden on insured depository institutions as well as make technical corrections to current law.

The bill contains a broad range of constructive provisions that, taken as a whole, will allow banks, thrifts, and credit unions to devote more resources to the business of providing financial services and less to compliance with outdated and unneeded regulations.

While effective regulation of the financial services industry is central to the preservation of public trust, this legislation will benefit consumers and the economy by lowering costs and improving productivity. I want to congratulate Mr. HENSARLING, the lead author of the legislation, along with Mr. MOORE, who both introduced H.R. 3505 last July.

The bill included virtually all of H.R. 1375, which passed the House in 2004 by a vote of 392–25, plus a new title addressing Bank Secrecy Act issues and over 20 other new sections. Mrs. CAPITO also deserves recognition for her longstanding support of regulatory relief legislation. Indeed, it was her legislation that passed in 2004.

Following H.R. 3505's introduction, Chairman BACHUS held 2 days of legislative hearings by the Financial Institution Subcommittee, with witnesses

from both Federal and State regulatory authorities, the banking thrift and credit union industries, and the Financial Crimes Enforcement Network. Last November, the Committee on Financial Services approved H.R. 3505 by a vote of 67–0. The bill was sequentially referred to the Committee on the Judiciary, which approved it last month by a voice vote.

Mr. Speaker, the financial services industry is laboring under an enormous regulatory burden. While many of the regulations are necessary to protect consumers and meet other worthy public policy objectives, a number are clearly burdensome. For this reason, shortly after I assumed the chairmanship of the committee, I asked the financial regulators and industry trade groups to give us their best advice on how we could ease regulatory requirements faced by insured depositories. The goal was to free depository institutions from unduly burdensome regulations so they can better serve their customers and communities.

It was clear then, as it is today, that there also needs to be a counterbalance to the significant compliance responsibilities placed on depository institutions by the USA PATRIOT Act as well as other government efforts to counterterrorist financing. Excessive regulation affects all sectors of the financial services industry and presents the greatest burden for smaller institutions. For small banks to continue to serve their historic role as a financial lifeline for local communities, they must be free to operate in a regulatory environment that does not constrain them with arduous requirements.

H.R. 3505, for instance, includes the following provisions: national banks could more easily operate as subchapter S corporations to avoid double tax on a bank's earnings, as well as choose among different forms of business organizations. Thrift institutions are given some of the same investment, lending and business organization flexibility available to banks. Credit unions would have wider options for investments, lending, mergers and conversions. Regulators are given more latitude in scheduling exams, sharing data, retaining records, and streamlining reports of condition. And clerical and technical amendments are made to several banking statutes.

The bill's title VII, Bank Secrecy Act Compliance Burden Reduction, addresses financial institutions' concerns that some of the work they are being asked to do in the fight against financial crimes is unnecessary or duplicative.

I would like to thank former FinCEN Director Fox, Mr. HENSARLING, and Chairman BACHUS, as well as Mr. FRANK and Mr. GUTIERREZ, for their efforts in creating this title which balances law enforcement's needs with the industry's very real concerns about excessive burdens.

The first section of title VII focuses on reducing the number of currency transaction reports, or CTRs, that must be filed by institutions on transactions involving large sums of cash, reports that can be extraordinarily useful to law enforcement but which often are filed on obviously unremarkable transactions, such as a deposit by a large discount store. It streamlines the process for exempting institutions from reporting such transactions. Other sections of title VII seek to eliminate inconsistencies or duplicative requirements in conjunction with the filing of suspicious activity reports, or SARS.

Mr. Speaker, the financial services industry spends a great deal of money every year complying with outdated and ineffective regulations. That is money that could instead be lent for new homes, new cars, and new projects, fueling job growth in local communities. The sooner we enact this legislation, the sooner we will provide needed relief to depository institutions and increase financial opportunities for both consumers and businesses. So I urge Members to support passage of H.R. 3505.

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

Mr. MOORE of Kansas. Mr. Speaker, I would like to thank Chairman OXLEY and Ranking Member FRANK for supporting H.R. 3505 and ensuring its consideration on the House floor today. I would also like to thank Congressman HENSARLING for working with me to introduce the Financial Services Regulatory Relief Act. The Financial Services Committee has a strong record of bipartisanship, and I am glad that has extended to this bill. Regulatory relief should not be about Republicans or Democrats; it should be about doing the right thing for the lenders in our communities who play such an important part in expanding home ownership and creating opportunities for businesses and for consumers.

Our committee passed this legislation November by a vote of 67–0, and with this being the last year of his chairmanship, I wish to thank particularly Chairman MIKE OXLEY for working across party lines and forging the kind of consensus that led to a unanimous vote in our committee. This is really the model for how Congress should operate and demonstrates that bipartisan efforts on behalf of our constituents can yield positive results. During the 108th Congress, the House passed a very similar reg-relief bill by a vote of 392–25. I hope the House will pass this bill by a similarly wide margin.

Mr. Speaker, small lenders in our communities particularly feel the burden of duplicative and unnecessary regulations. Whenever Congress or the regulatory agencies impose a new burden on industry, small institutions must devote a large percentage of their staffs' time to review the new law or regulation to determine if it can and how it will affect them. Compliance with new laws and regulations, while necessary, nearly always takes a large amount of time that businesses can't devote to serving their customers and our constituents.

Strong regulation of our country's financial system is absolutely essential, but Congress and the financial regulators have a responsibility to strike the right balance in this area, and I believe H.R. 3505 is an important step in the right direction. Since coming to Congress, I have heard from many depository institutions in my district and throughout Kansas. I have tried to address in H.R. 3505 some of the concerns that I have heard about.

According to the Office of the State Bank Commissioner in Kansas, assets for four State-chartered banks, thrifts and mortgage lenders have reached an all-time high of approximately $29 billion. As these businesses have prospered, so too have they faced increasing requirements to comply with both old and new regulatory burdens, including some created by the Bank Secrecy Act.

H.R. 3505, Mr. Speaker, seeks to provide relief from some of these new burdens to our financial institutions in a way that preserves our ability to effectively track terrorist financing and build upon our successes in freezing the funds of terrorists. Representative HENSARLING and I, together with the bill's 39 bipartisan cosponsors and 67 supporters on the Financial Services Committee, agree that waging a strong war on terror and providing some reg relief to our financial institutions are not incompatible goals.

Additionally, Mr. Speaker, H.R. 3505 provides two new sections of reg relief for our credit unions that were not included in the previous version of this measure, H.R. 1375.

Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this bill. I also congratulate the leadership on both sides of the aisle, and I rise in strong support of H.R. 3505. The Financial Services Committee passed it out in October. This bill has a number of provisions that I strongly support and which I have worked in a bipartisan way to get into this legislation.

As a representative from New York City, the financial center of the United States, I am concerned about the burdens that regulation and reporting requirements impose on our financial institutions, particularly those that are not mega-institutions but are midsized and smaller. I know that the vast majority of my colleagues on both sides of the aisle share this concern, and we have worked together to address it in this legislation.

Last year, we passed regulatory relief by an overwhelming majority in the House but it failed in the Senate. I voted for that bill, although I thought it could use some improvement, and this bill is improved by the addition of

several provisions dealing with issues that are of special concern to me, such as the extraordinary burden of compliance under which our financial institutions are required to operate.

Wherever I go in my district, smaller institutions tell me how hard and costly it is to comply with the new requirements of the Bank Secrecy Act, to file currency transaction reports, and to comply with the new requirements of the PATRIOT Act Know Your Customer requirements. They say these requirements in many cases are redundant and are excessively burdensome. The burdens are particularly heavy for smaller institutions.

I worked with Representative RENZI to develop the language in this bill that eliminates unnecessary currency transaction reports so that banks can focus on suspicious activity reports, or SARS, which are a much more useful tool, according to law enforcement, to track money laundering and terrorist financing.

This measure was proposed by the Treasury Department and law enforcement. We heard from FinCEN, the lead agency on money laundering, that the masses of useless CTRs being filed impeded law enforcement and were often not even looked at. And the General Accounting Office, the independent body that reviews government activities, confirmed that in a report last year also supporting streamlining the process. The banking regulators also expressed strong support for this proposal. OCC and OTS both agreed with FinCEN that the CTR filing process had become counterproductive in terms of national security.

This bill also includes other provisions relieving the unnecessary burden on community banks, including increased commercial and small business lending authority for Federal savings associations, regulation of thrift trust activities in a manner comparable to bank trust activities, and an exemption from annual privacy notice requirements for financial institutions that do not share customer information.

This bill also contains regulatory relief for credit unions, taken from the Credit Union Regulatory Improvement Act, which I have cosponsored for several Congresses.

Mr. Speaker, I urge my colleagues to support this bill. I look forward to the passage in this House and hopefully in the other body also.

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

Mr. OXLEY. Mr. Speaker, I now yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), the chairwoman of the Oversight Subcommittee.

Mrs. KELLY. Mr. Speaker, I rise today in strong support of H.R. 3505. This bill contains many important items that will benefit banks, credit unions, and, most importantly, the consumers in our country, making it easier and cheaper to receive financial services.

□ 1315

The bill also enhances our national security. Section 706 of the bill, authored by myself and Mrs. MALONEY of New York, will establish a certification regime for foreign countries that clearly identifies to taxpayers and financial institutions which countries are not enforcing laws against money laundering and terrorist financing. This certification regime will compel foreign nations to better enforce their laws and seek technical assistance from the United States.

Our government has a duty to inform its citizens of risks in doing business with countries that are not doing enough to protect their financial institutions from money laundering and terror finance, Dubai and the UAE, for instance. This bill gives our government a cost-free, simple means to do it. I urge the House to join with me in passing this bill.

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

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions.

Mr. BACHUS. Mr. Speaker, let me say under Chairman OXLEY's leadership, this committee has been committed for almost 6 years with freeing depository institutions of unduly and unnecessary burdensome regulations.

When we started this quest, the burden on those institutions was estimated at $25 billion a year. It is now $36 billion a year, and that is despite the fact that we have passed two or three pieces of legislation that have done away with some of these regulations.

Last year the House passed overwhelmingly similar legislation to this legislation; it unfortunately died in the other body. The legislation before us has a potential to save somewhere between $15 and $20 billion, and that is not to depository institutions; that is actually money that will be available to loan to Americans to finance home purchases, cars, property, or it will be available to pay greater yields on their deposits. So this is a very good bill for America. It will strengthen not only our financial institutions, but our economy.

I would like to commend the following people: Mrs. MALONEY and Mr. RENZI. Mrs. MALONEY has already spoken about the importance of the seasoned investor exemption where people who deal with banks on a daily and weekly basis depositing money, where those banks will not have to file unnecessary paperwork.

It will aid Bill Fox at FinCEN, who is in charge of preventing money laundering and says that this provision will make it easier for law enforcement, for the FBI and other agencies to track money laundering and eliminate costly filings.

I would like to commend Mr. RYUN for some very strong provisions helping our community and independent banks; and Mr. KANJORSKI and Mr. ROYCE.

Finally, I would say to Mr. HENSARLING and Mr. MOORE, you have done a fine job on this bill, and I commend you and commend this product.

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

Mr. OXLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), the author of this legislation.

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

Mr. HENSARLING. Mr. Speaker, first, I want to thank Chairman OXLEY for his great commitment to this legislation and his critical leadership in tackling this important topic lo these many years. And I also want to thank Chairman BACHUS for his outstanding leadership on the subcommittee level. And finally, I want to thank the ranking member (Mr. FRANK of Massaschusetts) and the gentleman from Kansas (Mr. MOORE) for their bipartisan efforts in ensuring that we help reduce the regulatory burden on our Nation's financial institutions.

With thoughtful regulatory relief, Congress can free up more capital for small businesses and families. Excessive, redundant, costly regulations can make credit more expensive and less accessible. These regulations can keep Americans from obtaining their first mortgage, buying their first car, financing a child's education, or starting a small business that creates needed new jobs.

Mr. Speaker, we know that the Federal regulatory burden falls particularly disproportionately on our smaller banks and credit unions. For example, the total number of small community banks has declined by almost a third in just one decade. Now, I am sure there are a number of reasons for all of these consolidations and mergers that have taken place, but from speaking to folks in my home State of Texas, certainly the burden and cost of Federal regulation rank among the top reasons, and certainly one of the top challenges to their continued profitability and their continued viability.

Furthermore, since 1989, bank regulators have promulgated over 850 new regulations. That is about 50 new regulations a year. Can we really expect our small, community-based financial institutions to keep up with this pace? I do not believe we can, and I do not believe we should.

This is worrisome because I believe it is these small, independent financial institutions that continue to be the economic lifeblood of many of our rural communities and a number of our inner-city neighborhoods. Let me offer one example from my home congressional district, First State Bank of Athens, Texas. This bank makes 50 to 75 charitable contributions each year to community groups in Henderson County, Texas, the American Heart Association, Meals on Wheels, Disabled

American Veterans, and the East Texas Arboretum, to name a few. This bank has funded a local employer, Texas Ragtime, that has 90 employees, not to mention the jobs that they helped create at Nelson's Henderson County Door and Futurematrix Medical Devices. Last year they made 503 small business loans and an additional 314 small agricultural loans.

Yet we need to know that with burdensome regulatory compliance, every dollar they spend on regulatory compliance is a dollar they cannot spend on Meals on Wheels or to create new jobs at Ragtime. The same is true for every other small financial institution across our Nation. We in Congress can never lose sight of this fact.

This same bank in Athens, Texas, like thousands across the Nation, spends close to half a million dollars a year combined each year on BSA compliance, Reg B, Reg E, Reg D, CRA, HMDA, HOEPA, Reg O, Reg X, and Reg Z, just to name a few.

If Congress cannot determine a compelling reason for any existing regulation in a modern marketplace, I believe we have a duty to modify or eliminate that regulation.

Now, I am particularly pleased about the relief this bill offers for currency transaction reports. Unfortunately, the environment we are in today has led many banks to file their CTRs, cash transaction reports, and their suspicious activity reports in a highly defensive manner. Under this legislation I believe the majority of the 13 million-plus CTRs filed annually would stop, saving many, many hours and many, many thousands of dollars in savings in filling out these forms. This would also, perhaps more importantly, allow our law enforcement officials to better direct resources and help properly evaluate the suspicious activity reports, and thus better fight crime and terrorist financing.

Mr. Speaker, finally, this bill has received rare unanimous support when it was reported out of the Committee on Financial Services. It represents the hard work of Members on both sides of the aisle. I do believe that this bill will provide substantive regulatory relief for our financial institutions, and that will put more money, more capital, in the hands of those on the front lines of community lending and help American families realize their dreams.

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

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

Mr. GILLMOR. Mr. Speaker, I thank my distinguished chairman for yielding me this time, and I want to thank Chairman OXLEY and Chairman BACHUS, as well as Mr. HENSARLING and Mr. FRANK, for their diligence on this critical piece of legislation.

There is little doubt that our regulatory structure has contributed to the United States becoming the model for the world when it comes to financial services. But without the constant attention to the burdens of outdated rules and regulations, our markets can be dragged down by unnecessary costs.

I am pleased to see that the bill incorporates my compromise with Ranking Member FRANK regarding so-called industrial loan companies. It remains my belief that these institutions need to be reined in, and that the historic wall separating banking from commerce has to remain strong. There is no reason to treat one type of financial institution, an ILC, in a more favorable way than we treat other financial institutions.

So I think if this bill reaches the President's desk, which I hope it will, we have helped ensure that our depository institutions remain the most efficient in the world.

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

I want to thank Mr. HENSARLING, who was not here when I thanked Members, and I thank the gentleman for the opportunity to work with him.

I also would like to thank the subcommittee chairman, Mr. BACHUS, and thank the chairman of the full committee, Chairman OXLEY.

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

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

Mr. Speaker, I again reiterate my thanks to the members of the committee for a strong bipartisan vote and a very good effort. We are encouraged now on the other side of the Capitol that they have had their hearing, and Senator CRAPO and others are working towards the same goal as the House is, and we expect that bill to pass today.

I particularly thank the gentleman from Ohio (Mr. GILLMOR) for crafting a very key compromise amendment with the ranking member, the gentleman from Massachusetts (Mr. FRANK), dealing with the ILCs, one of the tougher issues that the committee has had to deal with over some time, and yet that compromise has stood the test of time, and I congratulate particularly Mr. GILLMOR and Mr. FRANK for their diligence on that.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3505, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the legislation just passed.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions contained in section 403 of the Senate amendment (relating to special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals) and section 413 of the Senate amendment (relating to plan benefits guaranteed when regulations prescribed by the Federal Aviation Administration require an individual to separate from service after attaining any age before 65);

(2) to insist on the provisions contained in section 907 of the bill as passed the House (relating to direct payment of tax refunds to individual retirement plans);

(3) to insist on the provisions contained in section 902 of the bill as passed the House (relating to making the saver's credit permanent); and

(4) to insist on a conference report that imposes the smallest additional funding requirements (permitted within the scope of conference) on companies that sponsor pension plans if there is no reasonable likelihood the termination of the plan would impose additional liabilities to the Pension Benefit Guaranty Corporation or there is no reasonable likelihood the plan sponsor would terminate the plan in bankruptcy.

□ 1330

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

Mr. MCKEON. Mr. Speaker, I reserve all points of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The Chair recognizes the gentleman from California.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, Members of the House, we offer this motion to instruct, because today, all across America, employees are worried sick about their retirement nest egg. They have seen big airlines like USAir and United cut and run on their obligations to pay the promised pension benefits and are wondering if they are next. They have seen major companies like Verizon, IBM, Motorola, Northwest, Delta, Sears Roebuck Company, Alcoa, Hewlett Packard, Lockheed Martin freeze their plans. We just read that General Motors will close its defined benefit plan to new management hires and give them a 401(k) instead. These are devastating developments that need urgent action by this Congress.

Unfortunately, this House bill makes none of these provisions better. In fact, it may make some of them worse. This motion addresses two urgent issues. First, it provides needed help to the airline pension plans hurt by 9/11 and skyrocketing fuel prices from terminating. It would be devastating to hundreds of thousands of workers across this Nation if more airlines were permitted to dump their plans into the PBGC. When this happens, the big losers are the employees.

Look at the pilots of United, for example. They had a vested pension benefit cut in half. The average pilot lost $1,270. Here is what you see what happens when an airline or any employer is allowed to simply dump the plan into the Pension Benefit Guaranty Corporation, the government body that is set up to protect pensions. You see here that the pilots, 14,000 pilots, and 6,000 of them were retirees who lost 50 percent of their benefits, they lost $1,370 a month for the rest of their lives, for the rest of their lives. Management, employees and ticket sellers and others; 42,000 of them, 12,000 retirees lost $221 for the rest of their lives as did the machinists and the ground crews, who lost $493. That is because the company made essentially a unilateral decision simply to dump this plan without justification into the PBGC.

There are other actions that could be taken. The reason that we are here today is because a number of airlines have said, let us see if we can work with our employees if we can stretch out these plans, if we can keep from terminating them. We can work through these difficult times for the airline industry, that there may be a way to do this and get away from the tragedy that happened to these retirees and to their families.

Let us just be very clear about this. These are not 401(k) investments that went wrong in a bad market, these pension plans that were dumped into the PBGC. They were rock solid pension benefits that were stripped away from these employees and retirees for the convenience of United executives and shareholders.

While these employees, the pilots, flight attendants, machinists and others, were losing millions of promised benefits, the majority party in this Congress didn't fight for them, didn't lift a finger for them, didn't even offer a fair hearing to the people who were going to be most impacted by the decisions by people like United. This is a national disgrace.

This motion accepts the Senate provision that gives these airlines the ability to keep their plans going while stretching out payments. Freezing plans is a lot better than terminating. Go ask the ticket agents, the pilots and the mechanics at United whether they would have rather had their pension plan frozen while the airline worked through its difficulty, or whether they would have it terminated.

The motion would also support the Senate provision to provide full Pension Guaranty Corporation retirement protection up to the maximum guaranteed amount, about $47,000, by the Federal Government, for those pilots who are required by the Federal Government to retire at age 60. This was a double hit to these pilots. The Federal law said they had to retire at age 60, and then the Pension Benefit Guaranty Corporation told them, because you had early retirement at age 60, you are going to lose even more of your pension every year. We should protect those pilots. They had no way to protect themselves.

This motion also makes it clear that the bill's onerous funding requirements do not apply to companies that pose no risk of termination or liability to the Pension Benefit Guaranty Corporation. Forcing healthy plans out of the system does not make our pension system more secure, it makes it less secure. The House bill as written will give a financial hit to company pension plans that do not face the risk of termination and don't threaten the solvency of the Pension Benefit Guaranty Corporation.

Finally, this motion supports the commonsense provision that will encourage savings through the savings credit to allow people to deposit a portion of their tax refunds into savings accounts. Let us keep these airline plans going so hundreds of thousands of employees at Delta, Continental, Northwest Airlines are not put in the same position as the employees of United, and I urge the Members to support this motion to instruct.

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

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

Mr. Speaker, let us be clear this motion to construct is nothing less than an attempt to undermine bipartisan efforts on the pension reform. The Democrat motion to instruct is hypocrisy at the highest level. They want these plans to be well funded, as we all do, yet want to mask the health of pension plans and make them look better funded than they really are. The result will be status quo. Plans will continue to freeze or terminate, and employees will continue to lose their hard-earned benefits.

I would like to point to a colloquy between the majority leader and the gentleman from Georgia, (Mr. PRICE) on the floor on December 15 of 2005. During the colloquy, the majority leader pledged to work on a responsible and appropriate solution to addressing the airline pension issue in conference, which is what we plan on doing. The time has arrived, and we are about to debate the Senate airlines provision on the merits.

The Democrat motion to instruct is an attempt to undermine the conference process and should be seen as nothing more than an effort to weaken and, in fact, derail pension reform. Again, an examination of legacy airline relief is appropriate in conference, which we will do. Examining the process is the Democrats' attempt to end run around the rules for their benefit. I urge you to reject the motion to instruct and let us get our work done.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN) of Ways and Means.

Mr. CARDIN. Mr. Speaker, let me thank Mr. MILLER for yielding this time.

Mr. Speaker, we do need pension legislation. We need pension legislation that will protect the worker, that will reform the PBGC, the guaranty fund, and will encourage companies to maintain and strengthen their pension plans. The Miller motion to instruct encourages us to be able to accomplish those goals.

Mr. MILLER has already talked about the provisions related to the airline industry that is very, very important. He mentioned the fact that we have to help younger workers and lower-wage workers by the refundability, by the savers credit, making permanent, and by dealing with split refunds of taxes.

Let me deal with one provision that Mr. MILLER covered very quickly, which I think is important, that is, encouraging companies to continue their defined benefit pension plans. If we put more and more burdens on companies that are well funded, that are in no danger of going into bankruptcy, these companies are going to freeze their plans, they are going to terminate their plans. Why would they stay around in the defined benefit world if we put more and more restrictions and more onerous funding rules that are unnecessary?

The Miller motion is commonsense and asking us to be very careful on new

requirements that we place on plans that are properly funded, plans that present no danger to the guaranteed fund. We are in danger of losing more and more defined benefit plans which are well managed, where the employees are guaranteed a certain annuity payment, and we don't want our legislation to be responsible for the termination of more plans.

I would urge my colleagues to support this motion. I would urge my colleagues to make sure that in the pension legislation that comes out of conference, that we have legislation that, yes, we will protect our workers, and, yes, we will protect the guaranteed fund, but we will also make it easier for companies to maintain and expand pension plans for their employees. That is the best way that we can help provide security for all Americans on their retirement. I urge my colleagues to support the motion.

The SPEAKER pro tempore. Does the gentleman from California continue to reserve his point of order?

Mr. MCKEON. I continue to reserve that point of order.

Mr. Speaker, I now yield such time as he may consume to our subcommittee chairman of the Employee-Employer Relations Subcommittee, the distinguished gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in opposition to the Democratic motion to instruct conferees. You know, I voted for a bill that will strengthen pension plan funding. I want pension plans to have the right amount of money to pay benefits as promised. It is crazy to require overfunding, but it is also crazy to allow more time for them to recover. I mean, if, in fact, those plans were well managed, as the gentleman just said, we wouldn't be in this fix we are in.

Too many companies make bigger promises than they can pay for, and they dump their underfunded pension plans on the PBGC. We are facing an ocean of red ink at the PBGC, and we need to be sure that companies put their money where their mouth is.

I think that since we marked up our bill, we have heard from many sources that some of the bill needs to be modified in conference. We need to go to conference without restrictions. We need to be able to negotiate with our colleagues from the Senate to get a great bill signed into law. This Democrat motion would weaken the House bill, and I can't support pretending that plans aren't healthy.

We need to be very clear with the pension plan sponsors and employees who are expecting benefits out of these plans there needs to be adequate funding to make good on the private promises. Unfortunately, fewer Americans every year are lucky enough to have one of these defined benefit plans. We are backed up by the Federal Government.

We need to strike the right balance in pension funding rules so that the correct amount of money is there to pay benefits. The House bill is pretty close to the right answer. We should oppose the Democrat motion to undermine the good work of this House that was passed by a vote of 294 Members, and let us work with the Senate for a great bill.

Mr. MCKEON. Mr. Speaker, I withdraw my reservation of the point of order.

The SPEAKER pro tempore. The reservation is withdrawn.

Mr. GEORGE MILLER of California. Mr. Speaker, I recognize the gentleman from Massachusetts (Mr. TIERNEY) for 3 minutes.

Mr. TIERNEY. Mr. Speaker, this is yet another example of the government under this majority in the House, and the Senate and the Republican White House of failing to live up to its role to protect the American people from circumstances beyond their control.

We have troops over in Afghanistan and Iraq that are not protected in the manner in which they should be protected. We have people down in Louisiana and Mississippi and other areas affected by the storm, Katrina, who are not getting the attention and the protection that they deserve and their situation warrants.

Here we have a failure of the government to step forward and to protect the American working family, who has paid into pension funds, expected them to be protected, expected something to be there after 20, 25 or 30 years of work and contributing to these funds, only to find out that management people, CEOs, walk into bankruptcy court and somehow wipe out the workers' interest while they end up with golden parachutes and protection for benefits once they come out of bankruptcy.

Mr. Speaker, Mr. MILLER and I and others have been fighting this issue for the working people for some time. In committee we offered an amendment that would allow the Pension Benefit Guaranty Corporation, that corporation, an entity which would protect workers. We wanted that to intervene earlier to be able to work with companies to make sure that they first exhausted all of their possible remedies by permitting them to terminate plans and go into bankruptcy only after they had done that.

We presented a substitute for this bill, but we weren't allowed to have a vote on it. Our colleagues in the majority, I think, speculate or were afraid that Members of their party would have joined in this motion, because it would have improved the bill. Companies should first have to exhaust every possible remedy to create financing and be creative in order to save and restore pensions before they are allowed to go into bankruptcy court and wipe them out while enhancing the position of the CEOs and other management people.

□ 1345

We are fighting here, Mr. Speaker, to protect the retirement security of American families. We are protecting benefits of airline employees and seeking to encourage retirement savings.

Both the Congressional Budget Office and the Pension Benefit Guaranty Corporation say that H.R. 2830 would actually add to the Pension Benefit Guaranty Corporation's deficit. They say the bill would actually chase companies out of the defined benefit system, that traditional benefit system that people have come to rely on, and it would leave workers with fewer choices actually than the plans for retirement that they have now.

This motion to instruct conferees would at least address some of those issues, Mr. Speaker. It would protect the pension benefits of airline employees by asking to support the Senate provision, to keep American and Continental and Delta and Northwest from terminating their plans at the expense of employees and taxpayers, giving them additional time to actually work on their plans.

It would support the Senate provision to provide full Pension Benefit Guaranty Corporation retirement protections for pilots that are forced to retire at age 60. As Mr. MILLER says, they are getting a double-whammy now, and they should not have to face that situation.

The motion would also make permanent the Saver Tax Credit, urging conferees to accept the House provision for the credit that provides a matching contribution for low- and moderate-income workers, and make sure that that provision, which is used now by 5.3 million people both in 2002 and 2003, to continue on, and support the House provisions to split the tax refund for automatic forwarding to a retirement account and to provide for the protection of traditional plans, dropping new funding provisions in either the House or Senate bill that would encourage companies to terminate or freeze.

Mr. Speaker, all those things are necessary to improve this bill, and I ask for support for the Miller amendment.

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the subcommittee chairman of Select Revenue from the Ways and Means Committee, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. Mr. Speaker, I thank the chairman for yielding, and I rise to oppose this Democrat motion.

This motion takes some parts of our tax agenda and says they are important, like the savers credit, the direct payments of tax refunds to IRAs, but ignores so many other parts of our bill that are critical, like the permanency of the pension and IRA provisions, many of which were in the Portman-Cardin legislation which this House has debated long before, I noticed Mr. CARDIN was here earlier, and long-term care insurance, which is a critical issue, and FSA rollover, which many of my friends on the other side are vitally interested in as well. So this motion to instruct is really incomplete, and I

would urge all Members to vote against it.

With regard to airlines, I am vitally interested in the viability of our airline industry and certainly their ability to provide pensions for their employees. But I think to simply accept the Senate language would not allow us to go to conference and deal with the airline issues in a comprehensive and thorough way in conference.

So I would urge Members, especially those Members interested in the airline issue, to oppose this motion to instruct.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

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

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding, and I rise in support of this motion.

This motion asks the Members three questions. The first question is whether we should take the position that before airline pension plans of companies that are in real trouble terminate their pension plans, whether those companies should be required to take every reasonable step prior to that termination; whether we should be able to put those companies in a position where they can stretch out their payments to the pension plan, look for other ways they can fund the pension plan, and meet their pension obligations to their retirees.

I would suggest, Mr. Speaker, the answer is yes, we should require that the law do that, which is why this motion takes the right course.

The second question that this motion asks is with respect to healthy pension plans. Should it be the principles of the new law that we should operate with care and avoid new funding requirements on these healthy pension plans which are more likely to push them into disrepair and trouble?

I would suggest that the answer is yes, we should. The guiding principle, as the conference proceeds in writing this new law, should be to first do no harm to the healthy defined benefit plans that exist. So I think this motion correctly answers that question and follows the right path.

Finally, this motion raises the question as to whether we should permanently enshrine in the law the savers credit. The savers credit has been used by more than 5 million Americans in recent years. These are Americans who wait on tables, fix engines, work in child care centers, who have managed to squeeze out just a little bit of what is left out of their paycheck to put it away into a retirement plan. Wisely, Uncle Sam matches a part of that small savings from that worker to try to encourage more people to do that. This is good for those families, it is good for the country's economy, it is good for the Social Security system.

That credit is due to expire at the end of 2008. This resolution raises the question as to whether we should let that credit expire. We think the answer is no, we shouldn't let that credit expire, it should be permanently enshrined into law.

So I think those are three eminently reasonable propositions. We should encourage airlines not to terminate their plans if there is a reasonable and viable alternative; we should go to well-funded healthy plans and do no harm to them as we write new rules about funding pension plans; and, finally, we should take this very useful provision, supported by both the Republican and Democratic parties, that more than 5 million Americans have used, and keep it in the law.

For these reasons, I would urge my colleagues to vote ''yes'' on the Miller motion.

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the chairman of the Ways and Means Committee, the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Speaker, I would feel a whole lot better about this debate if it were being carried out in October or November and we had a chance to actually make some permanent changes in pension law prior to the first of the year. We are now in March. Frankly, we have been very lucky that the real world hasn't reacted in a way that would make our job even that much more difficult.

The gentleman from New Jersey, in his usually scholarly fashion, has laid out what we ought to do. I would like to remind the gentleman that the House bill contains the Savers Credit. We put it in. We obviously support the Savers Credit. Why there is a need now to reaffirm the fact that we support the Savers Credit is beyond me. The House has voted for it. It is the House position. Do you need to then put another nail in it?

But, interestingly, you only mentioned that. You didn't mention the other really good provisions that are in there. I think they all should be given equal weight and we should support it.

In terms of the airlines, the House bill is silent on airlines. I think that is, frankly, the smartest position we should be in. Do you think that based upon the conferee, the gentleman from Michigan's statement, that we aren't vitally concerned about airlines? I think what we ought not to do is to begin drawing lines in the sand. And, by the way, they aren't even lines in the sand, because this particular bill has no bearing of any meaning to the conferees. It is basically a political statement on the part of the minority in which they wish to select certain provisions and highlight those over others.

You have every right to offer it, we have every responsibility to reject it, because it means then other provisions that you chose not to pick, which you were not successful on, should not be dealt with in conference, and that isn't the way the world works. The majority will carry forward, not just the Savers Credit, but the other good components in the bill.

You can be assured that we are very, very concerned about airlines. We are so concerned that we didn't spend time spinning our wheels on the floor trying to determine who should be rewarded and who should not. We are going in there with total flexibility to try to solve the problem, and we will do the best we can to address the problem.

I will just have to tell you that to the degree we play political games, as indicated by the gentleman from Massachusetts' speech in terms of class warfare, once again we may run the chance of failing in the conference. We cannot afford that chance. And if we are successful in conference, we are going to have to convince the administration to sign the bill.

This is the time to be prudent, to turn down that wick of partisan rhetoric, get serious about trying to begin to solve an institutional, demographic, and economic structural problem. I want to go to conference with maximum flexibility in taking the House position and solving the other problems that need to be solved.

Please. You have every right to offer it. We should reject it. Let us get on to the conference so we are dealing with real issues instead of imagined political ones that continue to seem to be the primary motivation of the minority party in this House.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, contrary to what the chairman said, this isn't games playing. This is not partisanship. This is a plea for serious attention to a real problem on a bipartisan basis.

Yesterday, General Motors announced that it will freeze its guaranteed benefit pension plan for salaried employees and replace it with a defined contribution plan in which employees take the risk.

This is what we are saying in part four of our motion: If the conferees follow the direction set by the current House and Senate pension bills, there will be far more announcements like GM's in the future.

The changes in both the House and Senate bills would dramatically increase the chances of companies having to make large, unexpected contributions by making pension funding more volatile, the risk that GM, struggling with manufacturing challenges the U.S. Government has failed to consider, decided it could not afford.

It would mean companies facing challenges even less serious than General Motors' will make the same decision GM did. In a survey, 60 percent of

chief investment officers for large pension plans said that changes like those in the House and Senate bills would lead them to cut benefits or freeze or terminate their pension plans. Despite our repeated requests, the administration has failed to tell us how their proposals would affect specific industries.

Our motion includes a critical provision instructing conferees to drop those provisions which would encourage healthy companies to freeze or terminate their pension plans. Those provisions include the shift to a yield curve, take away what is called smoothing, classifying companies as at-risk based on credit ratings, as in the Senate bill, and provisions regarding advanced funding.

Look, we are putting our motion forward for a simple reason: If your goal is to force employees to terminate their pension plans, leaving their workers on their own to face a risky and uncertain future, vote against the motion. But if your goal is to preserve the defined benefit pension system for workers, as well as the continued competitiveness of the companies they work for, do in fact vote for this motion to instruct.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

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

□ 1400

Mr. KUCINICH. Mr. Speaker, I have heard from hundreds of workers about H.R. 2830. Over 400 UAW members called my office to express their concerns about 2830 as it has been reported out of committee.

I was not alone in hearing from concerned workers. Workers from across America called congressional offices and asked for protection for their pension benefits.

Now, my vote in favor of the Pension Protection Act in December was cast to codify the improvements negotiated by auto workers and to enable the steel workers to press for further improvements in the conference committee. I have some hope there is a process for making additional improvements. But my vote was conditioned on the expectation that the bill would be substantially improved in the conference committee. I will need to see significant further improvements before voting again.

There are still some serious problems with H.R. 2830, and these problems must be addressed to ensure that all workers' pensions are protected. One such problem, which I hope will be fixed in the conference committee, concerns the rules affecting plant shutdown benefits for companies with small numbers of facilities.

The rules are biased against such companies, which will be faced with onerous funding requirements in the event of the shutdown of a facility. The workers, of course, would be the ultimate bearers of the burden, since older workers would lose the shutdown benefits that enable them to fully vest in the event of a plant shutdown.

Mr. Speaker, I encourage the conferees to adopt further shutdown benefit reforms. Conferees must also address the issue of cash balance plans. This bill does a great disservice to older workers by denying the reality that conversions from traditional defined benefit plans to cash balance plans harm older workers.

A report released in early November by the GAO found that a majority of older workers experienced deep cuts in their pension when converted from a traditional plan to a cash balance plan, without transition protection. This is not only unfair, it is wrong. Providing transition protection for older workers should not be a choice for employers, but a requirement, and any change in the plans must protect the accrued benefits of employees, and the conference report should reflect that reality.

Finally, I strongly support a provision to help airlines avoid terminating their pension plans by giving them additional time to fund their workers' plans. Section 403 of Senate bill 1783 will give airlines the time they need to meet their pension obligations, and that is a good provision, and we ought to support that. You know, then there will not be any bankruptcy movements because of pensions. There will not be any dumping of pension obligations on the PBGC, and there will not be any jettisoning of obligations to workers who have worked a lifetime and expect their pension benefits. And that kind of a provision will serve the workers and the American taxpayers.

I want to say that we have an obligation here of the American retirees to support full PBGC retirement protection for pilots who are forced to retire at age 60. Workers should not be punished for retiring at the age of 60 when safety regulations require them to stop flying. The American people are waiting to see if we care for those who have put in their time. They deserve their security.

This Congress has an obligation to America's retirees. We see corporations all over the country trying to throw their obligations onto the Pension Benefit Guaranty Corporation, but when we have some companies that are trying to do the right thing, as we do with the Senate provision that recognizes that American Airlines is trying to do the right thing, then we should provide them with the help that they need to meet their pension obligations.

This is a moment of truth for this Congress. Are we going to be true to our commitment to the American workers? Are we going to say to people who worked a lifetime, deserve the commitment that corporations made to them, that they are going to get the pension that they spent their lifetime for?

There are a lot of people who are watching this debate, asking if Congress is going to do the right thing. I strongly support Mr. MILLER's work here, and I hope this Congress will agree with this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), a member of the Ways and Means Committee.

Mr. POMEROY. Mr. Speaker, pensions are being frozen every day. Workers are having their retirement benefits reduced, yet the administration supports proposals which will dramatically accelerate the freezing of pensions.

When I asked the Department of Labor how many pensions will be frozen as a result of their proposals, they could not answer. They said they had not even modeled or considered the implication.

Well, the CFOs of the Nation have considered it, and a gathering of them have said these proposals will have long-term consequences for current and future workers, with the potential to damage the retirement security of millions of Americans. Indeed this same group estimates 60 percent of existing pension plans may be frozen. That is what this looks like on a chart: 29,700 pension plans in force, 17,800 of them to be frozen under the 60 percent proposal. The administration has not considered it.

That is why the motion to recommit is so important. We say that fully funded pension plans should not face dramatically severe additional funding requirements, they are already fully funded. Why would you want to punish employers who have funded pension plans? One very clear reason: to end pensions. And that is really what is at stake. They want to move from a defined benefit pension guarantee to defined contribution 401(k)s. It is as simple as that.

We should resist that. Pensions ensure that the risk of participating is universal. The workers participate. They ensure that the risk of investing is handled collectively. They ensure that you are not going to outlive your assets in retirement. That is what pensions provide. That is why we should be able to agree on a bipartisan basis to continue these pensions.

But yet just last week at the Nation's Savers Summit, I heard a committee chairman say he prefers the 401(k) to pensions. Why, he was asked? Because it is part of the ownership society.

Oh, we get it. You own your risk. You own your risk of investing appropriately. And you own the risk that you are not going to outlive the assets as you live on to retirement years.

We ought to be doing everything we can to keep workers' pensions. We all ought to feel some failure when we read, like today's headlines, GM to cut retirement costs, following, as the article notes, not just troubled companies, but healthy as well. Verizon, IBM, Motorola, the trend continues and will be

accelerated dramatically by this bill which seeks to push all of the Nation's pension plans into termination in favor of 401(k)s.

Pass this motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for speakers. I believe I have the right to close. Is that correct?

The SPEAKER pro tempore (Mr. TERRY). The gentleman is correct.

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

Mr. Speaker, we have no further speakers either. You know, it has been decades since we have had real, meaningful pension reform. And we could sit here and we could talk. It kind of reminds me of fiddling while Rome burned.

I think the time to move is now. We passed the bill with 294 Members of our House voting for it. Now it is time to go to conference, meet with the other body, get this resolved so we can help all of these people that we are all talking about.

I would ask that my colleagues reject this motion to instruct, and we get on with the business of the conference.

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

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, Members, this is a very straightforward proposition. This is about whether or not this House of Representatives will go on record to try and give the airlines the ability, the time, and the means by which they may treat their employees better by holding onto their current pension plans; whether they freeze them or they take some other action in conjunction with their employees so that their employees will not be thrown for the loss that the United employees saw when that company decided that it would use the PBGC, the Pension Benefit Guaranty Corporation, just as a convenient tool to discharge in bankruptcy those employees' pension plans that devastated those employees, the United employees, and devastated their families.

Why are we doing this on this legislation? Because it is very interesting, through the course of this legislation during the consideration in the committee and on the floor, we could never quite get a vote on airlines. Now we are going into a conference committee, and the Republicans say, oh, everything is going to be just fine. And yet we know that already this conference committee is starting to attract attention, that this may be a vehicle for other measures that are unable to move in this Congress.

And so we do not know what is going to be in play. So we wanted to make sure that the Members of the House have the opportunity to say that these airlines ought to be able to try and work this out.

The other factor is that time is running against these airlines. They are going to have to declare and make a decision relatively soon.

We do not know if this conference is going to be committed. So it is just a question for the Members, do you or do you not want to be able to be on record to suggest that this would be better treatment for these employees, hopefully for these companies, than what happened under the United pension plan.

You saw what Mr. POMEROY said: many, many business executives, people involved in the pension business, have looked at this bill, and they have said that this bill is going to make it more difficult, make it more costly and probably lead to additional terminations.

The Pension Benefit Guaranty Corporation, the people that handle this problem when all else fails, told us this is worse than current law. Now, you can ride that animal if you want, but you may also, if you are deeply concerned about the airline employees in your area, you may also want to vote for this motion to instruct so we send a clear message to the House conferees and the committee, have refused to have this vote at any stage of the process, that we be allowed to have a vote, and that we support the effort of having the airlines be able to work this provision out.

That is what this motion to instruct does. It is important. It is important to the airlines. It is important to the employees. It is important to their families. It is important to how we look at solving this difficult problem of holding onto people's retirement nest eggs and to the pension plans that they are currently in.

This is presented as some great pension reform. It really does little or nothing to forestall the trend that we now see developing in terms of the termination of pension plans and people losing their retirement nest eggs.

Mr. Speaker, I would urge the House to support the motion to instruct.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR FURTHER 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 710 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 710

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 further 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. No further general debate shall be in order. The bill shall be considered as read. The bill shall be considered for amendment under the five-minute rule. Notwithstanding clause 11 of rule XVIII, no amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1415

The SPEAKER pro tempore (Mr. TERRY). 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 New York (Ms. SLAUGHTER), 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 710 provides for further consideration of the bill under a structured rule. Having discussed this last week on general debate, it provides that no further general debate shall be in order, it makes in order only those amendments that are printed in the report, it provides that the amendments printed in the report may be offered only in the order that they are printed in the report, may be offered only by a Member designated in the report, and shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise in support of House Resolution 710 and the underlying bill, H.R. 4167, the National Food Uniformity Act of 2005.

Mr. Speaker, today the House will resume consideration of the National Food Uniformity Act of 2005 after having conducted general debate on the overall bill last Thursday, and this rule will allow us to move forward with the consideration of several amendments, most which are Democratic-sponsored amendments.

As I mentioned last week, currently food regulation is composed of a variety of different and sometimes inconsistent State requirements. Collectively, this hodgepodge of regulations not only inhibits interstate commerce, but it also drives up the cost for consumers.

Mr. Speaker, these different regulations from State to State for the same product create too many unnecessary costs and they jeopardize the well-being of consumers nationwide. Make no mistake, businesses cannot simply and completely absorb these unnecessary and additional costs, and therefore the consumers across this Nation, they are the ones who absorb the expense for labeling inconsistencies.

Without question, lower-income citizens truly feel the brunt of any additional cost to their food bill. Feeding one's family is not optional, and therefore any reduction to the cost of food will lower the cost of food products and help to ensure food on every table regardless of income.

Additionally, Mr. Speaker, this bill is not designed to deprive the public of life- or health-saving knowledge but, rather, to ensure that all consumers regardless of geography have this knowledge. If the Department of Health, as an example, in New York learns that a candy bar a day can give you tooth decay, then the citizens of Georgia as well as the citizens from each and every State should have access to that same knowledge through the FDA. This simply makes sense and has the potential to prevent future illnesses and save lives.

Further, while I have already spoken at length about the overall benefits of this bill, I would like to discuss one particular criticism made by the opponents. I have heard some say this bill is an assault on States rights. Well, I am an ardent supporter of States rights and I can attest this legislation is not designed to step on any State's toes. This bill does, however, guarantee all citizens access to the same information and warnings concerning their food while ensuring States not only can petition for their labeling requirement to be made part of the national standard, but they also can obtain a waiver for their State's requirement even though it need not be applicable to the other 49.

Mr. Speaker, H.R. 4167 is a commonsense piece of legislation that not only seeks to ensure nationwide knowledge of potentially lifesaving information but also to drive down costs for all consumers.

I urge my colleagues on both sides of the aisle to support the rule and move forward with a thoughtful debate on the amendments and support final passage of the underlying legislation.

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

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

Mr. Speaker, the bill before us addresses a fictional problem. Simply put, the Nation's largest food companies think that States are giving consumers too much information about the food they use to feed their families.

Along with the corporate lobbyists who wrote this bill, and we all know who they were because the paper printed them this week, these companies think it is wrong that States tell people when the bottled water on their supermarket shelves has high levels of arsenic.

They think it is wrong to inform a pregnant woman that eating mercury-laden fish could do serious damage to a fetus. And what about letting people know that their ground beef was treated with carbon monoxide? That apparently is wrong too. And I want to elaborate on that for just a moment. Many stores now buy their meat from common suppliers instead of having their own butchers at hand. In order to keep it looking fresh and looking better for a longer time, they treat it with carbon monoxide. You know, if you die from carbon monoxide poisoning, you turn a nice, bright, pink-red, which is what their meat does, and then they can keep it even for months. I saw a picture of one from November that it looked like it had just been butchered yesterday.

That is apparently wrong too. Do you want to eat that?

They want us to buy more and think less about health and safety and that alone is the motivation behind this bill. Supporters of the bill claim all they want to do is to make consumer protections the same for all Americans. But that is not what this bill will do. Most States already give their citizens much more information about the food than the Food and Drug Administration even requires. In fact, 80 percent of the food safety work performed in the United States is done by State and local officials. They are the ones with the expertise, the on-the-ground experience, and are needed to keep consumers safe, and they have been doing a good job. But this law will allow the FDA to invalidate State labeling laws and apply their own lower standards nationwide.

Listen, mothers, this is important. The consequences of this bill are going to be drastic. Within a matter of months, 200 State food safety laws will be wiped off the books. Will they be the ones that protect your child from an asthma attack or from dyes that would hurt them?

The experienced State health officials who want their regulations back are going to have to come, hat in hand, to the FDA and ask for permission to give their States more information than the Federal Government requires, which is paltry. They will have to plead with the FDA bureaucrats to keep the food safety laws in place, laws that their own legislatures and citizens have already established. In other words, they would have to seek approval from an agency that does not keep us safe anymore, an agency that cannot meet its current workload, and that, as we all know, has been in the business of approving drugs that turned out to be killing people and had to be removed from the market.

Now, I grew up believing that the FDA took care of me. And that was a lot like believing in the Tooth Fairy and Santa Claus, because if I have learned one thing in the last 5 years, it is the FDA cannot do that. But suddenly the party of States' rights and small government wants to forget about both. Instead, it wants to send quality State regulations that are protecting Americans into a bureaucratic black hole.

Mr. Speaker, the people and organizations most concerned about the safety of our Nation's food stand in strong opposition to this bill. Attorneys General and public health and safety officials from all over the United States, in fact most of them, if not all of them, have come out against it and begged us not to pass it. In fact, the Association of Food and Drug Officials recently wrote a letter to the Representative who sponsored this bill, asking him to reconsider his own legislation.

He said, ''Members of the AFDO are State and local governments with no profit motive.'' That is the key here. These people have no profit motive, merely a public health concern, who feel strongly that the legislation will gravely impair State and local authorities' ability to protect their constituents.

Mr. Speaker, that letter is as follows:

THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE,

Washington, DC, February 27, 2006.

DEAR MEMBERS OF CONGRESS: The National Association of State Departments of Agriculture (NASDA) is writing to reiterate our concern and strong opposition to H.R. 4167, the National Uniformity for Foods Act. NASDA represents the commissioners, secretaries and directors of the state departments of agriculture in the fifty states and four territories.

The House is scheduled to vote on H.R. 4167 this week and we urge you to oppose this legislation. The state departments of agriculture are very concerned that this bill goes far beyond its stated purpose of providing uniform food safety warning notification requirements and greatly expands federal preemption under the Food, Drug and Cosmetics Act. Such additional preemptions would seriously compromise our ability to enact laws and issue rules in numerous areas of food safety. Specifically, we believe the bill as currently written threatens existing state food safety programs and jeopardizes state/

federal food safety cooperative programs such as those related to Grade A milk, retail food protection and shellfish sanitation.

As you know, the current food safety regulatory system in the United States is the shared responsibility of local, state and federal partners. Approximately 80% of food safety inspections in the nation are completed at state and local levels. It is imperative that states have the right to act quickly to address local and statewide public health concerns that cannot be anticipated or are not adequately addressed nationally. In addition, our existing food safety system forms the first line of defense against the threat of a terrorist attack against our nation's food supply. Passage of this legislation will undermine the authority of state laws and programs that address adulterated foods, including animal feed, commodity laws and other food defense programs.

NASDA firmly believes the preemption of state and local food safety programs would leave a critical gap in the safety net that protects consumers. We call on Congress to hold hearings to discuss these critical issues and seek full input from state and local partners in the food safety system. NASDA would welcome the opportunity to discuss ways the bill could be amended to achieve its intent while limiting the impact on critical food safety regulatory programs at the local and state levels.

Now is not the time to pass H.R. 4167 and we urge you to oppose this legislation until these important issues are addressed.

Sincerely,

J. CARLTON COURTER III,
President.

As is often the case, the bill before us does more than provide just another example of how private interests trumped the public good in today's Congress. It also shows us how broken and undemocratic our political system has become. No hearings were held on this legislation. No State and no local public health officials were called to testify about it, even though they offered.

Both the National Association of State Departments of Agriculture and the Association of Food and Drug Officials expressed their willingness to talk to Congress about the issue, but they were turned away. These dedicated public servants were ignored because this legislation could never have withstood proper scrutiny. It was written with special interests in mind, not the public interests, pure and simple.

Last year the majority pledged honest and immediate reform of the way Congress wrote its bills, because when the public caught on to what was going on here, there was a great outcry. And yet here we are, in a new year, doing the very same thing: handing over the public interests to private corporations.

I wish we had an open and democratic process in this House. We need to stop passing bills that hold the public interest in contempt, and we need to start today. I urge my colleagues to oppose this bill.

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

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

Mr. Speaker, I want to point out to the gentlewoman in regard to the amendment process, there are six amendments made in order. One, of course, is a manager's amendment which just makes very technical changes, as everybody knows. So really four out of five of the amendments that the Rules Committee have made in order on this bill are Democratic amendments.

The gentlewoman brought up the issue about Mr. STUPAK's amendment and the use of carbon monoxide in regard to making meat continue to have a fresh appearance. Carbon monoxide has been used for 4 years in not only meats but other processed foods. It is perfectly safe. There is an herbal food company that has some other process that they use to do the same thing, to make food products, in particular, meat, maintain their redness and fresh appearance for a longer period of time. There is absolutely, absolutely no evidence whatsoever that the process that has been in place and approved by the FDA for more than 4 years in any way, shape or form is harmful. So that is the reason why that particular amendment was not made in order.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I have never made a speech like this before. I am cosponsor of this bill. I think like a businessman, because our companies do need uniformity and simplicity. But I am outraged that a bill like this would come through the House of Representatives without a single hearing. That is the job of Congress, to hold hearings, to find out the facts, to listen to the debate, to sometimes participate in the debate to hear the pros and cons.

I am wondering right now what the food industry is afraid of. Why are they trying to ram this piece of legislation through this House?

Now, if we were to have hearings, I may well vote for the bill because I am predisposed that way. It makes sense to me. But I am not for a cover-up, and that is exactly what you get when you have no hearings on legislation.

This body needs to do its job. So I would urge my colleagues and staff who are watching on television, reconsider, even if your boss has cosponsored this bill. Because what are we afraid of? We need hearings on this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to direct their remarks to the Chair, not to the television audience.

□ 1430

Mr. GINGREY. Mr. Speaker, I yield myself 45 seconds just in response to the gentleman from Tennessee.

The gentleman acknowledged, Mr. Speaker, that he is a cosponsor on the bill and in all probability will vote to support the bill. I know he has some concerns over process, but he used the phrase "coverup," and I noticed the gentleman is very intelligent. If there were any coverup involved in this bill, he certainly would not have his name attached to it, nor would he be acknowledging that he would probably support it.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise today in strong opposition to H.R. 4167, the National Food Uniformity for Food Act, and the rule under which this bill is being considered. If passed, this bill will be a huge setback to consumer safety, public health, and America's war on terror.

This bill wipes out 200 food safety laws and puts our Nation's food supply squarely in the hands of the FDA. State laws that will be overturned include warnings regarding the risk of cancer, birth defects, reproductive health issues, and allergic reactions associated with sulfating agents in bulk foods. That is why 37 bipartisan State attorneys general and the Association of State Food and Drug Officials oppose this legislation.

The bill would also prevent States from passing laws regarding the safety of packaged meat.

Mr. Speaker, 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 on the bottom? Both are the same age. Both have been sitting in a refrigerator side by side for 5 months.

The meat on the top has been packaged with carbon monoxide, which causes the meat to look red and fresh long into the future. The meat on the bottom has not. It is brown and slimy. Like I said, the meat on the top is 5 months old and looks as good as new, but it is not. If consumed, you could become severely ill from a food-borne pathogen like e. coli and possibly die.

The FDA, without any independent studies, states it has "no objection" to allowing meat to be packaged in carbon monoxide. The FDA merely reviewed the meat industry carbon monoxide proposal. Review is not the same as independent research and studies.

By allowing the injection of carbon monoxide in meat and seafood packaging, the meat industry stands to gain $1 billion a year because meat, as it turns brown, consumers reject it.

Numerous studies from 1972 through 2003 cite that color is the most important factor that consumers rely on to determine freshness in whether or not to buy the meat. The whole purpose behind this carbon monoxide package is to extend the shelf life of meat and seafood and to deceive the consumer into thinking it is fresh and safe.

Today States may pass their own laws to label meat that has been packaged with carbon monoxide, but these laws will be overturned if H.R. 4167 becomes law. My commonsense amendment would have allowed States to

label carbon monoxide-packaged meat so consumers would know that their meat may not be as fresh as it looks. Unfortunately, my amendment was rejected by the Rules Committee. This is what consumers have to work with now. This will be the standard if H.R. 4167 passes.

Just as the FDA caved in to the meat industry in approving this practice, the majority has caved in to the meat industry in blocking a vote on my amendment. The House deserves a full and open and fair debate on this issue and on my amendment.

I urge a ''no'' vote on the rule and a ''no'' vote on H.R. 4167.

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

Mr. Speaker, last week it was brought up about the number of organizations that were opposed to this bill. I want to submit for the RECORD at this point a list of 119 from all 50 States across the Nation that support this, small businessmen and women, large businesses, including the H.J. Heinz Company and many, many others.

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

Last Updated: February 27, 2006.

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, and 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 & Technoloy Association, Calorie Control Council, and 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, and 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, and 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, and 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., and 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, and 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, and 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., and Pickle Packers' International.

The Procter & Gamble Company, Quaker Oats, Rich Products Corporation, Rich SeaPak Corporation, Safeway, Sara Lee Corporation, Sav-on Drugs, The Schwan Food Company, Snack Food Association, Society of Glass and Ceramics Decorators, and 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, and Yoplait.

In regard to the gentleman from Michigan who just spoke about the issue regarding the treatment of meats and this issue about carbon monoxide, look, the same thing is done, as an example, I would not think that he would be opposed to the use of lemon juice on apples to keep them from turning brown. That is routinely done.

Let me also point out that the FDA and USDA have both approved the use of carbon monoxide for over 4 years. The news report would lead one to believe that carbon monoxide is being used to mask spoilage, but the USDA discounted that assertion back in 2004.

In reality, this story is more a result of private companies with older packaging technology unable to compete with newer competitors that have a better product.

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

Mr. GINGREY. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, as to meat and fish, as the gentleman knows, the FDA just issued their rule not even 3 weeks ago, 4 weeks ago, and they did it without any independent studies. They just said they just reviewed it, no study, no research, no nothing.

So what you may use lemon juice on apples is a far cry different than carbon monoxide on meat and seafood, and especially tuna, which most people consume in a raw state.

Mr. GINGREY. Mr. Speaker, reclaiming my time, as I say, this process has been going on for over 4 years. I do not know that there have been any reports of people harmed in any way by the process, and, again, I think this is just a competitive issue between a company that has herbal food or herbal products they are using and they would rather those be used, and, sure, ban the other process and remove competition.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to say to my friend that there is a far cry between lemon juice, as Mr. STUPAK said, and carbon monoxide. Let me tell you, if you believe the FDA, ask the people who took Vioxx. They do not have a very good record over there.

But the idea of putting carbon monoxide on there is to hide the fact that the meat is on the verge of spoilage. I do not want to feed it to my family, nor should you want to feed it to yours.

His list of people who support it have the profit motive that the attorneys general and the State consumer representatives all told us was the difference between them and his supporters.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. Mr. Speaker, I agree with the gentlewoman and the gentleman from Michigan, but I want to speak about the previous question, which the general public really does not understand.

But if we defeat the previous question, we get an opportunity to offer an amendment to this piece of legislation. Because so few pieces of legislation are passing this body, we have to take the opportunities you get, and I appreciate that the chairman of the Appropriations Committee Mr. LEWIS has stated that he will insert language in the supplemental appropriation bill this afternoon, a supplemental for the war in Iraq and hurricane recovery, that will block the takeover of major American seaports by a Dubai company owned by the United Arab Emirates.

The Appropriations Committee will mark up that supplemental spending bill today, and it may be considered on the House floor next week, but the American people should harbor no illusions. We have absolutely no idea when the other body will take up this spending bill. Moreover, we have no idea of whether the Senate bill will even include a provision that addresses the vital national security issue of who owns our ports.

In fact, just today, Senator STEVENS, who chairs the Defense Appropriations Subcommittee, is quoted as saying, ''I believe it ought to go through the 45-day review.'' So they are not going to take it up very soon.

Mr. Speaker, every Member of this House has the opportunity right now today to go on record as opposing the management of American seaports by a company owned by a foreign government. Now, it is not owning the seaports, but managing those seaports, and there is no excuse for not doing so. We have the opportunity.

If we defeat the previous question, that will be our intent, to offer an

amendment to this bill, send it to the Senate, which will preclude ownership of the management of the ports of America by the Dubai corporation owned by the state. I urge every Member, oppose the previous question on the rule in order to allow consideration of language blocking the port deal.

Furthermore, I urge the American people to not lose sight of the bigger issue. This administration and this Republican Congress have failed to do what is necessary to protect our homeland and our people from attack. Just last week Steven Flynn, a former Commander of the Coast Guard and an expert on homeland security, testified before the House Armed Services Committee, ''My assessment,'' this is the Commander of the Coast Guard, now retired, ''My assessment is that the security measures that are currently in place do not provide an effective deterrent for a determined terrorist organization intent on exploiting or targeting the maritime transportation system to strike at the United States.''

Five years after the catastrophic attacks of September 11, there is simply no excuse for these continuing vulnerabilities to our national security. Today, by voting ''no'' on the previous question, we have an opportunity to say no to the management of America's ports by government-owned entities. Vote ''no'' on the previous question.

Mr. GINGREY. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Iowa (Mr. KING), my friend.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) and appreciate you yielding me time, and I rise in support of H.R. 4167, the National Uniformity for Food Act and in support of this rule.

Ensuring food safety is a partnership between the Federal Government and the States. However, while it is a partnership, a national food supply requires a national approach to food safety. H.R. 4167 would allow for an orderly review of existing State regulations that may differ from Federal regulations. The legislation carefully balances the need for uniformity, while respecting the important role State and local governments have in making sure our food supply is safe.

Under the current system States may impose contradictory regulations, imposing unnecessary complexity and cost on food processors, manufacturers and wholesalers throughout the United States. That translates into costs that are passed on to the consumers, not to mention the tax burden, Mr. Speaker, for administration of different and duplicative regulations.

Science-based food warnings should be applied uniformly. If a warning about food is supported by science, then consumers in all 50 States should have the benefit of this warning. Inconsistent warning requirements confuse consumers, which does not lead to sound decisionmaking.

This bill will result in allowing States and the Federal Government to work together in establishing science-based food safety policies. Consumers are not protected well under a system where States adopt different regulatory requirements on the same food products. Consumers deserve a commonsense approach, a clear, single standard.

To speak to an example, a 2002 study conducted by Swedish scientists that provided evidence to support that a substance with cancer-causing properties called acrylamide was formed in some snacks and other foods when fired or baked at very high temperatures, but since 2002 some additional studies have confirmed these results, causing some States to consider warning label requirements for foods containing acrylamide.

Specifically, in August of 2005, the California attorney general filed a lawsuit against several different manufacturers of potato chips and French fries and has requested a court order requiring companies to label certain food products containing acrylamide with a warning of the agent and its cancer-causing properties.

The Food and Drug Administration does not currently require States to place a warning label on products which contain acrylamide after the baking process. Therefore, enactment of H.R. 4167 would, for all practical purposes, prohibit the State of California from requiring food manufacturers to place an acrylamide warning on their products unless the State filed a petition for exemption with the Secretary of Health and Human Services, or unless the FDA decided to set California as a requirement for the country as a whole.

This is a well-balanced bill, Mr. Speaker. It brings good, sound science to the table, and it provides for a regulation and a means for the States to make their case with the FDA so that the entire United States of America can benefit from the wisdom of the Californians.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, after hearing the last speaker on the other side of the aisle on this rule, he claimed this is a bill that is well-balanced, thought through; it would lead to national regulations based on science. That all sounds well and good, but it is just not true.

□ 1445

This bill has never had a day of hearings. We don't know all that is in this bill. You wonder why the Congress would do its work in this way: a bill that has never had a hearing in the committee, even though it has been around for three Congresses. Those who favor it have never made a record of why they think it is necessary. The opponents from most of the States, if you look at this map there are a few States we have not heard from, but almost all the States attorneys general and Governors and agriculture commissioners and the food and drug people in those States oppose it, but they have never been able to come in and tell the Congress why. So the other side has never had a chance, nor has our side of the aisle, to hear testimony and to make a record, and yet we are told this bill is well balanced.

Let me point out that the proponents of this legislation have said a lot of different things. It has been almost like a covert legislative campaign. They have sent people in from the districts, from some trade association or other, and said to Members, this is a national uniformity bill. It is just going to clarify the law. It is going to require all the States to have the same rules so that we will not have the burden on interstate commerce.

Well, they have never shown there is any burden on interstate commerce. But it sounded so good that many Members cosponsored the bill without fully understanding that this bill is going to overturn 200 State laws that protect our food supply. Why are we doing that? What is broken about our system of federalism that allows the States to pass laws to protect their own people? And now the proponents of this bill want States to come, hat in hand, to the Food and Drug Administration, a wonderful bureaucracy at the Federal level, not even elected people, and that agency will decide whether the State laws can continue in effect? They will have higher power than the States legislatures and Governors?

That is not a well-balanced or well-thought-through piece of legislation. And now we are on the floor arguing a rule that would so severely limit the time for debate on all the amendments and this bill that you have to ask yourself: Why is this going on? What are they hiding from us? Why don't they want this bill to be held up to public scrutiny through hearings? And why won't they let this bill be fully debated on the floor of the House of Representatives by the people's elected Representatives? Why do they have to rush this through?

Mr. Speaker, this is the early part of March. We have barely been in session. We have been meeting 2½ days out of each week as we go from recess in January to recess in February to recess in March. Let us have another day. Congress can do its work. We don't have to rush out to another CODEL or another junket. We ought to do our job and let people come in and tell us what they think of bills and not get steamrolled into something that no one has fully examined and that would repeal State laws. So let us vote against this legislation.

Mr. GINGREY. Mr. Speaker, I yield myself 3 minutes. In response to the gentleman from California, in regard to those 200 State laws that, as he said, protect our food supply, Mr. Speaker, many if not most, maybe not all, but

many if not most of those State laws would be incorporated in the national food label that is allowed by the FDA.

And in this bill in particular, and I know the gentleman is very familiar with the bill, but let me just read a couple of provisions. The provision allows both exemptions from national uniformity and the adoption of a State requirement as a uniformed national standard, one of those 200 he mentioned, any State may petition the FDA to obtain an exemption from the requirement of national uniformity for a particular requirement. The FDA may grant the exemption if the State or local requirement protects an important public interest that would otherwise be unprotected.

Furthermore, Mr. Speaker, this provision recognizes that special circumstances may justify a warning requirement in a particular State like California, or a locality, even though that requirement should not apply throughout the country. Thus, the need for local protection is fully recognized under the legislation.

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

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

Mr. WAXMAN. The problem I have with what you are saying is that a State has to go to the Food and Drug Administration and argue that case, and they may then be allowed to continue their laws. But even if there is no Federal law on the subject, the States may be stopped from enforcing or even legislating in an area to give warnings or set up standards for the safety of the food.

Why should States be required to go to a bureaucratic agency to have permission to do what the Constitution of the United States permits them to do, which is to police powers for the safety and health and well-being of their own citizens? You, particularly from Georgia, ought to appreciate States rights.

Mr. GINGREY. Reclaiming my time, Mr. Speaker, and certainly the gentleman is right, I do honor and respect States rights, but the fact that there are 200 laws today in the 50 States, there could be 800 a year from now and there could be no end to this process.

I think in further responding to the gentleman's inquiry, certainly it is appropriate that States in these situations would appeal to the Federal Government, if you will, the FDA. And the decision to either grant or not grant is not going to be based on anything but solid science, on sound facts and not scare issues, like this issue over the way meats or other foods are processed in a low-oxygen environment to maintain their fresh appearance and their red color, that we have been doing for 4 years in a perfectly safe manner.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the standard in this bill is not sound science. The standard is for the FDA to decide if it unduly burdens interstate commerce to allow a State to have its own law. Now, I do not know how the FDA makes those kinds of decisions. They are a scientific agency, but they are going to make one on interstate commerce? And I suspect they will be influenced by the lobbyists, just like this whole process has been influenced by the special interests and the lobbyists that want to keep the States from protecting citizens in those States from unsafe and unhealthy food.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, this bill is just another example of why the people of this country need to fear this Congress and the people who lead it. What this bill does is preempt State laws on food safety.

We have people who come down here to the floor of the House and argue for States rights. Now they present to us a bill which denies States rights; denies the States the ability to protect their citizens by watching the food that they eat. All of those State laws are going to be washed away by this legislation. It is probably even unconstitutional. The Constitution provides the States with the authority to protect its citizens. But we are now hearing from the majority party that they want to pass a law which denies States that right. No longer will they be able to protect their citizens.

Eighty percent of our Nation's food safety inspection is regulated by State and local entities. As we have heard, there are 200 laws. It has taken us more than 200 years to get those 200 laws in almost 50 States. Those laws protect our people. Now they are going to turn that over to the Food and Drug Administration. The FDA is not adequately protecting the people of our country today with regard to drug safety. The FDA is too close to the pharmaceutical companies. Yet now they are going to pass a bill which stops the States from protecting citizens, whether they are eating in a cafeteria, a lunchroom, a hospital, or some other situation, from passing a law that is going to make certain that the food that they are eating there is not going to cause them to be ill, maybe poison them in some way.

That is what they want to do, have the Federal Government step in here on top of the States, deny the States the right that they have under the Constitution to protect the health and safety and welfare of their citizens by passing legislation which preempts all of those State laws. This is a very bad idea and it must be defeated.

The National Uniformity for Food Act is poorly-drafted legislation that would preempt state law on food safety.

From Consumer's Union: "This bill would eliminate critical state laws that protect consumer health while leaving in place an inadequate federal system based on the lowest common denominator of protection.

Eighty percent of our nation's food safety inspection is regulated on the state and local levels.

If enacted, the measure would essentially abrogate at least 200 state laws that build on federal law, as well as state laws that exist in the absence of any federal regulation (such as state laws on items including shellfish and smoked fish safety, milk, nursing home food, and cafeteria food).

If states wished to continue enforcement of their laws, they would need to petition FDA for permission.

The Congressional Budget Office estimates that the FDA could spend upwards of $100 million over the next five years on those petitions.

The measure would also stop states from creating food labels if they are not identical to federal labels.

The measure is opposed by the National Association of State District Attorneys, the Center for Science in the Public Interest, the Humane Society, and Physicians for Social Responsibility, which calls this a "major health threat."

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, in this debate we see the irony of the majority leadership of the House of Representatives in a rather strange way. They are rushing to get to the floor a provision that has barely been debated and discussed, that is highly controversial, highly technical, and not very well understood by a lot of people. An absolute rush to get this to the floor.

The number one issue, I trust in most Members' districts, it sure is in mine, is the urgent pendency of a deal that would turn over major port operations throughout this country to a company wholly owned by the United Arab Emirates, an ally of rather questionable and debatable standing with the United States.

Now, this is going to happen, this port deal, if Congress does not act. The President has made that very clear. And many of us believe that we need to get to this floor right now, not later, legislation on this issue so that the majority can work its will. Members on both sides of the aisle have said this is what we need to be doing right now. But there is nothing on the agenda to do anything about that. Nothing.

We are going to go off for another recess, and who knows what is going to be negotiated on this deal when we are gone? My sense is this is what our constituents want us to debate and legislate on, the wisdom or lack thereof of this port takeover deal.

We will have an opportunity by voting ''no'' on moving the previous question to bring to this floor a piece of legislation the American people really do want debated right now; don't want sent back to committee for further hearings or further consideration.

This is just bizarre. It is bizarre. A piece of legislation that appears to be a solution in search of a problem is rushed to the floor so it can be considered, and something that is acknowledged from coast to coast by both parties in both Chambers as a huge problem cannot make it to the floor at all.

Well, we have a chance to do something about that. Vote ''no'' on the previous question and make the people's House reflect the people's business.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, on Monday, I was briefed on current security and commerce issues by the executives of the Port of Philadelphia. These men and women operate the world's largest freshwater port and one of the Nation's strategic military seaports.

While there, we discussed the key role the Philadelphia and other U.S. ports play in our national and global economy, the fact that the United States is the leading maritime trading Nation in the world, and how last year more than 11 million containers, carrying our basic necessities and supplies, came to our Nation's ports and how our seaports account for 75 percent of international commerce.

We also talked about how a significant disruption in our port system would be devastating to our economy, causing massive shortages of food, oil, and other vital commodities. Yet despite these facts and despite universal agreement that our vessels, our containers, and ports are potential terrorist targets, this administration approved a deal allowing a United Arab Emirates-controlled company to oversee operations at six major U.S. ports, including the Port of Philadelphia.

□ 1500

My colleagues, this administration quietly tried to move this deal forward without informing Congress or without informing the American public. Even knowing the serious threats against us, this administration relinquished its right to conduct an in-depth national security investigation of this proposed acquisition and, instead, approved the deal. It is unacceptable that this administration was prepared to allow a country whose key agencies, including security and monetary agencies, have allegedly been infiltrated by al Qaeda; and in fact, this was a country which was the port of origin for two of September 11's hijackers, and they want this company controlled by this country to operate vital U.S. ports.

This administration has behaved with no accountability and no responsibility regarding U.S. oversight and control of our ports. For years, despite knowing the needs and the threats, this administration repeatedly turned a blind eye to port security. Since September 11, this administration has provided only 16 percent of the funds needed to secure our ports, and has neglected to issue security standards for our ports, including a long delay on important port worker ID cards. These failures are outrageous and unacceptable.

So today, my Democratic colleagues and I are calling on Congress to address one of the most immediate national security issues facing our Nation and the American people today: Dubai Ports World deal. Clearly we should take up this matter immediately before considering the National Food Uniformity Act, legislation that tramples on our States rights and fails to improve the health of our Nation's food supply.

I urge a ''no'' vote on the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I think we have so little time to talk about this bill on the House floor, I wanted some of our colleagues to understand what kind of laws we are talking about: State laws dealing with adulterated food, emergency permit controls, unsafe food additives, unsafe color additives, new animal drugs, animal feeds, poisonous ingredients in food. These are laws that States have adopted over the years and they are going to be swept away.

It is so inexplicable to me why we would want to do that. States currently carry out 80 percent of food safety protection. There is no evidence they have been acting irresponsibly or incompetently. And in many cases, the Federal Government has never gotten around to looking at these issues because they have deferred to the States on them. So now the State laws will be struck unless the Federal Government allows those State laws to stay in effect and that could mean, even though there is no Federal warning law, for example, that would take its place. We would have no law at the local or State level, or at the Federal level. I guess the purpose of some of this legislation is to keep the public from knowing about the harm that they may be exposed to in food.

Now Mrs. CAPPS and a number of others are going to be offering an amendment, the Capps-Stupak-Eshoo-Waxman amendment, that would say that State laws that require notification of substances that may cause cancer and birth defects in reproductive health all ought to be permitted. I hope Members will vote for that amendment and vote against this bill.

Mr. GINGREY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the point is, as we have stated repeatedly in regard to this bill, if a State does appeal to the Federal Government, to the FDA, for a labeling requirement that they have concerns about in their particular State, no matter how long it takes the Federal Government to respond, indeed if they do not respond, then that label requirement will be applicable to that unique problem that that State has recognized.

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

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

Mr. WAXMAN. It gives 180 days for the FDA to act. They do not have the resources to do it, but they can simply say this is a burden on interstate commerce, the State law is gone. It does not mean that the State law stays in effect until the Federal Government establishes a national standard. It could strike the State law and have no national standard to replace it.

Mr. GINGREY. Mr. Speaker, reclaiming my time, it is a 180-day appeal process, but if the Federal Government does not respond, it is my understanding, and I will be glad to talk to the gentleman later if he still thinks I am in error in my interpretation of this bill, but I think the point that I made was an accurate statement with regard to that.

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

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

Mr. Speaker, I will be asking for a ''no'' vote on the previous question, so that I can amend the rule to give the House an opportunity to vote today, up or down, to block the President's plan to turn over our Nation's ports to a government run by the country of Dubai.

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

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, my amendment provides that immediately after the House adopts this rule, it will bring up legislation that stops the President from moving forward with his deal to transfer operations at a number of our Nation's busiest ports to a company owned by the United Arab Emirates.

Mr. Speaker, now more than ever, we need to ensure that Congress has a voice in the outcome of this potentially dangerous and secretive deal.

On Monday of this week, Great Britain's highest court refused to consider an objection to the purchase of the British shipping company by Dubai, thus clearing the way for the sale and potential takeover of American ports by this company. Additionally, and many people may not know this, news reports this week have revealed that the contract negotiated by the Bush administration would impact more than just the six ports mentioned in

the initial reports. It would affect at least 22 ports in the United States.

The more we learn about the agreement, the worse it gets, and the clock is ticking on this deal and we must not allow more time to go by without taking any action in this body.

Mr. Speaker, I include for the RECORD a listing of ports that make up the 22 ports.

DUBAI DEAL NOW INCLUDES 22 PORTS

WASHINGTON.—The $6.8 billion deal British courts approved today putting a Dubai-owned company in charge of significant operations at six U.S. ports, also gives the company a lesser role in other dockside activities at 16 other American seaports. By purchasing London-based Peninsular and Oriental Steam Navigation, DP World bought the publicly traded British firm's concessions to manage and operate some cargo or passenger terminal facilities in New York, New Jersey, Baltimore, New Orleans, Miami and Philadelphia.

The Department of Homeland Security has said DP World would only operate and manage specific, individual terminals located within six ports. Homeland Security says DP World would operate one of Philadelphia's five terminals, not including the port's single cruise ship terminal.

Last week, DP World formally submitted to an unusual, broader security examination by the Bush administration over the ports deal. Among the new cities included in the deal are Camden, N.J. and Wilmington, Del.

Here is a list of all U.S. ports affected by the pending sale of London-based Peninsular & Oriental Steam Navigation Co. to Dubai-owned DP World:

BALTIMORE: Would manage and operate two of the port's 14 terminals.

BATON ROUGE, LA: DP Would run some stevedoring operations at port's general cargo dock.

BEAMONT, TEXAS: Would run one of about six stevedoring operations.

BOSTON: Operate Black Falcon Cruise Terminal with Massachusetts Port Authority; would run stevedoring operations at the Moran Automobile Terminal.

CAMDEN, N.J: Run some stevedoring operations, part owners Delaware River Stevedores.

CORPUS CHRISTI, TEXAS: Operate some stevedoring operations, part of joint venture, Dix-Fairway.

DAVISVILLE, R.I: Run some stevedoring operations.

FREEPORT, TEXAS: Run some stevedoring operations.

GALVESTON, TEXAS: Run stevedoring operations at one terminal.

GULFPORT, MISS: Would become one of two stevedoring companies.

HOUSTON: Work with stevedoring contractors at three of port's 12 terminals.

LAKE CHARLES, LA: Operate some stevedoring operations.

MIAMI: Operate/manage with Eller & Company Inc., one of three terminals; doesn't include Miami's seven cruise ship terminals and would operate some stevedoring services.

NEWARK: Operate and manage one of the port's four terminals.

NEW ORLEANS: Manage and operate two of the port's five terminals and doesn't include chemical-plant terminals along the Mississippi River.

NEW YORK: Manage and operate the New York Cruise Terminal.

NORFOLK, VA: Involved with stevedoring activities at all five port terminals and would not manage any of the terminals.

PHILADELPHIA: Operate one of five terminals and doesn't include the port's single cruise ship terminal.

PORT ARTHUR, TEXAS: Operate as one of three stevedoring companies.

PORTLAND, MAINE: Operate as one of stevedoring companies serving Portland's terminals and take over crane maintenance at one terminal.

TAMPA, FLA: Operate/manage terminals under pending contract negotiated Feb. 21; Port authority says will reconsider deal if DP World deal is finalized; also provide some stevedoring services.

WILMINGTON, DEL: Run some stevedoring operations as part owners Delaware River Stevedores, one of two stevedoring companies at the port.

Mr. Speaker, I urge all Members to vote ''no'' on the previous question and then we can deal with this matter which has an urgency to everyone in this country.

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

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

Mr. Speaker, I will draw this debate to a close so we can move forward with consideration of the amendments to H.R. 4167.

This bill should receive wide and bipartisan support because it does ensure everyone has access to the same food labeling information. Why would we want to deprive anyone of life- or health-saving information while driving down the cost of products for all consumers?

Mr. Speaker, as I have previously mentioned, there is no reason, nor is there any excuse to allow regulatory inconsistency to drive up cost and keep some consumers in the dark on matters that may affect their health.

As a physician Member of Congress, I have been and will remain committed to supporting legislation that will prevent illness and save lives.

Mr. Speaker, let me conclude my remarks by reminding my colleagues that defeating the previous question that the other side of the aisle is talking about, in fact used probably half of their allotted time to discuss. This is an exercise in futility because the minority wants to offer an amendment that otherwise would be ruled out of order, as they know, as nongermane. So the vote is totally without substance.

The leadership of this House has already committed to bring forward legislation next week in regard to this very sensitive issue that we share on both sides of the aisle regarding port security. The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive policy implications whatsoever.

Mr. Speaker, at this point I include for the RECORD 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 one 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.

In closing, I want to encourage my colleagues on both sides of the aisle to support the rule, and let us move forward with debate on several thoughtful amendments from both parties and ultimately supporting the underlying bill.

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

PREVIOUS QUESTION STATEMENT ON H. RES. 710

2ND RULE PROVIDING FOR CONSIDERATION OF AMENDMENTS TO H.R. 4167

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 Financial Services; and (2) one motion to recommit with or without instructions.''

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

None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) applies with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term ''P&O Ports'' means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term ''Dubai Ports World'' means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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. SLAUGHTER. 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 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 710 will be followed by 5-minute votes on adoption of H. Res. 710, if ordered; motion to instruct on H.R. 2830; motion to suspend the rules on H.R. 4192; motion to suspend the rules on H.R. 1053; motion to suspend the rules on H. Res. 673; and motion to suspend the rules on H.R. 3505.

The vote was taken by electronic device, and there were—yeas 223, nays 198, not voting 11, as follows:

[Roll No. 21]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (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)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
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
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

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
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
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.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
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
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Burton (IN)
Costa
Cubin
Evans
Gerlach
Gonzalez
Hinchey
Hinojosa
Norwood
Schmidt
Sweeney

□ 1535

Mrs. LOWEY, Mrs. CAPPS, Mrs. JONES of Ohio and Messrs. GORDON, MEEHAN, BAIRD and BECERRA changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. SCHMIDT. Mr. Speaker, on rollcall No. 21, legislative bells failed to go off in my office. I came to the floor as soon as I was notified of the vote, but arrived after the vote had closed. Had I been present, I would have voted "yea".

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 2830 offered by the gentleman from California (Mr. GEORGE MILLER) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 158, not voting 9, as follows:

[Roll No. 22]

YEAS—265

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
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)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gibbons
Goode
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kline
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NAYS—158

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Ehlers
English (PA)
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Kelly
King (IA)
King (NY)
Kingston
Knollenberg
Kolbe
Kuhl (NY)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Northup
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Pitts
Porter
Pryce (OH)
Putnam
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—9

Burton (IN)
Costa
Cubin
Evans
Gonzalez
Hinojosa
Norwood
Salazar
Sweeney

□ 1548

Mr. ADERHOLT changed his vote from "yea" to "nay."

Messrs. DUNCAN, PETRI, WAMP, GRAVES, POE, SCHWARZ of Michigan, JENKINS, NEY, MARIO DIAZ-BALART of Florida, GREEN of Wisconsin, WALDEN of Oregon, HOBSON, ROHRABACHER, MACK and KELLER changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO DESIGNATE THE PRESIDENT WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME IN HOPE, ARKANSAS, AS A NATIONAL HISTORIC SITE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4192.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 4192, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 12, not voting 11, as follows:

[Roll No. 23]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons

Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Istook
Jones (NC)
McHenry
Paul
Shuster
Westmoreland

NOT VOTING—11

Burton (IN)
Capps
Costa
Cubin
Davis (KY)
Evans
Gonzalez
Hinojosa
Norwood
Salazar
Sweeney

□ 1556

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, on rollcall No. 23, had I been present, I would have voted "yea."

EXTENDING NORMAL TRADE RELATIONS TREATMENT TO UKRAINE

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question of suspending the rules and passing the bill, H.R. 1053, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 1053, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 2, answered ''present'' 3, not voting 10, as follows:

[Roll No. 24]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Goode
Taylor (MS)

NOT VOTING—10

Burton (IN)
Costa
Cubin
Drake
Evans
Gonzalez
Hinojosa
Norwood
Salazar
Sweeney

□ 1605

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. DRAKE. Mr. Speaker, on rollcall No. 24, I was meeting with representatives of DOD on Military Health Care issues and did not realize the vote had finished and a new one started—my error. I simply mistimed it. Had I been present, I would have voted "yea."

EXPRESSING SUPPORT FOR THE REPUBLIC OF BELARUS TO ESTABLISH A FULL DEMOCRACY

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 673.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 673, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 1, answered "present" 2, not voting 10, as follows:

[Roll No. 25]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—2

Hastings (FL)
Kucinich

NOT VOTING—10

Burton (IN)
Costa
Cubin
Evans
Gonzalez
Herger
Hinojosa
Norwood
Salazar
Sweeney

□ 1613

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FINANCIAL SERVICES REGULATORY RELIEF ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3505, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3505, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 15, as follows:

[Roll No. 26]

YEAS—415

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake

Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Royce
Taylor (MS)

NOT VOTING—15

Ackerman
Bean
Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Herger
Hinojosa
Norwood
Ros-Lehtinen
Salazar
Sweeney

□ 1621

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NORWOOD. Mr. Speaker, though I was absent on Wednesday, March 8, 2006 for personal reasons, I wish to have my intended votes recorded in the CONGRESSIONAL RECORD for the following series:

Rollcall vote 21 on ordering the previous question for H.R. 710—"aye"; rollcall vote 22 on the motion to instruct conferees on H.R. 2830—"no"; rollcall vote 23 on H.R. 4192—"aye"; rollcall vote 24 on H.R. 1053—"aye"; rollcall vote 25 on H. Res 673—"aye"; rollcall vote 26 on H.R. 3505—"aye."

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on rollcall Nos. 25 and 26 I was unavoidably detained meeting with constituents. Had I been present I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the Chair appoints the following conferees on H.R. 2830:

From the Committee on Education and the Workforce, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Messrs. McKeon, Sam Johnson of Texas, Kline, Tiberi, George Miller of California, Payne, and Andrews.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Messrs. Thomas, Camp of Michigan, and Rangel.

For consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. BOEHNER.

There was no objection.

GENERAL LEAVE

Mr. BARTON of Texas. 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. 1053, H. Res. 673, and H.R. 4167.

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

There was no objection.

NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4167.

□ 1623

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 further 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. SIMMONS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, March 2, 2006, all time for general debate pursuant to House Resolution 702 had expired.

Pursuant to House Resolution 710, no further general debate shall be in order and the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 4167

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 "National Uniformity for Food Act of 2005".

SEC. 2. NATIONAL UNIFORMITY FOR FOOD.

(a) NATIONAL UNIFORMITY.—Section 403A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343–1(a)) is amended—

(1) in paragraph (4), by striking "or" at the end;

(2) in paragraph (5), by striking the period and inserting ", or";

(3) by inserting after paragraph (5) the following:

"(6) any requirement for a food described in section 402(a)(1), 402(a)(2), 402(a)(6), 402(a)(7), 402(c), 404, 406, 409, 512, or 721(a), that is not identical to the requirement of such section."; and

(4) by adding at the end the following: "For purposes of paragraph (6) and section 403B, the term 'identical' means that the language under the laws of a State or a political subdivision of a State is substantially the same language as the comparable provision under this Act and that any differences in language do not result in the imposition of materially different requirements. For purposes of paragraph (6), the term 'any requirement for a food' does not refer to provisions of this Act that relate to procedures for Federal action under this Act.".

(b) UNIFORMITY IN FOOD SAFETY WARNING NOTIFICATION REQUIREMENTS.—Chapter IV of such Act (21 U.S.C. 341 et seq.) is amended—

(1) by redesignating sections 403B and 403C as sections 403C and 403D, respectively; and

(2) by inserting after section 403A the following new section:

"SEC. 403B. UNIFORMITY IN FOOD SAFETY WARNING NOTIFICATION REQUIREMENTS.

''(a) UNIFORMITY REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in subsections (c) and (d), no State or political subdivision of a State may, directly or indirectly, establish or continue in effect under any authority any notification requirement for a food that provides for a warning concerning the safety of the food, or any component or package of the food, unless such a notification requirement has been prescribed under the authority of this Act and the State or political subdivision notification requirement is identical to the notification requirement prescribed under the authority of this Act.

''(2) DEFINITIONS.—For purposes of paragraph (1)—

''(A) the term 'notification requirement' includes any mandatory disclosure requirement relating to the dissemination of information about a food by a manufacturer or distributor of a food in any manner, such as through a label, labeling, poster, public notice, advertising, or any other means of communication, except as provided in paragraph (3);

''(B) the term 'warning', used with respect to a food, means any statement, vignette, or other representation that indicates, directly or by implication, that the food presents or may present a hazard to health or safety; and

''(C) a reference to a notification requirement that provides for a warning shall not be construed to refer to any requirement or prohibition relating to food safety that does not involve a notification requirement.

''(3) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State from conducting the State's notification, disclosure, or other dissemination of information, or to prohibit any action taken relating to a mandatory recall, civil administrative order, embargo, detention order, or court proceeding involving food adulteration under a State statutory requirement identical to a food adulteration requirement under this Act.

''(b) REVIEW OF EXISTING STATE REQUIREMENTS.—

''(1) EXISTING STATE REQUIREMENTS; DEFERRAL.—Any requirement that—

''(A)(i) is a State notification requirement that expressly applies to a specified food or food component and that provides for a warning described in subsection (a) that does not meet the uniformity requirement specified in subsection (a); or

''(ii) is a State food safety requirement described in section 403A(6) that does not meet the uniformity requirement specified in that paragraph; and

''(B) is in effect on the date of enactment of the National Uniformity for Food Act of 2005, shall remain in effect for 180 days after that date of enactment.

''(2) STATE PETITIONS.—With respect to a State notification or food safety requirement that is described in paragraph (1), the State may petition the Secretary for an exemption or a national standard under subsection (c). If a State submits such a petition within 180 days after the date of enactment of the National Uniformity for Food Act of 2005, the notification or food safety requirement shall remain in effect in accordance with subparagraph (C) of paragraph (3), and the time periods and provisions specified in subparagraphs (A) and (B) of such paragraph shall apply in lieu of the time periods and provisions specified in subsection (c)(3) (but not the time periods and provisions specified in subsection (d)(2)).

''(3) ACTION ON PETITIONS.—

''(A) PUBLICATION.—Not later than 270 days after the date of enactment of the National Uniformity for Food Act of 2005, the Secretary shall publish a notice in the Federal Register concerning any petition submitted under paragraph (2) and shall provide 180 days for public comment on the petition.

''(B) TIME PERIODS.—Not later than 360 days after the end of the period for public comment, the Secretary shall take final agency action on the petition.

''(C) ACTION.—

''(i) IN GENERAL.—With respect to a State that submits to the Secretary a petition in accordance with paragraph (2), the notification or food safety requirement involved shall remain in effect during the period beginning on the date of enactment of the National Uniformity for Food Act of 2005 and ending on the applicable date under subclause (I) or (II), as follows:

''(I) If the petition is denied by the Secretary, the date of such denial.

''(II) If the petition is approved by the Secretary, the effective date of the final rule that is promulgated under subsection (c) to provide an exemption or national standard pursuant to the petition, except that there is no applicable ending date under this subparagraph for a provision of State law that is part of such State requirement in any case in which the final rule does not establish any condition regarding such provision of law.

''(ii) NONCOMPLIANCE OF SECRETARY REGARDING TIMEFRAMES.—

''(I) JUDICIAL REVIEW.—The failure of the Secretary to comply with any requirement of subparagraph (A) or (B) shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

''(II) STATUS OF STATE REQUIREMENT.—With respect to a State that submits to the Secretary a petition in accordance with paragraph (2), if the Secretary fails to take final agency action on the petition within the period that applies under subparagraph (B), the notification or food safety requirement involved remains in effect in accordance with clause (i).

''(c) EXEMPTIONS AND NATIONAL STANDARDS.—

''(1) EXEMPTIONS.—Any State may petition the Secretary to provide by regulation an exemption from section 403A(a)(6) or subsection (a), for a requirement of the State or a political subdivision of the State. The Secretary may provide such an exemption, under such conditions as the Secretary may impose, for such a requirement that—

''(A) protects an important public interest that would otherwise be unprotected, in the absence of the exemption;

''(B) would not cause any food to be in violation of any applicable requirement or prohibition under Federal law; and

''(C) would not unduly burden interstate commerce, balancing the importance of the public interest of the State or political subdivision against the impact on interstate commerce.

''(2) NATIONAL STANDARDS.—Any State may petition the Secretary to establish by regulation a national standard respecting any requirement under this Act or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.) relating to the regulation of a food.

''(3) ACTION ON PETITIONS.—

''(A) PUBLICATION.—Not later than 30 days after receipt of any petition under paragraph (1) or (2), the Secretary shall publish such petition in the Federal Register for public comment during a period specified by the Secretary.

''(B) TIME PERIODS FOR ACTION.—Not later than 60 days after the end of the period for public comment, the Secretary shall take final agency action on the petition or shall inform the petitioner, in writing, the reasons that taking the final agency action is not possible, the date by which the final agency action will be taken, and the final agency action that will be taken or is likely to be taken. In every case, the Secretary shall take final agency action on the petition not later than 120 days after the end of the period for public comment.

''(4) JUDICIAL REVIEW.—The failure of the Secretary to comply with any requirement of this subsection shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

''(d) IMMINENT HAZARD AUTHORITY.—

''(1) IN GENERAL.—A State may establish a requirement that would otherwise violate section 403A(a)(6) or subsection (a), if—

''(A) the requirement is needed to address an imminent hazard to health that is likely to result in serious adverse health consequences or death;

''(B) the State has notified the Secretary about the matter involved and the Secretary has not initiated enforcement action with respect to the matter;

''(C) a petition is submitted by the State under subsection (c) for an exemption or national standard relating to the requirement not later than 30 days after the date that the State establishes the requirement under this subsection; and

''(D) the State institutes enforcement action with respect to the matter in compliance with State law within 30 days after the date that the State establishes the requirement under this subsection.

''(2) ACTION ON PETITION.—

''(A) IN GENERAL.—The Secretary shall take final agency action on any petition submitted under paragraph (1)(C) not later than 7 days after the petition is received, and the provisions of subsection (c) shall not apply to the petition.

''(B) JUDICIAL REVIEW.—The failure of the Secretary to comply with the requirement described in subparagraph (A) shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

''(3) DURATION.—If a State establishes a requirement in accordance with paragraph (1), the requirement may remain in effect until the Secretary takes final agency action on a petition submitted under paragraph (1)(C).

''(e) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect the product liability law of any State.

''(f) NO EFFECT ON IDENTICAL LAW.—Nothing in this section relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a requirement that is identical to a requirement of this Act, whether or not the Secretary has promulgated a regulation or issued a policy statement relating to the requirement.

''(g) NO EFFECT ON CERTAIN STATE LAW.—Nothing in this section or section 403A relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a requirement relating to—

''(1) freshness dating, open date labeling, grade labeling, a State inspection stamp, religious dietary labeling, organic or natural designation, returnable bottle labeling, unit pricing, or a statement of geographic origin; or

''(2) a consumer advisory relating to food sanitation that is imposed on a food establishment, or that is recommended by the Secretary, under part 3–6 of the Food Code issued by the Food and Drug Administration and referred to in the notice published at 64 Fed. Reg. 8576 (1999) (or any corresponding similar provision of such a Code).

''(h) DEFINITIONS.—In section 403A and this section:

''(1) The term 'requirement', used with respect to a Federal action or prohibition, means a mandatory action or prohibition established under this Act or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), as appropriate, or by a regulation issued under or by a court order relating to, this Act or the Fair Packaging and Labeling Act, as appropriate.

''(2) The term 'petition' means a petition submitted in accordance with the provisions of section 10.30 of title 21, Code of Federal Regulations, containing all data and information relied upon by the petitioner to support an exemption or a national standard.''.

(c) CONFORMING AMENDMENT.—Section 403A(b) of such Act (21 U.S.C. 343–1(b)) is amended by adding after and below paragraph (3) the following:

''The requirements of paragraphs (3) and (4) of section 403B(c) shall apply to any such petition, in the same manner and to the same extent as the requirements apply to a petition described in section 403B(c).''.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of H.R. 4167, the National Uniformity for Food Act of 2005.

As a senior member of the House Agriculture Committee, and a cosponsor of this legislation, I support H.R. 4167, to establish a uniform system of food safety and labeling requirements. This legislation is both timely and necessary for security and consistency in a global food economy. Currently, the United States operates under a labeling standard that continues to vary from state to state, with each state being able to create and enforce their own labeling requirements. This creates uncertainty, confusion, and possible danger to the health and well-being of the consumer; with one state requiring a certain warning label on a product, and another setting a completely different standard.

H.R. 4167 will create a single standard for food nutrition and warning labeling based on the high safety standards that are set by the United States Food and Drug Administration. This will be a national standard that will be applicable to all states. This legislation will continue to allow the FDA to work with states collaboratively in establishing food safety policies and standards.

I understand the concerns some have raised about H.R. 4167, and I voted for several amendments to make clear that I support reliable standards for food safety and public health. Specifically, the Cardoza amendment requires FDA to expedite state petitions involving a food notification requirement for health effects dealing with cancer, reproductive issues, birth defects, or information to parents or guardians concerning children's risk to a certain food. In addition, the Rogers Amendment prohibits H.R. 4167 from taking affect until after the Department of Health and Human Services, in consultation with the Department of Homeland Security, certifies that it will pose no additional risk to the public health or safety from terrorist attacks to the food supply. Finally, I support the Wasserman Schultz amendment to prohibit federal law from affecting any state law, regulation, prohibition, or other action that establishes a notification requirement regarding the presence or potential effects of mercury in fish and shellfish. H.R. 4167 is common sense legislation that was designed to create uniformity and consistency in labeling to help and protect the American consumer.

I urge my colleagues to support this legislation.

Mr. STARK. Mr. Chairman, I rise today in strong opposition to H.R. 4167, the National Uniformity for Food Act. This bill puts commercial food industry interests ahead of the rights of consumers to be warned about food safety issues.

The National Uniformity for Food Act would preempt all state food safety labeling protections, even if those protections have no effect on interstate commerce. The bill also bars states from limiting particular toxic chemicals in food, even if the Food and Drug Administration (FDA) has not set standards for those chemicals. For example, the current California requirement for point-of-sale warnings about high mercury levels in certain fish would be eliminated if this bill becomes law.

This bill is especially detrimental in states like California that have gone to great lengths to protect consumers through strong food safety labeling requirements. Requirements like California's Proposition 65 have greatly reduced exposure to toxic chemicals in food. California's food safety laws should be a model for the nation. Instead, the grocery and commercial food industries have used their influence in the halls of Congress in an attempt to destroy these laws.

California Attorney General Bill Lockyer, the National Association of State Departments of Agriculture, and many consumer groups oppose this bill. Mr. Lockyer said in a letter to the California delegation that the National Uniformity for Food Act ''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 urge my all my colleagues to stand up for consumers, not corporations, by voting no on the National Uniformity for Food Act.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong opposition to H.R. 4167, the National Uniformity for Food Act. H.R. 4167 is intended to provide uniform food safety warnings and notifications. As written, however, it would hinder my state of Illinois' ability to protect the food supply and to respond quickly to local food safety concerns.

The National Uniformity for Food Act would weaken Illinois' ability to protect its residents from contaminated food by adding a layer of bureaucracy before such food could be removed from the shelves. Eighty percent of the country's food safety inspections are completed at the state and local levels. The bill preempts state food safety rules, which are often more stringent than federal standards and threatens the states' capacity to respond without delay to food safety issues.

For example, in 2002, 40 Illinois school children became sick after eating what appeared to be ammonia-contaminated chicken. Our Department of Public Health issued the necessary embargoes and the product was immediately removed from schools so no other children became ill. H.R. 4167 would prevent our state health department from taking immediate action in a similar situation.

In addition, H.R. 4167 would erect a number of legal hurdles. The bill would force state standards and procedures to be made identical to federal standards and procedures. H.R. 4167 would therefore prevent Illinois from taking action to keep any contaminated product regulated under the Illinois Food, Drug and Cosmetic Act out of the marketplace. For example, the bill would: remove Illinois' ability to take emergency action to keep contaminated food from reaching the public; prohibit Illinois from providing state-level consumer food warnings, including the mercury contamination in fish, the content of fats and oils in food, and the use of pesticides on fruits and vegetables; remove the state's ability to ensure the safety of food and color additives; and preempt state laws that require stores selling alcoholic beverages to post warning signs about the risks of drinking alcohol during pregnancy.

Every year, 76 million Americans suffer from food poisoning resulting in approximately 5,000 deaths. The stakes are only growing now that mad cow disease has been discovered in the United States. In addition, we must remain aware that our food supply is a potential target of terrorism. Now is the time to strengthen, and not dilute, our efforts to detect unsafe food products before they reach grocery store shelves.

I have received nearly 500 letters of opposition to H.R. 4167 from my constituents, in addition to letters of opposition from Illinois Attorney General Lisa Madigan, the Illinois Public Interest Research Group, and Illinois Governor Rod Blagojevich. Governor Blagojevich writes: ''Regulating and protecting the food supply is a responsibility shared by local, state and federal governments. In fact, approximately 80 percent of food safety inspections in the United States are completed at state and local levels. Therefore, passage of House Resolution 4167, preempting state rules on food supply that may be stronger than federal law, could put Illinois' residents and visitors at risk.'' I cannot support legislation which would hinder Illinois' ability to respond quickly to local food safety concerns. I encourage my colleagues to join me in opposing this legislation.

Mr. BLUMENAUER. Mr. Chairman, I am deeply disturbed by this proposal that would strip away states' ability to protect their citizens' food supply. Today's consideration of the ''National Food Uniformity Act'' represents the fourth time this bill has been considered since I have come to Congress. Congress and the public have repeatedly shown that they are opposed to the weakening of food safety laws, and yet we are forced to continue this debate.

Each year, food-borne illnesses result in 76 million illnesses, 325,000 hospitalizations and 5,000 deaths. This bill would nullify approximately 200 state laws aimed at reducing the incidence of these food-borne illnesses.

It's shameful that this bill does not create any uniform safety standards, but simply strips away states' rights to protect their residents. I'm sympathetic to some manufacturers' concerns about the burdens of multiple labeling

and food standards. However, state food safety regulations have protected millions of American consumers and I cannot support legislation that does not put in place any comparable national standards.

Mr. GUTKNECHT. Mr. Chairman, I would like to clarify the scope of preemption under H.R. 4167, because some confusing and misleading things have been said on this subject. While I have great respect for the Association of Food and Drug Officials, especially for the work its members do at the state level, I would specifically like to clarify some mistaken points the group made in a letter dated January 16th of this year. This letter stated that H.R. 4167 would preempt state laws on food sanitation, including milk sanitation statutes on the books in Minnesota and most other states. This is not the case. The bill we're considering today would not preempt state food sanitation standards.

H.R. 4167 only provides for federal preemption of certain requirements of the Federal Food, Drug, and Cosmetic Act, or FFDCA, and these are specified in the legislation. If a requirement of the FFDCA is not specified in H.R. 4167, then it will not be preempted by H.R. 4167, and states can establish or maintain requirements that are different from federal ones. This is the case when it comes to sanitation. Again, Mr. Chairman, states would still be free to enact state sanitation standards that are not identical to federal sanitation standards.

Even if H.R. 4167 did preempt state laws on food sanitation, which it again does not, it would still not preempt state milk sanitation laws. Through this bill, for preemption to be found in general, there must be a conflict between a state law and a federal requirement of the FFDCA or certain other federal laws and regulations. But in the case of milk sanitation, there is no federal law or regulation for a state law to conflict with. There are only the FDA definitions of "pasteurized" and "ultra-pasteurized" milk, which are agreed upon by agencies at all levels of government and the entire dairy industry, and the general manufacturing practice regulations applicable to all foods. Along these lines, Mr. Chairman, I ask that the dairy industry's letter of support for H.R. 4167 be included in the RECORD following my remarks.

These were conscious decisions made by the authors of H.R. 4167, decisions that, I think it is safe to say, are certainly agreed upon by the over 225 cosponsors of this bill, including myself. We recognize that states have often been at the forefront of regulating food sanitation, and for this reason, one of our legislative intents through this bill was that food sanitation standards should not and would not be preempted.

FEBRUARY 28, 2006.

Members of the House of Representatives, Washington, D.C.

DEAR REPRESENTATIVES: America's dairy producers and processors urge you to vote for H.R. 4167, the "National Uniformity for Food Act of 2005."

The International Dairy Foods Association (IDFA) and the National Milk Producers Federation (NMPF) support H.R. 4167, a bill to amend the Federal Food, Drug and Cosmetic Act in the areas of food safety tolerance setting and warning labeling because it takes a measured, science based approach, to achieve labeling uniformity. The bill contains a method for the orderly review and harmonization of existing state food safety adulteration laws and warnings as they relate to Federal law. No existing state labeling law would be preempted without this review and state requirements under petition would stay in effect during that review.

H.R. 4167 recognizes that it makes no sense to have a "patchwork quilt" of different states adopting different regulatory requirements on identical food product labeling. National uniformity in food laws is actually the norm, not the exception. All meat and poultry regulated by the U.S. Department of Agriculture (USDA) have national uniformity under the Federal Meat Inspection Act and the Poultry Products Inspection Act. The Nutrition Labeling and Education Act (NLEA) of 1990 established uniform nutrition labeling requirements on manufactured foods. In addition, the Food Quality Protection Act (FQPA) of 1996 included a uniformity provision for pesticide tolerance standards in food products. H.R. 4167 completes the job by establishing national uniformity for food additives and warning labels.

H.R. 4167 enjoys the support of 227 bipartisan co-sponsors and was reported by a bipartisan vote from the Energy and Commerce Committee on December 15,2005. America's dairy industry believes consumers deserve a single standard when it comes to food safety, and this bill will allow states and the Food and Drug Administration to work collaboratively in establishing sound food safety labeling policies that benefit, not confuse consumers. We urge your vote for H.R. 4167.

Sincerely,

CONNIE TIPTON,
President and CEO, International Dairy Foods Association.

JERRY KOZAK,
President and CEO, National Milk Producers Federation.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of H.R. 4167, the National Uniformity for Foods Act. I am pleased to be one of 226 cosponsors, and congratulate its sponsors, MIKE ROGERS and ED TOWNS, for their leadership in bringing this important food safety bill to the floor.

Domestic manufacturers and consumers alike will be well-served by this legislation which aims to alleviate the confusion created by a patchwork regulatory system, by requiring that the U.S. Food and Drug Administration (FDA) and the states work together to develop uniform safety standards.

Of note, the National Uniformity for Foods Act will likely benefit an estimated 16,000 food processing facilities scattered throughout the country. Most of them process foods that are distributed across state lines, including items like soup, ketchup, candy and crackers, all of which are produced in my congressional district.

Beyond food processors, glass manufacturers, who package food, beverages, cosmetics and other consumer products in Northwest Ohio will also be impacted positively by H.R. 4167. Given the nationwide distribution of most products packaged in glass, it is critical that glass manufacturers follow a national standard for the bottles that they produce.

Under the current regulatory system, each of the 50 states has the ability to require its own warning labels separate and apart from the FDA's requirements. Again, this multi-tiered regulatory environment can be highly inefficient, and serves to often confuse, rather than educate consumers. Manufacturers and consumers should have reasonable expectations that rational, scientifically based, and consistent standards will apply. The citizens of all states deserve the same level of food safety.

I should also point out that H.R. 4167 will not pre-empt existing state food safety requirements without thorough FDA evaluation, and will not prevent states from taking enforcement action without federal approval, so long as state food safety laws are the same as the federal government's requirements. Furthermore, this measure will not interfere with a state's rapid response mechanism to take action in emergency circumstances. Mr. Chairman, I again urge my colleagues to join me in supporting H.R. 4167.

The Acting CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109–386. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–386 offered by Mr. BARTON of Texas:

Page 2, line 7, strike "403A(a)" and insert "403A".

Page 2, beginning on line 8, strike "343–1(a)" and insert "343–1".

Page 2, line 10, strike "in paragraph (4)" and insert "in subsection (a)(4)".

Page 2, line 12, strike "in paragraph (5)" and insert "in subsection (a)(5)".

Page 2, line 14, insert "in subsection (a)," after "(3)".

Page 3, strike lines 5 through 15 and insert the following:

(4) by adding at the end the following:

"(c)(1) For purposes of subsection (a)(6) and section 403B, the term 'identical' means that the language under the laws of a State or a political subdivision of a State is substantially the same language as the comparable provision under this Act and that any differences in language do not result in the imposition of materially different requirements. For purposes of subsection (a)(6), the term 'any requirement for a food' does not refer to provisions of this Act that relate to procedures for Federal action under this Act.

"(2) For purposes of subsection (a)(6), a State or political subdivision of a State may enforce a State law that contains a requirement that is identical to a requirement in a section of Federal law referred to in subsection (a)(6) if—

"(A) the Secretary has promulgated a regulation or adopted a final guidance relating to the requirement and the State applies the State requirement in a manner that conforms to the regulation or guidance; or

"(B) the Secretary has not promulgated a regulation or adopted a final guidance relating to the requirement, except that if the

Secretary has considered a proposal for a regulation or final guidance relating to the requirement and has, after soliciting public comment, made a determination not to promulgate such regulation or adopt such guidance, which determination is published in the Federal Register, the State may not enforce any requirements in State law that are policies rejected by the Secretary through such determination.''.

Page 13, strike lines 13 through 19.

Page 13, line 20, strike ''(g)'' and insert ''(f)''.

Page 14, line 4, strike ''or'' after ''pricing,''.

Page 14, line 5, insert before the semicolon the following: '', or dietary supplements''.

Page 14, line 13, strike ''(h)'' and insert ''(g)''.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

Mr. WAXMAN. Mr. Chairman, if no one rises in opposition to the amendment, I would like to claim the time, for purposes of debate, by unanimous consent.

The Acting CHAIRMAN. Without objection, the gentleman from California (Mr. WAXMAN) will control the time in opposition.

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

My amendment provides clarification on the scope of the bill in two important areas. First, the amendment clarifies that uniformity in notification requirements for warnings does not apply to dietary supplements.

Additionally, during committee consideration of H.R. 4167, some Members expressed some confusion regarding the scope of subsection (f) of the bill. Today's amendment is designed to clear up that confusion and ensure that States can set tolerance levels for substances in food when the Federal Government has not.

Section 2 of the bill extends national uniformity to all aspects of food adulteration. I support the premise of food adulteration and tolerance levels should be uniform throughout the country. If a substance in food is injurious to one State's consumers, it would be injurious to the people of all 50 States. Section 401(a) of the Food, Drug and Cosmetic Act states a food is adulterated ''if it bears or contains any poisonous or deleterious substance which may render it injurious to health.'' The FDA currently determines levels of substances in particular foods to ensure that the food remains safe. Foods above those levels are considered adulterated.

The FDA is the world's gold standard for food regulation. If the agency has made a determination that a particular substance in food at a particular level is safe, then it should be safe to be sold in any State. However, if the FDA has not adopted a tolerance level for a substance in a particular food, nor affirmatively rejected a standard, then the State should be allowed to adopt its own standard when it deems necessary.

My amendment clarifies the intent of the authors of the legislation by stating that when there is neither a Federal tolerance level for a substance in a particular food, nor has the FDA made an affirmative rejection of the need for a tolerance for a particular substance, then the State may establish and enforce its own tolerance standard.

Mr. Chairman, I would urge my colleagues to support the amendment.

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

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

Mr. Chairman, it is claimed that the Barton amendment preserves State and local authorities to act when the Federal Government has not. Unfortunately, the extent of the amendment does not support this statement. The amendment merely provides that States may enforce identical requirements to Federal requirements.

This is a terrible policy. Sixteen years ago, the Food and Drug Administration learned that there were cancer-causing chemicals in soft drinks way above levels that would be permitted in drinking water. Once the soft drink industry promised to address the problem, the FDA did nothing. Under the legislation the House considers today, the States' hands will be tied, even while the FDA continues to do nothing.

The other purpose of this amendment is that it would allow the States to regulate in the area of dietary supplements. The Food and Drug Administration can regulate in that area, but the States could go even further.

Now, I am for States rights, and so if a State wants to go further in the area of dietary supplements, I should not object, although I do not know whether the people who want this bill think that dietary supplements ought to be treated differently than the other foods. Why should we allow the States to regulate in the area of dietary supplements but not in regular food? The distinction does not make a lot of sense.

I do not oppose this amendment. I sought the time for the purposes of debate, but I think the point I would draw to the attention of my colleagues is why are we treating dietary supplements different from other foods? The States have historically dealt in this area, and the States ought to be permitted to deal not just in dietary supplements, but with all food under the police powers that are granted to every State to act to protect their own citizens.

□ 1630

So I want Members to know that this amendment is going to treat dietary supplements in a harsher way, by letting the States act, than we will with regular foods where it comes to a tolerance or a warning label.

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

Mr. BARTON of Texas. Mr. Chairman, may I inquire how much time I still have?

The Acting CHAIRMAN (Mr. SIMMONS). The gentleman from Texas has 3 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Chairman, I want to propound a parliamentary inquiry.

I have no more requests for time, and I am going to close. I have a colloquy I want to enter into with the gentleman from Washington State, Mr. INSLEE. Can I use this time for that colloquy?

The Acting CHAIRMAN. The gentleman may yield to himself for purposes of a colloquy.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume to engage in a colloquy with the gentleman from Washington, and I yield to him at this time.

Mr. INSLEE. Mr. Chairman, I would like to be certain that I understand the requirement in the bill that State food safety laws be identical to the ten sections of Federal law that are listed in section 2(a)(6) of the bill. Am I correct that each of these ten sections provides a basis for determining whether food is adulterated?

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman. The gentleman is correct. Provisions of State law that establish standards for determining when a food is adulterated, that are the State counterparts to those ten listed sections of Federal law, will need to be identical to the Federal law.

Mr. INSLEE. If the gentleman will continue to yield. ''Identical'' in this context does not mean that every word has to be exactly the same, does it?

Mr. BARTON of Texas. No. ''Identical'' is defined to mean that minor differences in wording are acceptable so long as they do not alter the underlying meaning of the provision. So, for example, Federal law provides that a food is adulterated ''if it contains any added poisonous or deleterious substance which may render the food injurious to health.'' This is often referred to as the basic adulteration provision of Federal law. State law that addresses the basic adulteration requirement will need to be the same as that provision of Federal law.

Mr. INSLEE. If a State's basic adulteration law is identical to the Federal adulteration law, can a State apply that law as it determines to be proper?

Mr. BARTON of Texas. If the FDA has not established a tolerance or limit for a particular poisonous or deleterious substance in food, the State is free to make its own determination of what quantity of that substance should be held to adulterate the food. If, however, there is an FDA established tolerance or limit, the State would then need to follow the tolerance or limit in its enforcement of State law. If FDA has finally determined that there should not be a tolerance or limit, then in that instance also the State would need to follow the Federal policy.

Mr. INSLEE. I thank the gentleman for this explanation, and I have a further inquiry.

I understand that if a State law is identical to the Federal, that State regulators can apply State law to particular circumstances where FDA has not.

Suppose a State enacts a law that applies to State's basic adulteration requirement to a particular substance or circumstance. So the law would say, for example, that the State has determined that any food that contains more than X amount of Y poisonous or deleterious substance adulterates the food within the meaning of that State's food adulteration law, would that be permissible?

Mr. BARTON of Texas. Yes. If the State's food adulteration provisions are identical to the listed Federal provisions and there is no Federal tolerance or limit, the State may apply its law either by regulatory action or State legislative enactment. All that the bill requires is that the State apply the same standard for adulteration that is found in Federal law. It does not matter whether the State does that administratively or by legislation.

Mr. INSLEE. Thank you, Mr. Chairman, for those clarifications.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman, and I now ask for an ''aye'' vote on the Barton amendment.

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

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of my time to enter into that last point that was made.

A State may act if they act in a way that is identical to the Federal action. Great. But if a State wants to act where the Federal Government has not acted, the States will be blocked, or may be blocked, from acting at all.

I think that illustrates the problem with this legislation. The State authority is stopped, and if the Federal Government doesn't act and the State can't act, then there will be no warning label. There will be no action at all on either the State or the Federal level to protect the public, even though the State would like to protect its own citizens.

That illustrates to me the basic flaw in this whole bill that is before us. And maybe it is why we never had a day of hearings on it and it is being rushed through the House of Representatives without adequate debate.

But let me just make that point as clearly as possible. Because sometimes you hear over and over again, we will have a stronger Federal law and there will be one uniform Federal law. Well, this will allow one uniform nonFederal law to preempt the States, and they will be identical because they will both say nothing to give the consumers the information they ought to have about the problems in food that could cause cancer or other medical problems or health problems, such as PCBs in shellfish, such as mercury in some other foods, such as carcinogens in something else. The public won't even be empowered to protect themselves if they want to. It is ''buyer beware,'' but at least let the buyer have some information and let them then make that decision.

So I don't object to this amendment, but I do object to the bill, and this amendment does not cure the fundamental problems with this legislation.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–386 offered by Mr. CARDOZA:

Page 11, after line 7, insert the following:

''(C) EXPEDITED CONSIDERATION.—The Secretary shall expedite the consideration of any petition under paragraphs (1) or (2) that involves a request for a notification requirement for a food that provides a warning where the health effect to be addressed by the warning relates to cancer or reproductive or birth defects or is intended to provide information that will allow parents or guardians to understand, monitor, or limit a child's exposure to cancer-causing agents or reproductive or developmental toxins.''.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CARDOZA).

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that I be able to take the time and debate on this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DEAL of Georgia. Mr. Chairman, unless there is someone in opposition to it, I would claim the time in opposition, even though I am not opposed to it. I am not sure that Mr. WAXMAN and I are on the same position on the amendment.

Mr. WAXMAN. Well, Mr. Chairman, I will be in opposition to the amendment and claim the time in opposition.

The Acting CHAIRMAN. The gentleman from California (Mr. WAXMAN) is opposed and will control the time.

The gentleman from California (Mr. CARDOZA) is recognized.

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume to offer my amendment to H.R. 4167, the National Uniformity for Food Act.

H.R. 4167 creates two separate petition processes for States that may petition the FDA requesting approval for State labeling requirements. Under the first, the States are given a transitional period to request FDA approval of existing State regulations for food labeling. The second creates a process for States to petition the FDA to approve a national standard for new food labeling requirements, or to exempt a State from certain requirements of national uniformity.

My amendment deals only with the latter, the process for States to petition the FDA to approve national standards for future labeling requirements.

The bill sets strict timelines for FDA action on State petitions for future national standards. Petitions must be published in the Federal Register within 30 days of receipt and made available for public comment. The FDA must approve or deny within 60 days of the close of the public comment period, unless an extension is requested in order to gather more information. However, in all cases, final action must be rendered no later than 120 days after the close of the public comment period.

While I applaud the author for including these timelines, I feel it is important to have an even swifter resolution for those State petitions that may affect our most vulnerable populations. My amendment would further expedite consideration of State petitions seeking adoption of national warning requirements in three circumstances: first, where the proposed warning relates to cancer-causing agents; second, where the proposed warning relates to reproductive effects or birth defects; and, third, when the requested warning is intended to provide information that will allow parents to understand, monitor, or limit a child's exposure to cancer-causing agents or reproductive or developmental toxins.

My amendment will help ensure that when a State believes a warning should be provided against possible serious health effects or birth defects, FDA consideration of the State request must occur in the shortest period of time possible.

As a member of the California delegation, I stand by my support of the National Uniformity for Food Act, but I also recognize the importance of retaining a State's ability to advocate for their food safety warnings and that that be promoted nationwide. Ultimately, my amendment preserves the goal of H.R. 4167 to have uniform national warnings while also ensuring that Federal action on State requests for important health warnings is not delayed.

Mr. Chairman, I ask for an ''aye'' vote, and I reserve the balance of my time.

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

This bill requires a State to petition the Food and Drug Administration to see if the Food and Drug Administration will allow the State to continue with its law. Now, many of these laws are dealing with carcinogens and reproductive toxins, very, very serious matters, and the States feel the public ought to be advised about that.

This amendment, however, provides an expedited review. Well, the Congressional Budget Office has said that this

is going to cost $100 million over 5 years, and that is to review 200 State petitions, because there are 200 State laws that are going to be wiped out. The Congressional Budget Office says they do not think the FDA will comply in time. So the FDA is going to be mandated to get their review done in an expedited way and it is going to cost us over $100 million, but they are not going to comply.

Well, that is why the States attorneys general have contacted us and they say that this bill is going to create a whole new Federal bureaucracy. Imagine that, Republicans who are sponsoring this bill, and Democrats who have joined with them, who I don't think both sides of the aisle understood the consequences of this bill; that it takes away the States rights to enact legislation in areas of carcinogens and reproductive toxins and other areas where they think the public health and safety may be at stake, it takes away the States rights to give it to a Federal bureaucracy, and it enhances that Federal bureaucracy with additional burdens but creates no more funding to do that job.

Is this what we have always expected out of Congress; creating a new bureaucracy to act in place of State duly elected governments? I just think this bill, if people will examine it carefully, can't stand the light of day. And I guess that is why we have never had a hearing on it. No one has ever been able to get the pros and the cons. We have no record to substantiate that legislation to start with.

And this amendment, although it is hard to oppose an amendment that says we are going to have an expedited review, although the bill provides for a 180-day review, nobody who has looked at it carefully, especially the Congressional Budget Office, thinks it will make a difference because they are never going to get around to it.

I guess the way to handle it is the Food and Drug Administration can say, very quickly, no, that State law will not be allowed. We won't let them have those warnings for their people. We will just overturn the State law. That will be what they will have to do if they have to do it in an expedited way, especially if they are hearing from special interest groups that want the laws at the State level to be overturned.

But let me just add one other point. We are talking about 200 State laws that are on the books now. But what about other problems in the future that States may find out about that may even be peculiar to that State? They are not going to be looking at that issue any longer because they know that the Federal Government is now preempting the field. But the Federal Government, by preempting the field, it doesn't mean that they are looking at the problem and trying to address it.

So there is a huge vacuum that will be created if this bill becomes law, and that is why I sought the time and I wanted to make this clarification.

Mr. Chairman, should I have any time left, I want to reserve the balance of it.

Mr. CARDOZA. Mr. Chairman, I would like to inquire of the Chairman how much time I have remaining.

The Acting CHAIRMAN. The gentleman from California (Mr. CARDOZA) has 7½ minutes remaining and the gentleman from California (Mr. WAXMAN) has 6 minutes remaining.

□ 1645

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I rise today in support of the gentleman's amendment. Several of my colleagues have raised valid concerns about the importance of warning labels for specific serious health issues, including birth defects and cancer-causing agents. I believe the language in the gentleman's amendment improves the underlying bill by allowing for an expedited review process by the FDA.

If a State identifies a health issue fitting the critical categories listed in the amendment, then a warning is necessary, and this amendment allows FDA to enact the warning nationally, not just in the State that proposes it, granting greater consumer protection everywhere, and if the FDA approves a State's request for a warning, it is important for consumers not just in that State, but all States, to have that information.

As I said during the general debate on this bill, we have the world's safest food supply, the lowest cost to its consumers, and every American benefits from a system of national food safety standards. This amendment and the underlying bill builds on the record of success that we have had in this system by extending the same approach to food safety standards that is used by USDA and other agencies.

I strongly urge my colleagues to join me in supporting this important amendment and to oppose any amendments that would gut this bill.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

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

I am a cosponsor and will support final passage of the National Uniformity for Food Act today. This is because I believe that a national standard for food labeling under the authority of the FDA makes sense.

In addition, I support the Cardoza amendment to this bill, which would accelerate the consideration of warnings for food labels in certain cases, such as when dealing with the potential for birth defects and cancer-causing agents.

This amendment protects the most vulnerable in our society, particularly children. Expedited consideration by the FDA for these types of labels is the right thing to do to protect the health of our families. I urge my colleagues to support this amendment and urge a ''yes'' vote on final passage.

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

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. ROGERS), the author of the bill.

Mr. ROGERS of Michigan. Mr. Chairman, I rise to support the Cardoza amendment and thank the Member for working with us. This does improve the bill and makes very, very clear that we are going to have an expedited review for cancer-causing agents or reproductive effects or birth defects.

The reason we have an expedited review here, as we have said many times, those State laws in effect remain in effect until they get an affirmative ruling from the FDA, so those would remain in place until they get a scientific ruling from the FDA, and then we would have the benefit of that information shared with all 50 States, all 50 States' children, all 50 States' men and women who call America home.

I thank the gentleman for working with us and in supporting this fine bill.

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

I want to point out that there are two petitions. One is a petition by a State to allow its law to stay in effect. The second provision in the bill allows a State to petition to say the Federal Government should have one uniform law that ought to be the same as that State's.

Well, this provision that is before us will have an expedited review of the States' petitions. Pesticide spraying after harvest disclosure, that is a Maine law requiring disclosure; postharvest spraying of produce with pesticides. I have no idea what the reason was for that law, but Maine people thought it worthwhile because of pesticide spraying and, I guess, the residue of pesticides. I suppose that should have an expedited review.

We have disclosure of fish, whether it is farm-raised or wild. There is a law in Alaska dealing with salmon; in Arkansas, Louisiana and Mississippi dealing with catfish. Certain farm-raised fish may contain elevated levels of PCBs and other contaminants. Well, those State laws may not be allowed to continue. The FDA is going to have to decide that.

There are 50 State milk safety laws. They are different laws. Each State adopted the law it thinks is best. Each State would have to petition whether it can continue with the law that it adopted.

Now, an expedited review sounds like a good idea because we would like them to review them carefully so the States can have a decision, but you know an expedited review can also mean that expedite it, and the FDA will say ''no'' as quickly as possible in order to expedite that review.

I would rather have them have a thorough opportunity to review the

laws based on the science, but they do not have to make their decision based on science. They can just decide that any State law, if a business has to comply with a State law, it means that in one State they have to have different warning labels or different tolerance standards than in other States. That might interfere with interstate commerce, so they might just strike all of the laws. I do not want to push them on an expedited basis to strike all these laws because that could be what an agency, a bureaucracy, would think is the wisest thing to do in order to meet the expedited time frame.

So I think Members ought to be aware of the other side of the coin when they say we want these laws reviewed carefully.

The other point is the Barton amendment dealing with dietary supplements will not even have a State have to go to the Food and Drug Administration if the State wants to regulate more in the area of dietary supplements. It still is perplexing to me why that area ought to be singled out to be treated differently than other food products. Why should a warning label that a State wants to put on a food which may be a carcinogen or it may be a reproductive toxin, why a State law in that area, if it deals with a food product that is probably going to be used by far more people, should require a State to have to go and get a petition to the Food and Drug Administration to let that law stay in effect? But if they have a warning label that a dietary supplement can cause cancer, that warning label will not be reviewed by the FDA.

So we have these discrepancies that Members ought to understand are at stake in this legislation which has not been thoroughly reviewed. On that basis I think we ought to give it much more scrutiny than we are being allowed to do today.

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

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

This amendment will strengthen States rights, in my opinion, by forcing the FDA to review petitions expediently and quickly to make sure that their concerns are legitimately taken care of. I do not think anyone here believes that the FDA will purposely act in contravention to what is in the best interest of the people of the United States and their health.

I also agree with the gentleman's contention that the FDA needs to be strengthened and given increased funding. If they have additional work, they will need additional funding to do this work. But this amendment is only dealing with the underlying legislation. I would ask for the body's support of this amendment. I think it makes the bill stronger.

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

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished gentleman for yielding some time to me.

I have a question to ask of my friend from California: What is the time frame when you say expeditious action on the part of the FDA? What does that constitute? Is it 100 days? Is it 180 days? Is it 30? The connotation is that it is going to be swift. If this passes, if the legislation actually moves, what are we looking at relative to the direction of this amendment?

Mr. CARDOZA. Mr. Chairman, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from California.

Mr. CARDOZA. In answer to the gentlewoman from California, it is my intention that there would be an expedited review. If there is 120 days, and a State requests a shortened period of time because they believe that a particular problem has, and let us just use an example, say there is a microorganism in seafood that has just occurred off the coast.

Ms. ESHOO. So maximum is 120 days?

Mr. CARDOZA. And this allows the FDA to act even quicker; in fact, mandates it.

Ms. ESHOO. But they have up to 4 months?

Mr. CARDOZA. In the underlying bill.

Ms. ESHOO. But that is your amendment, not the underlying bill.

Mr. CARDOZA. No, the underlying bill is 120 days.

Ms. ESHOO. And what does your amendment do?

Mr. CARDOZA. It says that it must be the quickest possible.

Ms. ESHOO. But without any specificity?

Mr. CARDOZA. Correct.

Ms. ESHOO. Mr. Chairman, thank you.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

Mr. CARDOZA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMMONS). The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. CARDOZA) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–386 offered by Mr. ROGERS of Michigan:

At the end of the bill, add the following section:

SEC. 3. CONDITIONS.

The amendments made by this Act take effect only if the Secretary of Health and Human Services certifies to the Congress, after consultation with the Secretary of Homeland Security, that the implementation of such amendments will pose no additional risk to the public health or safety from terrorists attacks relating to the food supply.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, one of the things that we have heard over the course of this debate, and we have had lots of it, almost as many hours of debate as there are pages in the bill, one of the things that we realized along the way is that there was concern about the bioterrorism. We firmly believe that the bill is adequate to deal with those issues. But to try to make sure everybody had a comfort level, we felt it was important to at least acknowledge that we were going to have the DHS and the HHS sign off on this legislation before it takes effect, that there would be no hindrance in defense of bioterrorism when it comes to our food supply. It is not a difficult thing, it is really a commonsense measure. We hope that alleviates some of the concerns we have heard mentioned, and I urge this body's support on this particular measure.

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

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent to control the time in opposition, although I will speak in favor of this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

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

I think this is a good amendment. After this amendment is disposed of, and I hope favorably, I will be offering another amendment on the same subject of bioterrorism. I think any protections that we put into place at this time of threat of terrorism are wise. I will discuss my amendment at the appropriate time, but I join my colleague from Michigan in urging support for this amendment.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Chairman, I rise in support of the Rogers amendment to H.R. 4167, the National Uniformity for Food Act.

Unfortunately, in this day and age we need to look at every piece of legislation that we consider through the eyes of those we ask to cope with the unthinkable, in this case a food emergency or bioterrorist situation. The

last thing we want to do is unnecessarily handcuff the local, State and Federal officials who respond quickly in times of crisis.

That is why I support this amendment. It would require the Secretary of Health and Human Services to certify to the Congress that the National Uniformity for Food Act would not in any way inhibit the ability of local, State or Federal authorities to respond to a food emergency or bioterrorist event.

□ 1700

The bill cannot take effect until that certification, in consultation with the Secretary of Homeland Security, is complete. H.R. 4167 as originally written would have had no effect on a State's ability to respond to a food emergency or bioterrorist threat. The FDA and the States would continue to work together to cope with that type of situation. I, for one, am comforted by Mr. ROGERS' amendment and ask my colleagues to support it unequivocally.

Mr. ROGERS of Michigan. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–386 offered by Mr. WAXMAN:

At the end of the bill, add the following:

SEC. 3. PROTECTION AGAINST BIOTERRORISM.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, action, or proposition if a Governor or State legislature certifies that such law, regulation, action, or proposition is useful in establishing or maintaining a food supply that is adequately protected from bioterrorism attack.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from California (Mr. WAXMAN) and the gentleman from Georgia (Mr. DEAL) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, the previous amendment was a good amendment. It provided for a one-time certification. That was important to do. The only requirement is the Secretary of Health and Human Services consults with the Department of Homeland Security to certify that the bill will not pose additional risks from terrorist attacks before it goes into effect.

That is worthwhile. That is why I supported that amendment. It doesn't require them to consult with the States, look at different approaches the States may be using. What we are proposing to do is to go even further in the area of protection against bioterrorist threats.

My amendment allows the States to retain the authority to decide what is important in preparing for and responding to terrorism threats. If a Governor or State legislature certifies a State action in this regard, it is not going to be preempted. The States will be able to make those decisions on bioterrorism, should, God forbid, such a thing happen.

As the Nation's first responders to bioterrorist attacks, State and local governments have worked to have effective programs that can respond flexibly should a nightmare occur. These State food safety officials have stated repeatedly that they are deeply concerned that H.R. 4167 will undermine the States' ability to effectively prevent and respond to bioterrorist attacks.

The States learned from Hurricane Katrina that it is ill-advised to rely on Federal agencies to solve their problems when a disaster occurs. Under H.R. 4167, even with this last amendment, the States will be in exactly that position, because they will have to rely on the Federal Government.

Under the bill, H.R. 4167, States will be required to go through a bureaucratic Federal process merely to protect their citizens. Even in the case of an imminent hazard, States must make a series of findings, and even then are only authorized to establish a requirement which could be interpreted to require the passage of a new law or promulgation of new regulations.

In the face of a determined terrorist threat, this burdensome approach seems highly unwarranted and potentially disastrous. My amendment will go a long way to addressing these shortfalls. It is an amendment that State food officials think is merited, and they have warned us about any weakening of their ability to respond to any bioterrorist threat.

That is what has become the basis for this amendment. I strongly urge support for the Waxman amendment and hope that this amendment will supplement the Federal requirement that the Rogers amendment is putting into place. I urge support for the Waxman antiterrorism amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I would yield myself 1 minute.

Mr. Chairman, I must rise in opposition to the amendment. I believe that Mr. WAXMAN is well-intentioned in the amendment language that he has offered, and it is a matter of perspective as to whether or not this amendment would cure or would create more problems. It is my opinion that it would do the latter.

The last thing that any of us want, I think, is to create anything that will create more bureaucratic wrangling between the States and the Federal Government and pointing of fingers back and forth in a time of disaster, and especially in an event such as a terrorist attack or something that would contaminate our food supply.

I believe the language we have just adopted in the Rogers amendment, which requires that the Secretary of HHS consult with the Secretary of Homeland Security and certify that this bill does not in any way impinge on or interfere with the ability to deal with a threat to public health, is an adequate safeguard. I think this amendment is unnecessary.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in opposition to this amendment, my friend's amendment to the National Uniformity for Food Act. We have seen time and time again in recent years it takes swift and coordinated response from local, State and Federal officials to confront disasters of any kind, especially those caused by terrorists who seek to do us harm.

This amendment, however well-intentioned, will do little more than add to the bureaucratic wrangling that can hamper, not improve, our ability to launch a coordinated response in time of trouble. State officials have nothing to fear from this bill as originally written. It has no impact on the ability of local, State and Federal officials to respond to a food emergency or bioterrorist threat.

However, for those who, like me, like additional assurances that this legislation would in no way inhibit our ability to cope with a natural or terrorist-made disaster, I respectfully offer that the Rogers amendment that was agreed to would assuage those concerns. It would require the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, to certify that the legislation poses no additional threat to public health or safety in time of crisis. Therefore, the law can take effect.

It should adequately assuage the concerns of Mr. WAXMAN and all others. I urge my colleagues to support the Rogers amendment and vote against the Waxman amendment.

Mr. DEAL of Georgia. Mr. Chairman, I would yield 1 minute to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I just wanted to make clear, there has been a lot of misinformation on that bill. I was a former FBI agent. One thing I learned, we used to call it the brick agent, the guy that is out on the street. You don't want to have to ask permission to take an exigent circumstance under control. You don't want to do have to do that.

This bill protects State, local and Federal Government action in cases of bioterrorism. We would have not have drafted a bill that would have done otherwise. I think what you are misinterpreting is the fact that once they take an action, they have to tell the FDA.

Why that is a good idea is because if they find there is an area where there is adulteration or poisoning, let us say, in Oregon or someplace else, there

might be another place that they can go and short-circuit that problem somewhere else in the country. It is good policy to have that notification that there was food that was adulterated or poisoned or a victim of bioterrorism that needs to be addressed at that national level. Take the action, tell the Feds so they can get that information across the rest of the country.

This is the right thing to do. I would urge the rejection of the Waxman amendment, which I think makes it more confusing, not less.

Mr. WAXMAN. Mr. Chairman, I want to close on this amendment. This amendment is a supplement to the amendment that the gentleman from Michigan (Mr. ROGERS) adopted. This is what food and drug officials at the State levels have said. When you consider the local and State food safety programs, our first line of defense against acts of terrorism involve the food supply.

This amendment would allow them to act without having to go to the Federal Government to ask for permission. The bill says even if there is an imminent hazard, the State has to go to the Federal Government to get permission. That is absurd.

The New York Agriculture Department said that New York would be left without any means to stop contaminated food from entering the Nation's food supply. Florida stated this legislation would make it more difficult to mitigate the effects of an intentional bioterrorist agent food adulteration.

I think those who are imposing this amendment are very much misguided. Listen to what the States have had to say about this. These are the ones that are going to have to deal with any bioterrorist attack at the front lines. Especially after what we saw with Hurricane Katrina, let us empower the local people to act and not make them have to go hat in hand to seek a bureaucratic solution, which may take time from the Federal Government to allow them to act.

My amendment would allow the States to act, especially if it is an imminent problem. That should not be taken away, which would happen if we don't pass this amendment. I ask for an ''aye'' vote.

Mr. DEAL of Georgia. Mr. Chairman, I yield back the balance of our time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. WAXMAN) will be postponed.

AMENDMENT NO. 5 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–386 offered by Mrs. CAPPS:

Page 4, beginning on line 1, strike ''Except as provided in subsections (c) and (d),'' and insert ''Except as provided in paragraphs (4) through (6) and subsections (c) and (d),''.

Page 5, after line 16, insert the following:

''(4) NOTIFICATIONS REGARDING CANCER.—Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved may cause cancer.

''(5) NOTIFICATIONS REGARDING BIRTH DEFECTS OR REPRODUCTIVE HEALTH PROBLEMS.—Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved may cause birth defects, or warns that the food may cause reproductive health problems, or both.

''(6) NOTIFICATIONS REGARDING ALLERGENIC SULFITING AGENTS.—Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved contains a sulfiting agent that may cause an allergic reaction.''.

At the end of the bill, add the following:

SECTION 3. ENSURING ADEQUATE PROTECTION FOR KIDS.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, proposition or other action that—

(1) establishes a notification requirement that will allow parents or guardians to understand, monitor, or limit a child's exposure to cancer-causing agents, reproductive or developmental toxins, or food-borne pathogens; or

(2) offers protection to children from foods bearing or containing cancer-causing agents, reproductive or developmental toxins, or food-borne pathogens.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentlewoman from California (Mrs. CAPPS) and a Member of the opposition each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I yield myself 3 minutes. Mr. Chairman, I am offering this amendment with colleagues, Representative ESHOO, Representative STUPAK and Representative WAXMAN. Our amendment is fairly straightforward. It would ensure that this bill would not preempt State laws that require proper warning on foods that do contain carcinogens, that do contain chemicals that could cause birth defects or other reproductive defects or could cause allergic reactions with sulfiting agents.

The bill as currently written would effectively wipe out important existing State food safety warning laws in these very areas. It is unconscionable that Congress could create a system that essentially conceals from consumers known possible risks to their health. This is especially troubling considering how successful these State laws have been at better informing the public about potential problems in their foods. Perhaps most importantly, some of these State laws would be wiped out by H.R. 4167 which have led manufacturers to remove harmful contents from food products altogether.

For example, food warning laws in California have resulted in the decrease of arsenic in bottled water everywhere; a reduction of lead and calcium supplements and also a removal of the potassium bromate from bread wherever it is sold in the United States.

□ 1715

It was under such a State law that warnings about pregnant women and alcohol first came about, a State law. However, this bill would end that process.

Mr. Chairman, public health experts everywhere recognize the importance of providing the best available information to consumers regarding possible health risks in food products, and that is why the Association of Food and Drug Officials, as well as a bipartisan coalition of 39 State attorneys general are on record opposing this.

Supporters of this bill will argue that this legislation establishes an appeals process for States seeking to establish their own food safety measures. This process would be burdensome and costly. The CBO estimates it could cost taxpayers as much as $100 million in the first years for States to apply for waivers for their State laws and for the FDA to process these appeals.

Our amendment would dramatically reduce those costs by keeping intact some of the most critical State laws already on the books which do ensure consumer protections. It would protect State laws that mandate consumer notifications for products that we know can cause cancer, can cause birth defects and may cause allergic reactions associated with sulfiting agents.

Mr. Chairman, we are fortunate to have made great advancements in recognizing potential health risks posed by certain substances. We want to ensure that this knowledge reaches the public, where the forces of the market can determine the need for arsenic in bottled water or of potassium bromate in bread.

Let us not keep consumers in the dark about what is in the foods they eat. I urge my colleagues to support this amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The gentleman from Georgia is recognized for 10 minutes in opposition.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would exempt three categories of warnings and standards from a national uniformity standard: those relating to risks of cancer; those relating to reproductive or developmental toxins; and, third, those sulfiting agents in bulk foods.

Warnings on food should apply in all 50 States. If a warning is justified, consumers in all States should get the information. If food is not safe in 49 States, then it should also not be safe in the other, or vice versa. If a warning is not justified, then consumers should not be confused by different warnings in different States.

If a State has reliable scientific information that demonstrates that a warning is needed for a particular food, then in the interest of public health, it should share that information with the FDA and petition for a new national standard. Under the bill, a State can petition to establish a new national standard or a specific exemption to uniformity where local circumstances warrant. The petition process will ensure that States collaborate with the FDA and will help foster greater food safety throughout the country.

Just a few minutes ago, by voice vote, we adopted Mr. CARDOZA's amendment, which, for the first time, will put an assurance that there will be an expedited review in all of the three categories that this amendment addresses.

Under the legislation, no existing State requirement would be preempted without the opportunity of the State to petition the FDA to exempt the State requirement from the uniform standard. Once a petition is received, the State requirement will remain in effect until the Secretary either accepts or rejects the petition.

I believe we have adequate protections, especially with the Cardoza language that was just adopted by voice a few minutes ago.

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

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

Mr. Chairman, I just want to submit we all agree uniformity, national uniformity is ideal. The word ''expedited'' without sufficient resources makes it really risky to entrust the Food and Drug Administration to do what States have already accomplished. States do have the resources to do that.

Mr. Chairman, I am pleased to yield 4 minutes to my colleague the gentlewoman from California (Ms. ESHOO)

Ms. ESHOO. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I am really pleased to cosponsor this amendment. I think it is a very important one, and I think it is important also for people that are listening in across the country who support this amendment. Every leading environmental organization in the country supports this amendment, and consumer groups support this amendment.

I think it is important for people across the country to know who is for the bill, and it will say something about the effort that is here on the floor today. The feed industry is for the bill. The frozen food people are for the bill. The Plastics Council is for the bill. Soft drink people, food processors, food additives.

The food additives people are for the bill. Doesn't that say something about what is going into our food and lessens the standards in our country for what we consume? That just gives you, excuse the expression, a taste of who is for the bill.

Now, this amendment allows States to retain and establish their own food safety warnings or standards to protect consumers in four key areas. It is against the risk of birth defects, it is against reproductive health problems, cancer and allergic reactions. Those are four major areas that every single person in this country cares about because they are so serious.

Without this amendment, States are going to have to come to the Federal Government and say, mother, may I?

My friends, nothing is broken. Nothing is broken. Were it not for these special interests that have lobbied so hard for this, which is what is wrong with Washington, D.C. today, we would not have to be on the floor fighting to protect what local governments and State governments have, the laws they have placed on the books.

Now, here is an example. Here is an example of what we have in California. This is the warning. This is the warning that is in the grocery stores and the appropriate places for pregnant women and others to warn them: ''Pregnant and nursing women, women who may become pregnant, and young children should not eat the following fish,'' and it names them.

You know what is going to happen when this thing becomes law? It is going to be buried on a Web site at the FDA. Who the heck is going to go on a Web site at the FDA to read the fine print to find out if they have a warning? That warning is not enforceable. That is why we are offering this amendment in the most key health areas. I would urge my colleagues to support the amendment.

Mr. Chairman, I want to add one more comment to this: Whose constituent has come up to them and said, ''Get rid of these good laws in our respective States and local governments''? Not one of my constituents has.

This march to folly, and that is why attorneys general across the United States are opposed to it, it is why food and agriculture heads from States are opposed to it. This is not about consumers, this is about special interests.

Mr. DEAL of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, this debate has certainly turned some interesting corners in the last few weeks, and again we are fast approaching as many hours debating as there are pages in the bill; 226 cosponsors and 59 Democrats joined in a bipartisan effort for national food safety labeling, a pretty powerful thing.

I commend Mr. WAXMAN for standing up and saying that we need national nutrition labels across the country. Why? Because the periodic tables in California are not any different than the periodic tables in Michigan or Maine or Florida, thank goodness. Science is science is science.

If we are going to protect pregnant women, if we are going to protect children, if we are going to protect mothers and fathers, if we are going to be for apple pie and Chevrolets, then we ought to do it in all 50 States, because a chicken grown in Louisiana is going to end up on a plate in Michigan; peas grown in Florida are going to end up in Louisiana; crawfish is going to come north and west and south, and we are going to send navy beans south, and we grow some good ones up there in Michigan. We have cherries that are going to go all across the country. This is an interstate matter.

I can't think of anything more important than our food safety. I have heard so much misinformation, even today. ''It is going to wipe out the laws to protect consumers.'' Wrong. This bill will not do that. ''The AGs are all for this bill for the right reason.'' Two of the issues that they talked about, preempted in their letter, were factually incorrect. It wasn't right. They were making the wrong argument. They were wrong.

Sulfites in Michigan, I happen to agree with you. And I will tell you what; if they are bad for Michigan citizens, I think they are bad for all of the other 49 States. If you are traveling to see your mother and you have a sulfite problem, if you are in Michigan today, you are fine. If you are in Ohio, you are not going to do so well. That is wrong. We can do better. This bill says we can do better.

I appreciate your passion for these issues. I don't think we are all that far apart about wanting food safety. I don't. I think how we get there is the problem.

So to have personal attacks and charges of backroom deals and those things is wrong. I think you know it is wrong. I think we have come to the point in the bill where you run out of facts and you start going in a different direction.

This bill is about protecting the food safety of every American in this great country. I think we ought to set aside maybe some of those differences that we have and acknowledge this is the right thing to do, like we did on nutritional labeling, like we did when we set the standards of what food gets to be called organic, a Federal standard. Why? Because we felt it was important enough to have a Federal standard for the protection of every American, not just California, not just Florida, not just Michigan.

Mr. Chairman, I have been a little disappointed with the tenor of debate at times in this particular engagement on something I think is so important and so critical to our safety, our food safety. I would urge this body to reject this amendment. It tries to carve something out to confuse consumers,

which is exactly where we don't want to go. That is just not a place that we want to go.

Mr. Chairman, I think we know at the end of the day this is the right thing to do. As a matter of fact, even in the letters sent in from State bureaucrats and the trial lawyers who oppose this bill they are saying, well, national labeling is okay, but we have some other concerns. Why? Because you can't make a good argument about why uniform labeling across the country for the protection of citizens and what they put in their body is a good idea. What do we hear? Adulterated food or poisoned food, you usurp our ability. No, that is protected in this bill.

If we are going to argue about what we are doing, let's argue on the facts, the correct facts. I think we all probably at the end of the day know this is the right thing to do.

I am going to ask you to step aside from what you think you need to do, step off your talking points, and say let us do something that is good for America. Don't worry about politics and all the other people that get involved sometimes outside of this building. Worry about what is right for the people of America. You will come to the right conclusion.

If you look at the facts that are wrong consistently in your arguments, you are going to be with us. I appreciate your care and concern. I know you are going to be with us at the end of the day.

I urge Members to vote in support of the bill and against the Capps amendment.

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

Mr. Chairman, I would submit the consumers are united in opposing this legislation and that the States have had a track record for consumer protection. I would love to see the Federal Government establish such a record.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, if the people who are supporting this law were sincere, they would go to the Food and Drug Administration under current law and ask them to adapt standards all across the country on all of these issues. They don't have to wait until the State petitions them. The Food and Drug Administration can look at a problem now and say California has a law, Michigan has a law, those are good ideas. We are going to survey what the States are doing and make them apply all across the country. They could do that now. But this bill puts at risk all the State laws, and that is what is really behind this legislation, putting at risk all the State laws.

Now, the Capps amendment is a combination of amendments that were offered in the Commerce Committee that had bipartisan support, very close to a majority, but not quite.

□ 1730

If we had a hearing, maybe the others would been convinced. And what this amendment seeks to do is to say, all right, if this law goes into effect at least where the States have adopted warning labels on carcinogens, on reproductive toxins, on allergic reactions to sulfites, leave those State laws alone, do not wipe them out, because you would like to argue that there ought to be 50 laws, 50 States to have one law, which can be done now. Leave those laws alone.

And it also says that when it comes to standards protecting children, let the States decide that issue. There are many children who suffer from cancer, and more and more we are learning that cancer is caused by environmental exposures. And one of the major environmental exposures is in food.

If a parent, and all parents want to know this, having petitioned their State and have convinced their legislators to have a warning label that there is a carcinogen in the food, why should the Federal Government prevent that from happening, or have a standard that says they will not be allowed to have carcinogens or certain toxins in food that can harm children.

Why should States be precluded from doing that? I find it disingenuous when the proponents of this bill say, I want the same thing as what these States are providing. I just want everybody to have it. The States do not have to act if the Federal Government has acted. If the Federal Government has acted for everyone, then there is no need for State laws; but if the Federal Government has not acted, the States ought to be able to act on their own in this area.

So the Capps amendment that is sponsored by many of us is narrow, and it simply says it will allow the warning labels if the States determine them for carcinogens, reproductive toxins and allergic reactions. Let the States act where they are trying to protect children from harmful substances in food.

I urge support for the Capps amendment.

Mr. DEAL of Georgia. Mr. Chairman, I have difficulty understanding why any State that feels that it has the good science and the research to justify putting labels of warning on their products would be unwilling to share that information with the agency at the Federal level that is charged with that responsibility.

Now, unfortunately there is a more elemental argument that has not really been addressed in this discussion here. And I do not question anybody's motives. I regret that the last speaker maybe sort of questioned the motives of some who are advocating this bill.

But let me harken back to days that predate even this institution and this building in which we are now sitting. One of the fundamental debates that engaged our original forefathers and colonists, the debate between the old Constitutional Convention in Philadelphia and the Articles of Confederation that proceeded that, one of the critical issues was the right to regulate interstate commerce.

Now, in those days, you could say, prior to our Constitution that gave the authority to the Federal Government to regulate interstate commerce, you could say, well, you are not going to be able to bring your peanuts from Georgia or your peaches from South Carolina or your apples from Vermont into my State unless you put my label on it. And our Founding fathers decided that one of the reasons the articles did not work was because you could not have a Nation that allowed these barriers to be erected at the State lines.

Now, if the issue is the safety of the people of this country, how do you justify not wanting those same protections for everybody?

Now, I think there has been a misstatement that has been repeated here. If a State has a warning, and that warning is in place now, a label, and they petition the Federal Government and the FDA, and they say, we wish you to consider this, and the Federal Government just does not take a position on it, then their State regulation remains in effect.

If, however, the Federal Government looks at the issue, and the FDA decides that the science does not justify impediment, then under those circumstances, there would not be uniformity, and, therefore, the State requirement would not be allowed to pertain.

So if the States are so sure of their position, I see no reason why they would not want to share that information with the FDA so that the other States can have equal protection, and not just reerect some of the very barriers that created the impediments under the Articles of Confederation and led to the right of this body, under this type of deliberation, to consider under the interstate commerce jurisdiction the right of uniformity in things that do have an effect about articles moving in our interstate commerce.

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

Mrs. CAPPS. Mr. Chairman, I would submit to my chairman that I do not know any State that would not be willing to share its information with the Federal Government. On the other hand, the Food and Drug Administration has had top scientists quit of recent time over political pressures.

And the truth is that this bill would conceal information from consumers about known risks for cancer, birth defects and allergic reactions due to sulfiting agents. This bill guts important existing warning laws. How are we going to live with this on our conscience, that today help consumers make informed choices, have encouraged manufacturers to remove harmful substances from their products?

I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. CAPPS) will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–386 offered by Ms. WASSERMAN SCHULTZ:

At the end of the bill, add the following section:

SEC. 3. ENSURING ADEQUATE INFORMATION FOR INFANTS, CHILDREN, AND WOMEN OF CHILD-BEARING AGE.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, proposition or other action that establishes a notification requirement regarding the presence or potential effects of mercury in fish and shellfish.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Georgia (Mr. DEAL) each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, Members, I ask your support of my amendment, which will add State fish and shellfish methylmercury notification laws to this act's current list of exemptions.

The gentleman from Georgia outlined that if there is a problem with any food, that we should have national notification so that everyone in America may be notified regarding those concerns. The problem in particular when you are talking about fish and shellfish is that much of the problem deals with recreational fishing. So, for example, in Georgia, you might have a different level of mercury in the lakes and rivers there as opposed to the level of mercury in the lakes and rivers in Michigan. So it is imperative that we have the ability to notify, under a State's discretion the level of mercury poisoning and the caution and concern that those residents should have in that particular State.

Methylmercury poisoning is a growing crisis in our country. The FDA recommends that pregnant women completely stop eating larger predatory fish, because the average methylmercury content per serving is so high that just one male is unhealthy.

The American Academy of Pediatrics reports that children and pregnant women can have significant exposure if they consume excess amounts of fish. Several States have begun to address current mercury levels. In fact, 44 States have issued some form of a methylmercury advisory.

Members, I know you all share my concern for our children's health and well-being. This amendment will not undermine the sponsor's intent. There are other exemptions in this bill. If there is any substance that we exempt and ensure that there can be differing levels of advisories across the country, it is methylmercury poisoning.

Mr. Chairman, I urge the Members support the amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I appreciate the gentlewoman's intention here. But, again, the facts of the case are this: The toxicity level of those fish, if it is higher or lower in any particular place, the threshold that makes it toxic is the same.

It is the same for people in California. It is the same for people in Texas. It is the same for people in Michigan. So what we are saying is, yes, this is a very important issue, and we need to make sure that we understand what that toxicity level is. And if there are unique challenges to any particular State, that State can apply through the FDA for that particular area. We have even built provisions into the bill to take into consideration.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Michigan. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, a woman who does not have access to prenatal care, who does not know that she is pregnant, who already has a high level of mercury poisoning in her bloodstream, as many, many women across this country do, and then becomes pregnant and continues to consume high levels of oil-based fish, how is that woman supposed to be advised that she should not continue to eat tuna, mackerel, salmon without going to the doctor? Is she likely to have access to a computer and the FDA's Website to get that warning? I really doubt it.

Mr. ROGERS of Michigan. Well, again, the State can apply for those warning labels. There is nothing in here that prevents that from happening. And, again, if it is good for a woman in Texas or Missouri, or fill in the blank, it is good for all 50 States. The toxicity level will not change. The danger of that toxicity level will not change.

Let me tell you what else happens, and we need to be real careful about this, because we need to blend all science and remove emotion, because this is what we found happened. It was an interesting study, and I would encourage the gentlewoman to read it. It is the Tufts Health and Nutrition Letter that recently reported on several studies that documents some of the government warnings about mercury in fish can do more harm than good. It is interesting why.

They reported that the Harvard Center for Risk Analysis conducted this study, which concluded that if Americans cut their consumption of fish by one-sixth, as they did after the mercury-focused 2001 warning, an additional 8,000 deaths per year will occur annually from heart disease and stroke.

What we have found is that you have to got to blend good science, remove the emotion, because in some cases it would be appropriate to consume fish because it is healthy. There are some of those fish oils that are very good for you.

And what they found is, listen, you guys are doing more harm than good. You are killing 8,000 more people a year because we have an obesity problem in America, we have a health consumption problem in America. This is causing more harm than good. So we have got to find that balance.

I argue that good science is good science. Again, if we apply the periodic tables in all 50 States uniformly as we should, with scientific lenses, we are going to come to the right conclusion to protect every pregnant woman in America.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I think the gentleman from Michigan (Mr. ROGERS) misunderstands this proposal, and it is different than the previous ones, because the State laws that we are talking about here are, for example, the State of Connecticut's legislature is currently considering a law to say that a grocery store will post information. I am not talking about warning labels, but they can put up a sign in the grocery store that certain fish ought not to be used by pregnant women. There have been an estimated 300,000 newborns who are exposed to those dangerously high maternal mercury blood levels from, among other things, fish.

So, one, I do not think it is constitutional for the Federal Government to say a State cannot ask grocery stores in that State to put up a warning sign. But the State, to say that we want all 50 States to put up warning signs in the grocery stores, I do not think the Federal Government, Food and Drug Administration has ever passed that kind of requirement. They deal with labels on food. This is not a label on food issue. This is simply an internal State advisory, and those State laws ought not to be put at risk.

As far as the risk/benefit of eating fish, and you are healthier even if you eat fish with more mercury and PCBs, that talks about adults. We are talking about, in this amendment, pregnant

women. And we ought to let them have that information, especially if the States adopt the kind of law that Connecticut is looking at. And we should not block that from happening.

Mr. Chairman, I urge support for the amendment.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in support of the amendment of the gentlewoman from Florida. As cochair of the Children's Environmental Health Caucus, I have tried to raise awareness here in the Congress about public health risks for children caused by environmental contaminants.

It is well known that certain fish and shellfish contain high levels of mercury that can harm babies, unborn babies, the nervous systems of young children, and these levels of mercury in different States vary. That is the key point. Many States have enacted shellfish safety laws. Many of the environmental and consumer protection laws that we now take for granted around the country first appeared in individual States.

So there are variations of contaminants in individual States. There is also a different willingness in different States to protect their consumers. This bill, I am afraid, without amendments like Ms. WASSERMAN SCHULTZ's will result in the lowest common denominator applying, for, in other words, the weakest standards.

□ 1745

Currently some States have shellfish safety laws, but not all. Some States have fish consumption/methylmercury advisories, but not all New Jersey does. By preempting these State laws, we hurt the consumer and the health of children.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have already seen evidence of action at the Federal level in March of 2004. In fact, the FDA and the EPA issued a joint guidance to consumers about the issue of mercury in fish. And that guidance was designed to try to strike a careful balance that would demonstrate both the benefits of eating fish as well as the potential dangers associated with exposure to mercury.

If the bill passes as presented, and this is an issue with regard to warning on fish, there are several things that would be authorized: A State, if it feels it has a peculiar situation, could petition for a waiver so that they could apply a nonFederal standard to their warning. There is absolutely nothing in the bill that would prohibit a State from issuing warnings. It just cannot require that the manufacturer or distributor be the one that be required to place warnings on the product. But the State could issue whatever warnings it saw fit to do so.

I think, as Mr. ROGERS related earlier, the Tufts Health and Nutrition Letter, indicating that you have to be careful that you do not do more harm than good sometimes by issuing warnings that are blanket in nature, I think that clearly indicates we could go in the wrong direction.

We believe the bill strikes a careful balance. It does allow States that have peculiar situations to ask that they be allowed to put additional warnings on products in their State if they think that is justified. We believe that the current Federal policy on mercury, however, in fish is an appropriate and adequate one, and I would urge the defeat of this amendment.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield for the purposes of making a unanimous consent request to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. Mr. Chairman, I rise in support of the Wasserman Schultz amendment.

It is widely known that mercury is a highly toxic chemical, especially to our children. It causes entire clusters of cells in the developing brain to die. It causes loss of fine motor skills, learning disabilities, and seizures. Later in life, it can translate into kidney diseases, and immune system disorders.

One of the primary ways children are exposed to mercury is through consumption of fish—either they eat it or their mother does. At the same time, eating fish that is not contaminated has been shown to be important to childrens' health.

The best way to deal with the problem is to stop mercury from getting into our environment in the first place. Of course, this administration and Congress have repeatedly refused to take substantive action to require coal burning power plants to take responsibility for their toxic mercury releases that end up in our fish. But because mercury pollution is allowed to persist, people are forced to take on the coal plants' responsibility by trying to avoid fish that are contaminated.

In recognition of this, some States are considering laws that will label fish that are high in mercury. It is a critical consumer empowerment tool that is the last line of defense for those who do not want their children or themselves to be exposed to this toxic substance.

But the Food Uniformity Act would undercut States' ability to even provide that basic level of protection through labeling. So not only does the bill undercut States rights, but it also undercuts personal responsibility.

The Wasserman Shultz amendment makes an exemption for labeling laws that apply to mercury and fish and shellfish. It is a commonsense amendment. Please join me in supporting it.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield myself the balance of my time.

One of the things I want to point out that I think is important to note is that the petition process that the gentleman from Georgia (Mr. DEAL) pointed out, that whole process has been scored by the GPO. They have estimated that it would cost $400,000 per petition.

Should we be creating the obstacles to information that women need? I will give you an example. I have a 2½-year-old baby girl, and I first found out about the dangers of methylmercury when I was pregnant with her and my OB–GYN told me, do not consume tuna. Do not consume any oily-based fish.

Think about someone who does not have the access to prenatal care that I had. We have absolutely got to make sure that depending on the levels of mercury poisoning in a particular body of water in different States, that each State be able to decide the type and method of information that they provide, and that we not leave only the ability to notify women and parents of young children about the dangers of methylmercury on a Web site put out by the FDA. That would be inappropriate.

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

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 109–386 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. CARDOZA of California.

Amendment No. 4 by Mr. WAXMAN of California.

Amendment No. 5 by Mrs. CAPPS of California.

Amendment No. 6 by Ms. WASSERMAN SCHULTZ of Florida.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CARDOZA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 0, not voting 15, as follows:

[Roll No. 27]

AYES—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Burton (IN)
Costa
Cubin
Cummings
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Norwood
Nussle
Ros-Lehtinen
Salazar
Sweeney
Weldon (PA)
Whitfield

□ 1814

Mr. GARRETT of New Jersey changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. WAXMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 255, not voting 13, as follows:

[Roll No. 28]

AYES—164

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Cleaver
Clyburn
Conyers
Cooper
Cummings
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Farr
Filner
Fitzpatrick (PA)
Foley
Frank (MA)
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

NOES—255

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeLay
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
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
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Meek (FL)
Millender-McDonald
Norwood
Ros-Lehtinen
Salazar
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia) (during the vote). Members are advised there are 2 minutes remaining.

□ 1824

Mr. MARCHANT and Mr. CRENSHAW changed their vote from ''aye'' to ''no.''

Ms. WATERS changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. CAPPS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 259, not voting 12, as follows:

[Roll No. 29]

AYES—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bono
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Cleaver
Conyers
Cooper
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Frank (MA)
Gerlach
Gilchrest
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller, George
Mollohan
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu

NOES—259

Aderholt
Akin
Alexander
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Millender-McDonald
Norwood
Ros-Lehtinen
Salazar
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1831

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MS. WASSERMAN SCHULTZ

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 168, not voting 11, as follows:

[Roll No. 30]

AYES—253

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)

Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boswell
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Duncan
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gingrey
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Platts
Pomeroy
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—168

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boren
Boucher
Boustany
Boyd
Brady (TX)
Brown (SC)
Burgess
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chocola
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Larsen (WA)
Latham
Lewis (KY)
Linder
Lipinski
Lucas
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Pryce (OH)
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryun (KS)
Schmidt
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Walden (OR)
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—11

Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Norwood
Ros-Lehtinen
Salazar
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1839

Mr. PRICE of Georgia and Mr. OTTER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments in order under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAVIS of Kentucky) having assumed the chair, Mr. PRICE of Georgia, 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, pursuant to House Resolution 710, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STUPAK. Yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Stupak moves to recommit the bill, H.R. 4167, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Page 4, beginning on line 1, strike ''Except as provided in subsections (c) and (d),'' and insert ''Except as provided in paragraph (4) and subsections (c) and (c),''.

Page 5, after line 16, insert the following:

''(4) NOTIFICATION REGARDING TREATMENT OF MEAT, POULTRY, OR FISH WITH CARBON MONOXIDE.—Paragraph (1) does not apply to a notification described in such paragraph if the notification concerns meat, poultry, or fish and warns that such food has been treated with carbon monoxide.''.

Mr. STUPAK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes in support of his motion.

Mr. STUPAK. Mr. Speaker, I am pleased to offer this motion to recommit. My motion protects the rights of States to notify consumers about carbon monoxide treated meat, poultry and fish.

Mr. Speaker, I would like to direct your attention to these pictures. Which meat do you think is older? The red meat on top, or the brown meat on the bottom?

Both are the same age. Both have been sitting in a refrigerator, side by side, for 5 months.

Mr. Speaker, the meat on the top has been packaged in carbon monoxide which causes the meat to look red and fresh long into the future. The meat on the bottom has not, and it is brown and slimy. Like I said, the meat on the top is 5 months old and looks as good as new, but it is not. If you consume it, you could become severely ill from a food-borne pathogen like E. coli, and possibly die.

Packing meat in carbon monoxide without labeling is consumer deception at best; and at worse, it could become a major health threat. The FDA, without looking at any independent studies, has determined it has no objection to allowing meat to be packaged in carbon monoxide. The FDA merely reviewed the meat industry's carbon monoxide proposal. By allowing the injection of carbon monoxide in meat

and seafood packaging, the meat industry stands to gain $1 billion a year because as meat begins to turn brown, consumers reject it.

Color is the most important factor the public uses to determine what meat they buy, according to studies dating back to 1972. Yet the FDA, in making its decision, only looked at information provided to it by the meat industry.

□ 1845

It did not do its own independent research or studies. It did not solicit any public comments. Currently States may pass their own laws to notify consumers that their meat may be packaged with carbon monoxide and may not be as fresh as it appears. But those laws will about be overturned if this bill becomes law.

My motion to recommit is simple. It allows States to act regarding consumer notification of carbon monoxide-treated meat, poultry and fish. Is this really the standard we want for our country for the public health and safety of food, which have been primarily left to the States? We should not tie the hands of the States who want to protect the health of their citizens from this deceptive practice.

The National Farmers Union, Consumer Federation of America, the Center for Science in the Public Interest all agree on the State's right to label this food should be protected.

One more prop. Take a look at this Coke can. Differing States have different deposit amounts on it. States like Michigan has 10 cents; States like Massachusetts, Maine, Hawaii, 5 cents.

According to this rule, there is no uniformity, every State does it a little differently. It will still exist, but underneath the Rogers amendment, we can't protect our meat from carbon monoxide. Why do we have to have one standard here, but when it comes to returning the deposit, we would have standards and we don't worry about uniformity? Let's pass the motion to recommit.

I yield 1 minute to the Democratic leader.

Ms. PELOSI. I thank the gentleman for his leadership on this important motion to recommit.

Mr. Speaker, I am absolutely certain that every woman who served in this body is asked the same question I am as I travel across the country as House Democratic leader. Why did you get involved in politics?

I always respond in the same way. As the mother of five children, and now the grandmother of five grandchildren, I view my work in politics as an extension of my role as mother. All of us as parents want the best for our children. We want to do everything we can to keep them safe. But there are some things that are not in our power. For that we look to government, for clean air, for clean water and for food safety.

Today Republicans in Congress are shredding the food safety net that we have built in our country, and this bill puts our children and future generations at risk. This bill, and the words in it, should be fighting words for moms across the country about the safety of their children.

The debate on this bill gives new meaning to the words ''food fight.'' Mr. Speaker, that is why I am opposing this legislation. The effects of this bill are breathtaking. It undermines the lifesaving laws in place throughout our country, voiding approximately 200 State laws on food safety and labeling. The bill will do away with shellfish safety standards, laws in at least 16 States, milk safety laws in 50 States and restaurant and food service establishments, again in all 50 States. That is why 39 attorneys general, Republicans and Democrats, are opposing this bill, because it increases risks and undermines consumer protections. That is why I urge my colleagues to support the Stupak amendment motion to recommitment.

You be the judge. When you shop for meat or fish, do you want to know how long it has been on the shelf? The motion to recommit would ensure States whether companies could treat packaged meat and fish with carbon monoxide to make them look better.

Mr. Speaker, they say that a picture is worth 1,000 words. With that thought, I will yield back my time, submit the rest of my words for the RECORD, and urge my colleagues to observe this picture and decide if you want to eat any of that meat. Vote for the Stupak amendment and oppose the underlying bill. Vote for the children of America.

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

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I want to thank you and thank my friend from Michigan for offering the motion to recommit.

Let me say right up front that I don't want to eat anything that has been sitting in the refrigerator for 5 months that hasn't been cooked. Nobody is for that. I don't believe anybody is. I would point out, though, that nothing in this bill prohibits a State from establishing a freshness dating State provision. It is on page 14, and it starts in line 11, and it goes through line 16. Nothing in this section or section 403(a) relating to food shall be construed within a State or political or subdivision of the State from establishing or enforcing or continuing in effect a requirement relating to freshness dating.

The gentleman from Michigan's underlying motion to commit doesn't really deal with the dating aspect, as in dating the food, trying to go out on a date with some food, you know. It relates to the fact that it would prevent carbon monoxide, CO, from being used as a preservative in the packaging. The United States Department of Agriculture and the Food and Drug Administration have, for the last 4 years, permitted that. Right now there is a proceeding at the FDA on a citizen's petition that is directly related to Mr. STUPAK's motion to recommit.

There is absolutely no need to legislate in this area. If, in fact, there is something wrong, and there is nothing wrong, there is no scientific basis at all to say that using carbon monoxide as a preservative, when you package the food, is a health hazard or a scientific problem at all. But if it were to be, the FDA has a proceeding right now. Plain and simple, this is more of a marketing, competitive issue. There is a company that is at a competitive disadvantage, and they would like to see carbon monoxide not be allowed to be used.

That is a whole different market-based issue. That is not a legislative issue. I would oppose the motion to recommit and support the underlying bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. STUPAK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 170, noes 254, not voting 8, as follows:

[Roll No. 31]

AYES—170

Abercrombie	Cuellar	Holden
Ackerman	Cummings	Holt
Allen	Davis (CA)	Honda
Andrews	Davis (FL)	Hooley
Baca	DeFazio	Hoyer
Baird	DeGette	Inslee
Baldwin	Delahunt	Israel
Barrow	DeLauro	Jackson (IL)
Bean	Dicks	Jackson-Lee (TX)
Becerra	Dingell	Jefferson
Berkley	Doggett	Johnson, E. B.
Berman	Doyle	Jones (OH)
Bishop (NY)	Emanuel	Kanjorski
Blumenauer	Engel	Kaptur
Brady (PA)	Eshoo	Kennedy (RI)
Brown (OH)	Etheridge	Kildee
Brown, Corrine	Farr	Kilpatrick (MI)
Butterfield	Fattah	Kind
Capps	Filner	Kucinich
Capuano	Ford	Langevin
Cardin	Frank (MA)	Lantos
Carnahan	Green, Al	Larsen (WA)
Carson	Green, Gene	Larson (CT)
Case	Grijalva	Lee
Cleaver	Gutierrez	Levin
Clyburn	Harman	Lewis (GA)
Conyers	Hastings (FL)	Lipinski
Cooper	Higgins	Lofgren, Zoe
Crowley	Hinchey	

Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—254

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
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
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
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)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Burton (IN)
Costa
Cubin
Evans
Gonzalez
Norwood
Salazar
Sweeney

□ 1910

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 139, not voting 10, as follows:

[Roll No. 32]

AYES—283

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Velázquez
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOES—139

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clyburn
Conyers
Cooper
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Frank (MA)
Garrett (NJ)
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jones (NC)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller, George
Mollohan
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rothman
Roybal-Allard
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Waxman

Weiner	Wolf	Wu
Wexler	Woolsey	Young (FL)

NOT VOTING—10

Burton (IN)	Gonzalez	Sweeney
Costa	Larson (CT)	Thomas
Cubin	Norwood	
Evans	Salazar	

□ 1925

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NORWOOD. I was absent on Wednesday, March 8, 2006, for personal reasons. My intended votes are as follows: Rollcall vote 27 on the Cardoza Amendment to H.R. 4167—''aye''; rollcall vote 28 on the Waxman Amendment to H.R. 4167—''no''; rollcall vote 29 on the Capps, Stupak, Waxman, Eshoo Amendment to H.R. 4167—''no''; rollcall vote 30 on the Wasserman Schultz Amendment to H.R. 4167—''no''; rollcall vote 31 on the Motion to Recommit on H.R. 4167—''no''; rollcall vote 32 on the Final Passage of H.R. 4167—''aye.''

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2829, OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–387) on the resolution (H. Res. 713) providing for consideration of the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

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

H.R. 683. An act to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). 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.

JUST SAY NO TO FOREIGN CONTROL OF OUR PORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise tonight to talk about foreign ownership of critical United States infrastructure assets. A number of people have followed the controversy regarding the UAE control over a number of critical American ports.

Now, there is certainly some room for concern there, as many of us have spoken previously. The UAE was very closely tied to the perpetrators of the 9/11 attacks. They were one of three governments in the world that recognized the Taliban.

They have recently been useful and helpful to the United States of America, but the history is not great, and people may have been embedded years ago in their government who would control it, it is not a private entity, who would be not friendly towards the interests of the United States. So there is concern there.

And the concern is even compounded by the fact that we do not know who owns the ships. The U.S. has bound itself through international agreements that allow secret ownership of ships under flags of convenience, countries that barely exist or do not exist, Liberia, Malta, who is very happy to make money on this, but turns a blind eye. Osama bin Laden could own a fleet of ships. We are not allowed to know. But they can dock here in United States.

We have done nothing about that. We do not know who crews the ships. They can buy papers in the Philippines and in International Maritime Organization School that the U.S. has been forced to recognize by being part of this agreement. And, again, we do not know who these people are.

So we do not know who crews the ships, we do not know who owns the ships, we do not know what is on the ships. They have to send us a manifest and tell us what might be on the ship. It is an electronic transmission or a piece of paper. That does not mean that is what is really on the ship.

We do not track the ships from port to port, so they could have stopped somewhere. Even if they do not have a nuclear bomb on board when they left Singapore, they could have picked one up on the way. And then we do not have the equipment that we need on this side of the ocean.

So that is a tremendous concern. If you add on the concern of the ownership of Dubai, it reaches even higher proportions.

But I also rise to talk about something else the Bush administration is trying to do. For them commerce is everything. National security is second or tertiary in terms of their concerns. They are trying to reinterpret the meaning of the word ''control.''

They said, when Congress said foreigners cannot control United States airlines, Congress did not mean control. In fact, in their world they are saying, well, foreigners could control U.S. airlines, they could only just control them commercially, but they could not safety and security.

If you have foreign management, foreign ownership, how do you wall off safety and security? So they are proposing, by administrative rule, sometime later this month or early next month, to defy the dictionary and legal interpretations of control and say Congress did not mean what it said.

□ 1930

Now, if you think there is an outcry about the ports, wait until we are sending U.S. troops overseas on what is called part of the Civilian Reserve Air Fleet. The large planes that our airlines fly are actually part of our Reserves, and we fly our troops with these planes over to the Mideast and other trouble spots around the world. Wait until we are asking U.S. troops to get onboard a plane being flown by a pilot from Dubai or from Indonesia or somewhere else around the world. This would be an extraordinary national security problem, in addition to losing domestic air service. Because what is happening here is airlines like United, who have been managed into the ground by overpaid CEOs, and others are looking to sell themselves out to foreign airlines. Their first choice is Lufthansa, but they may well go with the UAE, and then to cut off most of their domestic service, shed the widebody planes and bring in foreign pilots to do the overseas routes and provide minimal domestic service.

So not only are we putting at threat our national security and the Civilian Reserve Air Fleet, we are also putting at risk the American public and we are certainly degrading the capability of providing the service we need to have a system of universal air transport which serves our economy and the businesses in the United States of America.

This is a colossally bad idea with the Bush administration trying to do it in back rooms by pretending that when Congress said foreigners cannot control our airlines that we did not really mean it.

If the Bush administration persists in this, 6 months or a year from today, we will be here on the floor of the House if this Congress does not preempt this, which they have thus far refused to do. If they do not preempt this, we will be back here arguing about the UAE or Indonesia or some other country taking over a major U.S. airline and the assets of our Civilian Reserve Air Fleet. We should preclude that.

Next week when we bring up prohibition of ownership of critical infrastructure assets, airlines should be part of that bill. There is big resistance from the administration and some of the leadership. The membership has to overcome that and do what is right for the American people and national and economic security.

UNFAIR CHINESE AUTOMOTIVE TARIFF EQUALIZATION ACT

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, the United States national

debt is $8.2 trillion. More than 25 percent, or $2 trillion of that national debt, is owned by foreign countries. China owns $300 billion of our public debt in bonds and Treasury notes. Our trade deficit with China is $200 billion alone.

Between 1989 and 2003, the United States lost 1.5 million jobs to China. According to the Wall Street Journal, China plans to increase its military spending by 14.7 percent, the biggest increase in its defense budget in 4 years.

A U.S. Government report issued in July said China is building up its military to be able to project power beyond Taiwan. The Pentagon budget issued this January stated that in the future China will have the greatest potential to compete militarily with the United States of America.

Mr. Speaker, China has taken proceeds from our trade deficit and budget deficit and used the money to fund its military buildup. America has done nothing to address the problem as our trade policy continues to give every advantage to China's state-owned companies who continue to take American jobs and sell cheap goods that American workers used to produce.

Mr. Speaker, I have joined with Republican DALE KILDEE of Michigan and other Members of Congress in both parties to sponsor legislation to say that trade should be fair. What is good for America should be good for China. And what is good for China should be good for America.

H.R. 4808, the Unfair Chinese Automotive Tariff Equalization Act, does not require U.S. tariffs on passenger cars to be raised or Chinese tariffs to be lowered. The bill simply states that until tariff rates are equal, no Chinese-made cars may be imported into America.

Mr. Speaker, right now if America sells cars in China, they pay a 28 percent tariff. But the United States tariff on Chinese cars will only be 2.5 percent. That is unfair and unacceptable. I hope that the House of Representatives will bring H.R. 4808 to the floor, and, by passing this legislation, say to the trade negotiators, both Chinese and American, all we want is fairness for the American workers.

Mr. Speaker, with that I yield back my time, but I will close by also saying that I pray to God that He will bless our men and women in uniform and their families, and I ask God to continue to bless America.

PRESIDENT'S GAP BETWEEN RHETORIC AND REALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, just 35 days ago I attended the President's State of the Union address with other Members of Congress right here in this Chamber. And that night I was very much pleased to hear the President talk about the importance of maintaining America's competitive edge in an era of increasing global economic competition.

This is an urgent issue facing our Nation and one on which I think there should be strong bipartisan support. In fact, many of us in this House have been working for some time on what we call an ''innovation agenda'' to ensure that America stays number one when it comes to international economic competition. Indeed, last fall House Democrats unveiled a blueprint for an innovation agenda.

So I was pleased with many of my colleagues to hear the President join this effort in the State of the Union address. He said this was going to be a priority. In fact, that night he told the American people, ''Tonight I announce an American competitiveness initiative to encourage innovation throughout our economy and give our Nation's children a firm grounding in math and science.''

He went on to talk about the importance of the No Child Left Behind Initiative and proposed an increase in training teachers for math and sciences.

Now, a few days after the State of the Union address, the President sent his budget to Congress. Now, we all know that the budget is what is a true reflection of the President's real priorities. That is where the American people have a chance to see whether the President's words at the State of the Union address are backed up by action. That is his opportunity to show that he means what he says. And I must confess, I was very disappointed with the President's budget and I believe the American people will be disappointed, too, because his rhetoric that night in the State of the Union in this Chamber was not matched by the reality of his budget.

He may correctly want to invest more in math and science, but if you look closely at his budget, $115 million of the $380 million investment is simply taken from other important education initiatives. It is a shell game. Out of one pocket, into another. And what is worse, if you look at the President's proposal for No Child Left Behind, which he talked about in his State of the Union address, this year it is $15 billion dollars short of what this House and this Senate and the Congress and the President said they would provide. And that is cumulatively $40 billion short of what had been pledged.

Now, what about higher education? Our students in this global economic competition have to be able to compete in a knowledge-based economy. Yet students and families are seeing across this country increasing tuition rates, making it harder and harder for them to pay for the tuition and making college out of reach for more and more Americans.

So what did the President and the Congress do? The day after the State of the Union address, this House passed a budget reconciliation bill that cut $12 billion on student aid, the biggest rate on student aid in the history of this country, passed by the Republican Congress. And with the stroke of a pen, the President signed that into law and made college more difficult for many millions of Americans to reach.

Now, the President also told us in the State of the Union address that to maintain our competitive edge we have to invest in scientific research, and he was right. But while he increased, rightly, his investment in the physical sciences, if you look at the medical research budget, it is flat. And in fact, if you look at 18 of the 19 institutes at the National Institutes of Health, they are cut. This violates sort of the first principle that doctors have in medicine: First, do no harm. Those cuts will harm our ability to maintain our competitive edge in the medical research area. We need to get serious.

I am proud to have joined with my colleague, Mr. INSLEE, to introduce a number of new provisions with respect to maintaining competitiveness, as well as others.

The President also told us what many of us already knew: that we are addicted to foreign oil. If you look actually at his proposals in this area, they are rather anemic. In fact, his budget cut our investment in the National Renewable Energy Laboratory. And Americans may remember the spectacle just a few weeks ago when the President wanted to go out and visit the National Renewable Energy Laboratory only to discover before the great photo-op that his budget had cut funding for that, and 38 employees were laid off. So they had to scramble around to rehire those employees so the President could get his sound bite and his photo-op.

We have got to put aside the sound bites and the photo-ops. And instead of having the sound bite policy, we need a very sound energy policy. And again, many of us have worked on legislation in this area.

Mr. Speaker, I think the message is clear: You have to not just look at what people say but what people do. I urge the American people to recognize the gap between rhetoric and reality in the President's budget and see that there are alternatives that many of us have proposed.

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.)

SECURE TEXAS–MEXICO BORDER

Mr. POE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. DREIER).

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, our porous southwestern border is getting worse by the day and the number of illegal entries into the United States continues to grow at a ridiculously rapid rate.

Just yesterday, a study released by the Pew Hispanic Center said that the population of illegals is growing by 500,000 a year. This is because of the lack of border security in this country. Our government's failure to slow this illegal action is fueling financial crisis to American taxpayers, especially those in the 24 counties along the 2,000-mile border between the United States and Mexico.

The costs that come along with this are draining local communities as they struggle to find money for health care, education, and other social service costs associated with caring for illegal individuals. Unfortunately, the people that pay for this illegal activity are American citizens, not illegals. Americans pay the price for illegal immigration. Americans always pay.

Unrestricted illegal immigration throughout Texas and the entire United States drains local cities of money that should be used elsewhere. About 20 percent of health care costs, 20 percent of education costs, goes to those illegally in the United States. They take from America and do not contribute to these expenses.

There is more, Mr. Speaker. In California, San Diego County spends $50 million a year in the arrest, jailing, and prosecution and defense of illegal immigrants for crimes committed after they enter the United States.

The University of Texas at El Paso has a study that found the following: Treating illegal immigrants in hospitals accounts for nearly one quarter of the uncompensated costs at border county hospitals in our country. Cochise County, Arizona spend tens of thousands of dollars picking up trash left at campsites by these illegals. Prosecuted and jailing illegals costs this county an additional $5 million a year. And 25 percent of Cochise County's budget is paid to health care for the uninsured. Most of those people are illegally in the country.

Our out-of-control border is not only affecting the taxpayers, it is also affecting local law enforcement officials. According to the USA Today, in 2004 there were 1.14 million arrests along the U.S.-Mexico border. There are not nearly enough Federal detention centers to house all of these individuals; therefore, some are captured and then let go. Others are put in local jails, and once again, the taxpayer and local communities are left to foot this bill.

I have been down to the Texas-Mexico border and I have spoken firsthand with numerous sheriffs in our communities. They are struggling and they need more help from the Federal Government. We have a policy in this country that we capture individuals who are illegally here and then release them. This catch-and-release policy defies common sense.

Meanwhile, Mr. Speaker, there are approximately 10,000 FEMA trailers sitting in Hope, Arkansas that have never been used. They were not used in hurricane recovery because FEMA has some ridiculous policy that those trailers cannot go to flood-prone areas, so they were never used for individuals who had to evacuate because of Katrina and Rita. So why don't we take those 10,000 trailers down to the Texas-Mexico border and when we capture people illegally in the United States, why don't we put them in those trailers and house them there until they can be deported?

Mr. Speaker, the violence along our southern border continues to increase and violent confrontations between drug smugglers and law enforcement officials is at an all-time high. Local Texas sheriffs have come to expect violent resistance when they encounter drug smugglers and human traffickers. Not to mention our sheriffs are outgunned, out-numbered, and out-financed by these outlaws. Drug cartels and coyotes, those individuals who smuggle other individuals into this country for money, have gone so far as to hire contract mercenaries from other countries to bring drugs and people across to the United States, across our borders.

□ 1945

According to the Washington Times, in the past 5 months the U.S. Border Patrol has detained 42,000 illegals who were convicted criminals or persons wanted for crimes committed at our borders. Last year, Homeland Security reported that 140,000 detainees apprehended at the border had criminal records at the time of their arrest.

Mr. Speaker, we must fight harder against the insurgent uprising at our borders and become more vigilant than we already are. Three groups enter our land illegally: those drug dealers, terrorist operatives and citizens from other countries. The illegals and drug cartels are only becoming more ruthless and defiant every day. That is because lawlessness on our border breeds more lawlessness.

Mr. Speaker, Third World countries protect their borders better than we do, the most powerful Nation on Earth. The failure of this Congress to act quickly on correcting our country's broken borders trickles down to the communities we all represent. We must enforce existing laws, as well as pass new ones that stop this lawlessness. We cannot ignore the facts and the key word is ''illegal.'' It is illegal entry that we must stop.

Congress and America must have the moral resolve to protect the dignity of our country. Send the word. We will secure our borders. That is just the way it is.

IN SEARCH OF A COMPETENT CONSERVATIVE

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Illinois (Mr. Emmanuel) is recognized for 5 minutes.

Mr. EMMANUEL. Mr. Speaker, over the last couple of months and years, the American people have seen what has happened from Iraq, to Medicare, to port security, the economy and Katrina, and the government and this administration's response.

In the 2000 election, President Bush said he wanted to run as a compassionate conservative, and when you look at what has happened and the chaos that is caused by this administration in every one of those areas, forget just compassionate conservative, I would settle for a competent conservative at this point.

The response by this government in every one of those areas that created the kind of chaos that has happened, just take Iraq, for example, just as recently as this weekend. You have our ambassador saying that Iraq is on the beginning of a civil war. Joint Chiefs said that things are actually going well, and Secretary Rumsfeld, Secretary of Defense, said, nothing to worry about, our problem is the press does not accurately report. So either we are on the brink of a civil war, everything is going well, or the American press is actually to blame for what is happening in Iraq.

We have actually sent troops to battle without enough Kevlar vests. We have sent troops to battle with Humvees and turn our men and women into scrap metal collectors. When we had to oust Iraq from Kuwait, we sent a half a million troops; yet, to occupy Iraq, 138,000 troops. And Paul Bremer, the President's personal ambassador there to run the country, asked the Secretary of Defense, asked the President for more troops, and nobody responded.

What is the Republican Congress's response to that? Not a single question, not a single hearing, never asking a single question. This is the hear no evil, see no evil Congress. No oversight. Out of the $480 billion appropriated, $10 billion cannot be accounted for, and nobody's asked a single question or had a single hearing, and, in fact, they have opposed oversight to war profiteering commissions like we had in World War II.

So this Congress on Iraq, see no evil, hear no evil, stay the course, do not ask any questions, do not understand how we got to a situation where there is a failure on the intelligence, a failure to adequately supply our troops who are fighting valiantly, and they deserve a civilian leadership that is up to the kind of valiant leadership and

valiant efforts that they are, but on Iraq, not a question out of the Congress, not a change of course out of the President. They have rubber-stamped that policy.

Take the issue of Katrina. We all saw the tape last week of the President of the United States on that issue. Not a single question. We have had an American city literally wiped out, and what is the response? Billions of dollars are gone. Who is checking the books? Not this Congress. Just keep going, writing hot checks over there, and, again, companies are walking away with money, no services. We have trailers that are unoccupied. Nobody wants to ask the questions. See no evil, hear no evil Congress, rubber-stamp the policies. People are still dispersed, and nobody's back where they want to live, and we have trailers we bought with nobody living in them, but nobody wants to ask the question. See no evil, hear no evil, just rubber-stamp the policy.

What happened in Katrina? We now know for a fact that the government was notified beforehand that this was going to be the big one, and the head of the Homeland Security Department, he is still there and not being held accountable for what happened, and denied, when they said nobody knew this was going to happen, we now know 48 hours, not because they wanted us to know, but 48 hours beforehand they were notified that this was going to be the big one, that people in the Dome were going to be hurt, that they did not have the ability to evacuate everybody. Yet, the government fell down on its responsibility.

When you look at what has happened now in New Orleans and you are reminded of the fact that when George Bush ran for President in 2000, he said he was opposed to nation building, and you look at New Orleans today, who knew it was America he was talking about? Our schools, our health care system, the economy, the ability to be able to get back on their feet and get their lives moving again, this Congress, not a question, see no evil, hear no evil, rubber-stamp the policies. There we are again. The American people have been let down by their elected officials and this Republican Congress, this President.

Take the economy. We now have for the last 4 years added $3 trillion to the Nation's debt, $3 trillion. Every year for the last 4 years, they have come and asked for another raise in the debt ceiling of close to $800 billion. By this time, end of a couple of months, we will be close to $9 trillion in debt accrued in the last 4 years by this administration. Yet median incomes are down for the average family. Health care costs are up 58 percent. Education costs are at 38 percent. What does this Congress do? Stay the course, do not change the course, same old policies that got us right to where we are, an endless occupation and a jobless economy.

HONORING LAVERNE DUNLAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

Mr. CHOCOLA. Mr. Speaker, in light of Women's History Month, today I rise in honor of Laverne Dunlap. Laverne Dunlap retired earlier this month after 35 years of service with the Michigan City, Indiana, Police Department. Her story is much more than just a story about a public servant. It is a story about a pioneer.

The story actually begins in Greenwood, Mississippi, where Laverne was born. At the age of 5, she moved to Kingston Heights, Indiana, with her family. In 1963, she moved to Michigan City, but she never forgot where she came from, and at the age of 21, she traveled back to Greenwood, Mississippi, with a traveling band to perform in her hometown.

Mr. Speaker, I believe that the true test of greatness is not how someone responds to success, but how they respond to adversity. The choices we make when we are in the midst of trials and tribulations are the true reflection of our character. Well, Mr. Speaker, one night in Greenwood, Mississippi, Laverne Dunlap's character was tested, and like many before her and many after her, she turned her trials into her triumph.

While swimming in a pool in the hotel where she was staying, Laverne and her sister were roughed up and arrested by police. Their crime, swimming in a pool only meant for white people. This was the moment when Laverne Dunlap knew her destiny was to become a police officer, not to exact revenge, but to make sure that those wearing the uniform of trust could truly be trusted.

In 1971, she joined the Michigan City Police Department with one other woman named Sue Bitter. They were the first women on the Michigan City Police Force, and throughout her 35 years, she worked in vice, juvenile crimes, uniform division, undercover, and she even spent some time driving the scuba team's boat.

She has earned the respect and admiration of her peers, her family, her community and certainly her Congressman. I congratulate her on her retirement and wish her the best of luck as she plans to spend time in her retirement with her 96-year-old mother.

Thank you, Laverne. You are a public servant and an inspiration.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY 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 gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

(Ms. GINNY BROWN-WAITE of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING FIRST LIEUTENANT GARRISON AVERY

Mr. FORTENBERRY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, First Lieutenant Garrison Avery died Wednesday, February 1, from injuries he sustained while serving in Iraq. The personnel carrier in which he was traveling hit a roadside bomb, killing him and two fellow soldiers. He was 23 years old. He leaves behind his wife Kayla, his bride of just 8 months.

Garrison was the son of Gary and Susan Avery of Lincoln, Nebraska. He graduated from Lincoln High School in 2000 and from the U.S. Military Academy in West Point, New York, in 2004. He then signed up for Army Ranger training, and with his strong intellect and fierce dedication, Garrison Avery became a decorated member of the United States Army. He served in Iraq with the 101st Airborne Division from Fort Campbell, Kentucky.

In his service and in his life, Garrison exemplified the solemn virtues of the great American soldier: The drive and purpose that compelled him at 17 years old to earn his parents' permission to join the Army; the seriousness and excellence that propelled his decorated graduation from West Point; the humility and dignity that kept him from speaking of his numerous special honors awarded for excellent service; the compassion and justice that drove him beyond the call of duty to help Iraqi children, orphaned by the war; the strength, honor and courage he displayed as an officer, leading his troops in the midst of battle; and the faith, love and respect he gave to God, to his family and to his country.

We are also indebted to Garrison's beautiful family. Their love, their nurturing, and their support formed him, guided him and steadied him. His memory will live on through his family and friends, but also in the hearts of the community he bravely protected.

First Lieutenant Garrison Avery died an American soldier, and America will be eternally grateful for his sacrifice.

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 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 California (Mr. BACA) is recognized for 5 minutes.

(Mr. BACA 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 California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD 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 gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

30–SOMETHING WORKING GROUP CELEBRATE WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the minority leader.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, first I want to take this opportunity to thank House Democratic Leader NANCY PELOSI for the opportunity for the 30-Something Working Group to talk for an hour about the things that we know are important to our generation, and also to explain and discuss our views on our generation's perspective on a lot of the issues that are important and facing Americans today.

Tonight I am really pleased to be joined during Women's History Month by two of my distinguished colleagues who are also members of Leader PELOSI's 30-Something Working Group, Congresswoman STEPHANIE HERSETH from the great State of South Dakota and Congresswoman LINDA SÁNCHEZ of California. The three of us make up a very unique body in this group. We are three of only four women younger than 40 years old in the United States House of Representatives.

We are here this evening to celebrate Women's History Month, to remember those who have contributed to our progress, to recognize the women of our generation who are changing communities today, and to highlight the challenges that many women under 40 face as a result of the flawed and failed policies of the Bush administration.

This year's theme, Mr. Speaker, for Women's History Month is Women: Builders of Communities and Dreams. This theme speaks to the legacy that women leaders have built over the generations.

Mr. Speaker, as advanced and progressive as America has been on issues improving the lives of women, our country continues to lag far behind in terms of policies to assist women in their struggle to lead or achieve.

Today women represent more than half the population and are among the most knowledgeable and important thinkers in every field of policy, from science to education, to health care and national security.

As the mother of two young daughters, it is so important to me to see that strong women walk in all walks of life, and I want them to see strong women in all walks of life, particularly so that we can see that those women join our ranks here as policymakers.

I want them to understand that from Title IX to the Equal Pay Act, that they are standing on the shoulders, as we do here, of the courageous women who went before them.

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None of the three of us would have had the opportunity that we did at our stage in life without our colleagues who came before us in this body, without their shoulders to stand on, and I want them and other young women and girls to have the same opportunities that we have been given.

Unfortunately, the President apparently does not share those same views because in his 2007 budget proposal he slashes programs established to give young working mothers a leg up, like Medicare, Medicaid, housing, food stamps and child care. He cuts programs aimed at preventing domestic violence and programs that provide domestic violence victims with housing and legal assistance.

I am saddened to say that domestic violence affects far too many women, and an even growing number of young women. Forty percent, Mr. Speaker, of teenage girls ages 14 to 17 report knowing someone their age that has been hit or beaten by a boyfriend, and 26 percent of girls in grades 9 through 12 have been the victim of abuse.

So tonight we are here because training, education, and employment statistics clearly indicate that women still face barriers in pursuing traditionally male-dominated fields. For instance, while the number of women pursuing degrees in higher education has increased dramatically, the rates of women pursuing engineering degrees lags far behind. Recent data shows that women account for only small percentages of students earning engineering degrees, including only 20 percent of bachelor's degrees, 21 percent of master's degrees, and only 17 percent of Ph.Ds.

We are here, Mr. Speaker, because the Republicans' prescription drug plan is a particularly bad deal for America's women. Women are frustrated and confused, Mr. Speaker. And if you think government health and prescription drug care is only for the aged, you should know that 63 percent of Medicaid beneficiaries were between the ages of 18 and 44 in 2001, and 37 percent of women ages 18 to 44 report that they use at least one prescription drug on a regular basis. Those are not senior citizen statistics.

We are here tonight because 36 percent of the 9.4 million women in executive, administrative, and managerial occupations are under 44 years old, and, on average, women are still making about 76 cents for every dollar that a man makes.

We are here because opponents of the Family and Medical Leave Act are working to hamstring that program, even though it is in its 12th successful year, and more than 50 million Americans have displayed their enthusiastic support by taking job protective leave to care for a new baby, a seriously ill family member, or to recuperate from their own serious illness. And the gentlewoman from California (Ms. SÁNCHEZ) is going to be covering how the administration's policies have impacted working women and working families in particular.

And we are here because there are not too many of us to speak up, and we must make our voices heard. There are 26 men under 40 serving in the United States Congress, Mr. Speaker. They have several voices. More than several. We are here because if we do not stay late on this floor, if we do not stand up and try to make a difference on behalf of young women and young families and bring these issues that are important to them to the table, the three of us together, 3 versus 26, then who will? That is the question that we would like to answer tonight.

I am happy to yield now to my good friend, the gentlewoman from California.

Ms. LINDA SÁNCHEZ of California. Mr. Speaker, I am excited and honored to be here tonight to help celebrate Women's History Month. I am hoping tonight that my colleagues and I can share with everyone what it is like to be a young woman in Congress and how we got our start here.

In addition, I am interested in sharing my thoughts on where women stand in today's workforce. I am proud

to stand here tonight with Representative DEBBIE WASSERMAN SCHULTZ and Representative STEPHANIE HERSETH because together we make up the youngest women in the U.S. House of Representatives. It is my hope that someday soon there will be more than just three of us standing up here. In fact, I think it would be fantastic if we could fill up at least half of this Chamber with bright energetic women from across America.

I want to talk for a moment about women in the workforce, because every morning in households across America, women rise. We rise for work, we rise to care for children, we rise for the love of our jobs and for the love of our families. We rise to put food on the table, and we rise to make ends meet. Above all, we rise to our calling because we can, because we are capable.

No matter what a woman does for a living, we as women have a lot in common because it was not so long ago that women were forced to hide in the shadows of the American workforce. Today, we are a strong and vital part of the American economy and more women work outside the home than ever before. We continue to gain more career opportunities and achieve professional successes in all fields. But have we truly reached equality in the American workforce? Sadly, the answer is no.

The Equal Pay Act was passed more than 40 years ago, yet women still only make 76 cents for every dollar that a man makes, even when accounting for factors such as occupation, industry, race, marital status and job tenure. This gap has persisted for two decades. The glass ceiling is as shiny as it ever has been. According to a recent op-ed in USA Today, we still have miles to go before we can claim true equality.

Women make up less than 15 percent of Congress and law-firm partners, 12 percent of big-city mayors, 9 percent of judges, and just 1 percent of Fortune 500 CEOs. Women and men have had equal levels of post-high school education for 30 years, but the gender and color of those in power has not changed much in that time.

My experiences during my first year in Congress are very similar to the experiences that I had as a young female attorney. You have to work twice as hard as men to dispel people's doubts about preconceived notions that they might have of you. I had to deal with that from day one in Washington. Many people in Washington, D.C. are still not convinced that I am a Congresswoman because I am young, female, and Latina. A lot of people still assume that Members of Congress are men, and that leads to a whole lot of double standards here. In addition, I was surprised to learn that I am the first Latina in the history of the United States House of Representatives to serve on the Judiciary Committee and the Immigration Subcommittee.

In every field, the higher up you look, the fewer women you see. And if you look in the other direction, women still remain disproportionately concentrated in lower-paying jobs. This means that it is far more likely for women to live in poverty than men. The bottom line? Don't be fooled. While we are making gains, true workforce equality still remains an elusive goal. But it is a goal I am not willing to give up on.

Tonight, we celebrate Women's History Month because we have come so far after so much struggle and we deserve an opportunity to reflect our successes. Today, we are here to honor the successes of pioneering women who came before us, to examine where we are now, and to prepare for the future.

We already know that women are smart, but no matter how smart you are, it is tough to win when the rules dictate unequal pay for unequal work. A colleague of ours, Congresswoman DELAURO, has introduced the Paycheck Fairness Act, legislation that would take critical steps to empower women to negotiate for equal pay, create strong incentives for employers to obey the laws that are in place, and strengthen Federal outreach and enforcement efforts. I encourage people to contact their Member of Congress and let them know they support H.R. 1687, the Paycheck Fairness Act.

Right now, there are only 88 cosponsors on Congresswoman DELAURO's bill. Out of the 435 elected voting Members of the House of Representatives, that still leaves 347 Members of Congress who have yet to support this bill. Now, I cannot imagine why 347 Members are not willing to stand up for women's pay equality for our daughters, mothers, and sisters. Mr. Speaker, I hope people pick up the phone and remind their Representatives to get on this bill and show that they truly value women's contributions in the workforce.

Women's increased access to higher education will be a moot point until our society provides better policies for working women. We owe it to our mothers, sisters and daughters. And while talking about better policies, I want to briefly touch as well on the minimum wage. Democrats in Congress are committed to raising the minimum wage to ensure that no one who works for a living lives in poverty.

While the number of Americans in poverty has increased by 4.3 million since President Bush took office, the minimum wage has been frozen at $5.15 since 1997. Democrats introduced the Fair Minimum Wage Act of 2005, legislation that would raise the minimum wage from $5.15 an hour to $7.25 an hour and help lift millions of Americans out of poverty. Women and children are the number one victims of poverty in this country, so I think it is important to remember that by raising the minimum wage we will be significantly raising the status of women and children.

In order to truly commemorate Women's History Month, I think we need to remember that actions speak louder than words. I know the American public is tired of hearing politicians highlight our country's problems without offering any real-life solutions. Tonight, I have touched on two problems and I have named two real solutions that are on the table right now. All that is left for us to do is to act.

Let us achieve real pay equity for women and raise the minimum wage. Together, America can do better on behalf of all women and all working families.

Mr. Speaker, at this time, I am pleased to yield back to the Representative from Florida.

Ms. WASSERMAN SCHULTZ. I thank my colleague, and I will now yield, Mr. Speaker, to the gentlewoman from South Dakota.

Ms. HERSETH. I thank the gentlewoman from Florida and both of my colleagues. Mr. Speaker, I am just so pleased to be here this evening joining with my 30-something fellow Democratic women in honor of Women's History Month.

I look forward through the course of the next partial hour to talk about sufferage, such an important part of women's history, and getting our right to vote so that the three of us can be standing here today having the support of so many women in the constituents that we represent; being able to exercise our voting privileges on this House floor because of the importance of the sufferage movement in this country.

I also look forward to talking about some unique perspectives I would like to share, representing a rural district, about rural women and the role that they played in sufferage for women's history and getting the right to vote, some of the unique challenges they face for employment opportunities, health care for rural women, and also to spend some time talking about Title IX and its importance for all women.

I am very honored to be here tonight, as I mentioned, and I want to reiterate the thanks that Ms. WASSERMAN SCHULTZ and Ms. SÁNCHEZ gave to our leader, NANCY PELOSI, who herself became such an important part of women's history in being elected the first woman as the Democratic whip, followed by the first woman to be elected leader of one of the political parties represented here in this House of the people. To be joining all three of them tonight is particularly important as we share our ideas on issues important to women in honor of Women's History Month.

I also think it is important throughout the next few minutes for each of us to share what brought us here in the first place and how we benefited from the women who paved the way before us. I am a farm girl from South Dakota. The small town near where I grew up on the farm, population less than 100, Houghton, South Dakota, is a long ways from the House of Representatives. But I would venture to

guess that some of my experiences reflect some similarities of my two colleagues and other women that we work with here in the Congress. Many women serve in the Senate and our State legislatures, our county commissions, school boards and city councils, and we hope one of these days, the White House.

Now, I was born on a farm and ranch, third generation in the family, and my dad, like his dad before him, continues to work and farm a ranch in the northeastern part of South Dakota. But while farming and ranching were our livelihood and our profession, we had another passion, and that was State government and politics. My grandfather served as Governor in the late 1950s, my grandmother served as Secretary of State in the 1970s, and my dad was in the State legislature. As my mom likes to say, it wasn't just in the blood, it was part of the genetic code.

And so when we share these experiences, either with our own children or our nieces or our goddaughters or our cousins, I think it is important that we make it part of the dinner-table conversation, as I would imagine the three of us had in many respects. It is one thing that I think has substantially changed for our generation. I think for earlier generations of women, they maybe didn't have the exposure or the influence and the encouragement to be part of the debate about public issues and to be encouraged to seek public office.

As I travel across my district, as I am sure my colleagues do, you see these young girls, 8 years old, 9 years old, 10 years old, and they come up and they want their parents to bring them to an official meeting or some other public event and they tell you they want to serve in Congress someday or they want to run for Governor. And it is so heartening because it reminds us of the importance of so much of what we are doing for them and for younger girls and women to know that they can do it too.

Now, when I was first getting involved, so much attention was given to my dad and my grandfather, but it was my grandmother who was the first to get involved, before she ever became a Herseth. She ran in the Great Depression for superintendent of county schools, back in the mid- to late 1930s. She paved the way. She wasn't going to let conventional wisdom get in her way. She ran at a time when it was so difficult and she used her salary, it was an elected position in South Dakota, and she used that salary to help put her two nieces through college. She would share with me stories about serving as superintendent of county schools, the importance of education, and then serving as first lady and secretary of state, and she had an extraordinary influence on my life.

That is why I think it is so important for all of us to know that these are precious gifts we have been given by women who have paved the way before us, and that for those of us with children or sisters or grandchildren and nieces, we need to make sure that we are talking to them about the importance of what we have done to continue to help pave that way, to keep the door open, and to open new doors for women to have an influence in public policy and in public life and government at all levels.

□ 2015

Let me just share a quote when we talk about some of the women that have paved the way. I want to sort of selfishly focus on some of the women who were from my area of the country in the late 1800s and early 1900s and part of the women's suffrage movement.

But Ruth Bader Ginsburg, now the only woman serving on the United States Supreme Court, noted, ''I think about how much we owe to the women who went before us, legions of women, some known, but many more unknown, and I applaud the bravery and resilience of those who have helped all of us, you and me, to be here today.''

Well, among some of these women is Esther Morris, the first woman to hold a judicial position, who led the first successful State campaign for woman's suffrage in Wyoming in 1869.

Also we have Carrie Chapman Catt. She revitalized the National American Women's Suffrage Association and played a leading role in its successful campaign to win voting rights for women. In 1920, she founded the League of Women Voters upon ratification of the 19th amendment to the Constitution.

Carrie Lane was born in Wisconsin, and at the age of 7, her family moved to rural Iowa where she graduated in 1877. She graduated from the Iowa Agricultural College and model farm in Ames, Iowa. I make note of agriculture here because I am the only Democratic woman serving on the Agriculture Committee, and only three of our Republican colleagues serve on that important committee. She then became the first woman in the Nation to be appointed superintendent of schools. This was in 1883.

In addition, the first woman ever elected to the United States Senate was Jeanette Rankin from Montana in 1919. And in South Dakota the first woman we ever elected to the United States Senate was 1938, Gladys Pyle. And 66 years later, in 2004, they elected their first woman to the United States House of Representatives, and I shared that year with Cecilia Firethunder, a constituent of mine who became the first woman to be elected president of the Oglala Sioux Tribe on the Pine Ridge Indian Reservation in South Dakota.

So we are making strides every year, more to be made to be sure. But I think it is very important as we celebrate and talk about Women's History Month and the challenges that remain that we make mention of some of these women that went before us and the influence they had on the entire women's movement and Women's History Month, but some of the closer people that served as role models and influenced our lives.

I am curious to hear more about both of your experiences and what brought you to the United States Congress.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, as Ms. HERSETH was talking, I was struck by our diversity. Our commonality is we are all under 40, but literally we represent the East, Midwest and west coast of our country, California, South Dakota, and Florida. We also represent a very different ethnic and cultural diversity. We have a Midwesterner, a nice Jewish girl from the suburbs, and we have a Latina from the West Coast. You could not have more diversity than what is standing in this Chamber this evening.

What is wonderful about that is that is what the Democratic Party is all about. We are the embodiment of the Democratic Party. We are the embodiment of what Democrats represent and stand for. It is not just amazing that we had the opportunity at the age we were when we each got involved, but it is, I think, particularly notable that we had that opportunity because of the opportunities that Democrats try to provide in terms of diversity. I think if we were attempting to get involved at the point we did in our lives and we were Republicans, it would have been a very different experience and perhaps some very shiny glass ceilings, as you referred to.

I was 25 when I started running for the Florida House of Representatives. I would imagine that in South Dakota it is probably that you have to be fifth-generation South Dakotan before you would think about running for public office, certainly running for Congress. I had only lived in my community for 3 years when I decided to run for the State House of Representatives. For me, that was no different than anyone else who lives in my community. If you are from south Florida now, you certainly are not from south Florida since birth.

The reason I was able to contemplate the possibility of running was because we have had so many of the women we serve with here really provide us their shoulders to stand on because they fought in the 1970s and even some in the 1960s to make it possible for women to bust through that glass ceiling; that I was able to even think about running for office when I was 25, just married a year, my husband and I had just bought our first house. We knew we wanted to have kids. I was raised to believe my parents at dinner table conversation, I would not have to choose. A woman could be a good mom, have a solid marriage and be a hardworking professional, and do all of those things well.

So the generation before us of women, because they made that possible, because they strove to accomplish that, it made it almost if not a no-brainer. It made it so much more

reasonable for someone, for people like us to step up when we were presented with the opportunity. I was able to seize that opportunity when the seat opened up in the State legislature for me because so many women had paved the way before.

The experience I had in my race for Congress was so disheartening. I was successful obviously because I am standing here, but I actually had to deal with an opponent who spent the whole election, and this is Women's History Month, we are in 2006, and she spent the whole election saying that I was a bad mother. She spent the entire election saying she was 20 years older than me and had waited until her children were grown before she thought about running, and basically I had some nerve running with young children. I have twin 6-year-olds, a boy and a girl, and a 2½-year-old baby girl.

I ran for them. I ran so I could show my little girls that there are so many things that are important that we do here, and that it is imperative that our perspective, our generation's perspective and the perspective of young moms and young women are here in this Chamber.

We deal with issues that I know we would not deal with if not for young women's presence here; women, period.

But the statistic that strikes me is that in history, and I am a freshman, I am the least senior of the three of us, what I learned when I came here, and I know they probably told you this, too, when you came for your orientation, but we have had just under 12,000 people in American history serve in the United States Congress, and of those we literally have had just over 200 women out of 12,000 people.

Ms. LINDA T. SÁNCHEZ of California. When I ran for Congress, I had sort of a unique situation in that I had an older sister who was a trailblazer. She was elected in 1996, and when I ran and was elected, we were the first two women of any relation to serve in the U.S. House of Representatives.

There have been over 1,000 male relationships, either fathers and sons, uncles and nephews, male cousins. Never in the history of Congress until the year 2002 had two women of any relation served in Congress. It is a stark contrast in terms of we are making those strides, but we still have so much further to go.

Ms. WASSERMAN SCHULTZ. Absolutely. The thing that I learned that shocked me given that I am from Florida and we have the third highest Jewish population in my community in the country, I am the first Jewish woman to ever represent the State of Florida in the Congress. Our first U.S. Senator to ever represent Florida ever was actually a Jewish man, and that was back in the 1800s when Florida joined the Union. And it took until 2004 for Congress to send a Jewish woman to Congress.

The expression we have come a long way but we have a long way to go is an accurate one. We have so much that we can talk about. I think that the thing that I want to highlight is that we have issues that are important to women and families that would not get addressed if we were not here in the numbers we are here.

Child care, subsidized child care in particular. I was shocked last year when I learned in the President's budget that he put forward last year that he actually proposed a drastic cut in the number of subsidized child care slots that we would fund. We are talking about how it is possible for us to stand on the shoulders of other women and even think about running. We are talking about service in the House of Representatives. It simply is not possible for women to work who are moms, especially single moms, if they do not have the ability to have their children cared for and well cared for. So for each successive budget that I have seen, yet again the President has opposed a cut in subsidized child care cuts.

It is just astonishing to me the priorities that this administration has where it seems to be more important to preserve tax cuts for the wealthiest few at all costs, and never mind the women who need health care, who only get it when they are on Medicaid; never mind young children who receive Medicaid, and that is the only source of health care; never mind moms who need to make sure that they can work and have a place to send their children for quality child care. I just do not understand where their priorities are.

Ms. HERSETH. Just to make a note on the health care issues and child care, in South Dakota we are among the highest percentage per capita of women who work outside the home. Many of those women are single mothers, and those who are a second income earner, either off the farm or in town, then struggle not only with the child care costs, but access to a child care provider in many of our small communities. So the cuts to assist individuals but also some of the community development funds, the economic development funds that have been used effectively by rural communities to support entrepreneurs, many of whom would like to provide child care services for healthy communities, have been jeopardized, and one of the most egregious things that we have seen from this administration as it relates to health care is they will sacrifice rural health care grants at almost every opportunity.

Many rural women are older. Many are eligible for Medicare and Social Security. But even young moms in smaller rural communities, we are talking about rural health care grants that go a long way to keep clinics open. And as she is struggling to also maintain a job and raise her children, you tack on to that the challenges to having health care services, especially in smaller communities that are working to revitalize themselves, but the budget situation and the priorities that have been so misplaced have jeopardized and make it harder for rural women to even get access, let alone the affordable health care that they need.

Ms. LINDA T. SÁNCHEZ of California. If I could just add, one of the things, and you are raising excellent points, women have so many challenges. Young women have so many challenges today. Young mothers have so many challenges today, such as access to affordable health care and access to quality and affordable child care.

Women disproportionately have lower-paying jobs that pay minimum wage, and we have not seen a raise in minimum wage to keep pace with inflation.

Really oftentimes I talk about the glass ceiling because there are still so many opportunities denied to women in the upper echelons of our workforce, but many women are just struggling to get up off the floor because they are working minimum-wage jobs and trying to raise kids. They are the heads of households. They face all of these challenges. And one of the best ways for women to get ahead, and this is something my immigrant parents really instilled in all of my brothers and sisters, I come from a family of seven, they said education is the key to opportunity in this country; you need to go to college.

When they told me this, it was a pretty radical notion for a traditional Latino family to say not just the boys need to go to college, but the girls also should go to college. One of the ways I financed my education was with Pell grants and students loans, loans which I am still paying back today.

□ 2030

I still owe on my student loans. I make out that check every month. But it was the best investment I could have made in myself, because it opened the doors of opportunity.

When you talked about the President, his priorities being so out of place and opposite of what they should be, the first thing that jumped to my mind was they want to cut student aid programs. They want to freeze the maximum Pell Grant. Many young women who want to go to college rely disproportionately on Pell Grants and student aid to finance that and make that dream happen. Yet they are slashing that, which is, again, one of the best investments you could make.

If you talk about a young woman who is bright, she gets into college and cannot finance a college education, you are talking about not just making it that much harder for her to access these economic opportunities, but let's look at this realistically. If she is earning less because she is not able to get a college education or additional training, she is contributing less in the tax base in terms of our economy.

It is such a wise investment to help people further their education and careers, because they become higher income earners, they pay more into the

tax base, they spend more in their communities to help stimulate the economy. Yet we have an administration and a President who thinks nothing of making the biggest cuts to the student loan program in the whole program's history. Now, more than ever, we should think about investing in young women, not foreclosing those opportunities for them.

Ms. WASSERMAN SCHULTZ. You are so right. You are choking off women's opportunities at every level. Whether we are talking about the freezing of Pell Grants, this President has proposed freezing funding for Head Start. Head Start, the place where disadvantaged kids, kids who it has been proven in study after study get their opportunity to succeed in school in a Head Start program, 19,000 kids would lose their opportunity to participate in Head Start.

Ms. LINDA T. SÁNCHEZ of California. May I mention that my older sister, who was the older of the two to be elected to Congress, was a Head Start child. That program helped her become prepared for school, and helped my mother understand an education system that was totally foreign to her.

Ms. WASSERMAN SCHULTZ. We come from three totally different kinds of communities. Like you in your community, I get stopped in the supermarket, I get stopped at my son's soccer games, at dance class, you name it. And the community I live in happens to be one that is sort of middle to upper middle-class, and it doesn't matter whether I am in the poorer section of my district or the wealthiest section of my district, people are scratching their heads. Their confidence in their government under this Republican leadership has been so badly shaken because of the corruption and the cronyism and the tax cuts and the priorities being totally wrong.

Ms. HERSETH. If the gentlewoman would yield, back to the point that Ms. SÁNCHEZ made about Head Start, Mr. Speaker, I think this is so important as it relates to Women's History Month and the importance of the Head Start Program, the women that have been a core part of this program, I represent nine sovereign Native Tribes in the State of South Dakota, and tribal women are among the strongest advocates for Head Start, in both the in-home program as well as the traditional Head Start Program.

So I could not agree more that any budget, whether it comes from the administration or the majority in this House, that would slash or freeze or not adequately fund Head Start programs to meet school readiness is inexcusable, as well as what had you both mentioned, and Ms. SÁNCHEZ, I too am paying off those student loans, how important it is to have access to ways to finance one's higher education to become that productive citizen, a taxpayer in one's community, giving back and finding good opportunities.

But when you look at the impact of the egregious budget reconciliation bill that this House passed by two votes earlier this year, that found a third of its savings from Federal student loan programs, it is also inexcusable. And when you tack that on to what is happening as I mentioned with Head Start in Indian country, we have very high up employment rates, so you can imagine what Native women are faced with.

But the one thing I want to mention, because we have been focusing on a number of the challenges, especially as it relates to the budget and the misplaced priorities, when we talk about Women's History Month I want to highlight what will always stand out as a hallmark, one of the most significant achievements of women banding together and being advocates, and that is in the area of breast cancer research and awareness.

My grandmother that I was mentioning earlier, she was a breast cancer survivor. One of my aunts is also a breast cancer survivor. I think that is a model of advocacy in all of women's health and how we find creative ways to adequately fund the research, as we have done through the Department of Defense programs that have existed for that research, and to continue it in other areas, and to applaud the women, to applaud the women that were the strategists, that were the activists, that brought this to the attention of so many here in the halls of Congress to make sure that this serious health issue was addressed that paved the way for us to address other health issues for women that we know are continuing to be challenges for us.

Ms. LINDA T. SÁNCHEZ of California. If you will yield, since we are on the topic of breast cancer, I want to mention two weeks ago I lost a Member of my staff in my district office. She had a 3-year battle with breast cancer. She died at the age of 49. She was the most wonderful, outspoken, helpful caseworker in our office.

Her husband said at her memorial service, ''You know, Idalia Smith did not die. She was killed. She was killed by cancer.'' He was angry that more had not been done to try to help eliminate breast cancer in terms of one of these horrible diseases that causes such suffering and takes people from us far, far too soon.

Ms. WASSERMAN SCHULTZ. It is so sad how we literally now have reached the point in history where every person that you talk to can name a woman that they know that has touched their lives in some way that has fallen victim to breast cancer. One of my close friends, 42 years old, a mom of twin 5-year-olds, just passed away in December, also killed by breast cancer.

You know what is the most frustrating thing, is that we have only just in recent years been able to get NIH funding for women-specific disease study, and yet the President has now proposed a cut in funding for every institute in the NIH.

How are we going to reverse the trend in breast cancer? Breast cancer is not even the leading cause of death in women in this country. It is heart disease. Heart disease is the leading cause of death. We only just accomplished having women-specific studies in that area.

Again, the priorities are just startling.

Ms. LINDA T. SÁNCHEZ of California. I just have this to say. We have talked a little bit about priorities and we have talked about some very worthwhile programs that are being cut to the core, to the point where these kinds of services are going to be eliminated altogether, will be so crippled by lack of funding that they are not going to really function and serve the people they need to serve.

The question for me, and I get angry about this, I hear colleagues talk about how they care about breast cancer research, they care about preparing kids for kindergarten, they care about making sure that educational opportunities are available, yet they have no qualms about voting to slash these programs to the core so they can give tax cuts to the wealthiest Americans.

If that is not the clearest example of misplaced priorities, I don't know what is, because there is an old saying, you put your money where your mouth is. So you can talk about supporting something, but if you are not willing to put your money into that to support it, you are just giving lip service to it.

Ms. WASSERMAN SCHULTZ. Our colleague ROSA DELAURO from Connecticut has introduced legislation in the area of breast cancer that we still cannot get brought to this floor that would deal with drive-through mastectomies. You have women in this country now who, after having their breasts removed as a result of breast cancer surgery, are forced out of the hospital by their insurance company in 24 hours and less after a radical mastectomy, regardless of what their doctor thinks.

What Congresswoman DELAURO's legislation would do is it would ensure that it is the doctor, in consultation with the patient, that would decide what the appropriate length of stay is. That is legislation I worked on in Florida, and it is one that we should apply nationally. Yet we cannot get a hearing, even a hearing, on that bill under the Republican leadership in this Congress.

That is why it is so important. Listen, I will say this straight out. It is not just important that we have women serving in Congress; it is important that we have women who share the priorities of most women in America, who are willing to come here to the Congress and stand up for the things that we care about.

There is no point in having a woman here if she is just going to vote just like men have for generations, really, because why elect a woman then? We have got to make sure that we make progress, that we go forward. This leadership is not taking us forward. They

are not taking us forward by any measure.

Ms. HERSETH. If the gentlewoman would yield further, we have been focusing quite a bit on where the budget issues have been placing new challenges upon us, because of the priorities that are so questionable as it relates to women's health and education and equal pay and employment opportunities. But it doesn't just stop there.

This administration will take any way it can it seems to take issues that have been so important to young women in particular to undermine some of those achievements through regulatory proposals.

Take for example Title IX, another phenomenal achievement as we celebrate Women's History Month. Title IX has been an enormous success. It is a standard that for over 33 years now has ensured equal opportunity for women in athletics and contributed to the athletic, educational and health, but educational and athletic achievements of hundreds of thousands of young women, and because of Title IX young women's participation, Mr. Speaker, their participation in athletics has increased 400 percent at the college level and 800 percent in the high schools.

Girls and women who participate in sports receive great physical and psychological benefits. I can attest to that. I was a basketball player in high school and ran track and cross country and tried to continue to be active, but wasn't quite good enough for the Georgetown women's basketball team back in the early nineties.

But when we look at how girls and women who participates in sport receive that kind of benefit, including higher levels of confidence, their stronger self-images and lower levels of depression, the importance of Title IX I think can't be overstated. Yet what does this administration do, but propose new rules to undermine it.

On March 17 of last year, the Department of Education, without any notice or public input, issued a new Title IX policy under the guise of clarification that creates a major loophole through which schools can evade their obligation to provide equal opportunity in sports. The policy will allow the schools to gauge female students' interest in athletics by doing nothing more than an e-mail survey and then to claim in these days of excessive e-mail spam that a failure to respond to the survey shows a lack of interest in playing sports.

The so-called clarification eliminates the school's obligations to look broadly and proactively at whether they are satisfying women's interests in sports and will thereby perpetuate the cycle of discrimination in sports to which women have been subjected.

So this new clarification violates basic principles of equality and it threatens to reverse the enormous progress women and girls have made in sports since the enactment of Title IX in 1972, when the three of us were awful young.

Ms. LINDA T. SÁNCHEZ of California. If I could just add, you have mentioned some of the great benefits to girls and women participating in sports. It leads to better physical health. It leads to better mental health, lower levels of depression in women who engage until regular physical activity. For girls, it promotes self-esteem and confidence that comes from gaining competence in something that they enjoy doing.

There are studies that even show that girls who engage in sports when they become women are more likely to leave abusive relationships than women who don't engage in sports.

Ms. WASSERMAN SCHULTZ. I couldn't agree with you more.

We have been joined by a special member of the Women's Caucus, especially the Democratic Women's Caucus, for us someone who needs no introduction. But the gentlewoman from California has made history by becoming the first woman to lead either party's caucus in the United States House of Representatives. When she was elected as Democratic Leader, she broke glass ceilings that no woman thought was possible. We are so proud to have you join us for our special women's 30-something hour.

□ 2045

Ms. PELOSI. I thank the gentlewoman for yielding and for her kind words. I commend the 30 Something women who are here, Congresswoman LINDA SÁNCHEZ of California, Congresswoman DEBBIE WASSERMAN SCHULTZ of Florida and Congresswoman STEPHANIE HERSETH of South Dakota.

As I came to the floor, I head the 30 Somethings talking about Title IX. First let me say, I am joining the 30 Somethings as a mother of 30-somethings. But I really want to salute you, DEBBIE, especially for the lead that you have taken on so many issues on the floor as the cochair of the 30 Somethings, and our colleagues who have joined you this evening for all of their exceptional leadership.

I heard you talking about Title IX when I came to the floor, and I do not know whether you mentioned this, because I was in a meeting before I got here, but in the Title IX fight, you cannot talk about it without saluting the great work of Patsy Mink, our former colleague who was a Congresswoman from Hawaii. It was her life's dream to pass the legislation for all of the reasons that you said, what it means in the lives of young girls and women in our country to have access to athletic and other privileges and rights of Title IX.

And I always like to tell the story that Patsy worked so hard on this, Patsy Mink did, and then it was going to be a very close fight. And at the time it met with great resistance; it still meets with some resistance here. But at the time it met with tremendous resistance in the Congress. But she got a promise from the Speaker that she would have a vote on the floor on it, and it was going to be very close. She could win or lose by one vote.

When she got up that day to come to the floor to fight for the cause, she got word that her daughter was in an automobile accident. So she had to be a good mom, just exactly what her instincts would be, up and left, and they lost by like one vote or something.

But she was so persuasive, and with Patsy you might as well say yes right away, because you are going to sooner or later. The Speaker gave her another vote. That is when the bill was passed, at a later time. But there can be no discussion of it without the determination and the courage of Patsy Mink.

I am pleased to join my colleagues in honor of Women's History Month, a time to celebrate the historic contributions of women that they have made to our Nation. We remember those who fought for our progress. We recognize those who are changing communities today, that being the theme, and we rededicate ourselves to expanding opportunity for women.

We have been so blessed in this Congress with our young women, the 30 Something women who are bringing not only the voice of women, but a voice of their generation to the debate, and they are making the great difference.

In the past year, we have grieved the loss of several remarkable women who agitated and struggled for equality and progress. I call them magnificent disrupters: Rosa Parks, Coretta Scott King, Betty Friedan. And then just yesterday we lost a person, Dana Reeve, who used her great personal challenge of her husband's paralysis to work so that other families would not have to endure the same pain.

Her fight to fulfill the potential of stem cell research brought these issues from the brink of oblivion now to the cusp, I hope, of success. As Dana said after the passing of her husband Christopher, no less than an American hero himself, today is the right moment to transform our grief into hope.

Even after her loss, and even after she suffered through her own dreadful illness, she fought for the hope that stem cell research gives to millions of Americans. Dana Reeve used the great personal challenge of her husband's paralysis to work so that other families would not have to endure the same pain.

The National Institutes of Health tell us that a range of diseases from Parkinsons and Alzheimer's disease to spinal cord injuries to stroke, burns, heart disease, diabetes, maybe cancer, could potentially be addressed with this research. Perhaps it will be years or even decades before this potential is fulfilled. I hope not.

But Dana saw no excuse for setting back progress even 1 more day. By bringing hope to the sick and disabled with the miraculous potential of stem cell research, she has helped to continue the mending and renewing of the world that is possible through science.

Today we salute Dana's work and send our prayers to those who loved her, especially her son Will, who is 13 years old; and her two grown stepchildren, Matthew and Alexandra; her father and her two sisters.

I take the time to talk about her contribution because it is significant for all of us, and I know that she would have wanted me to use any time talking about her to talk about the cause. Today we have learned that former Governor Ann Richards of Texas has cancer of the esophagus. She made that announcement herself. I know that she will face this with courage and the resoluteness that is her signature. She never saw something wrong that she did not make right, but this, and so many others, makes clear the need for clear commitment to women's health in this country.

Our thoughts and prayers are with Governor Richards and her family today. I know she will beat this. We were so proud of her when she was Governor of Texas, and she makes us proud every day that she speaks out for the American people, women, children, families and Democrats.

I was fortunate enough to have her daughter Cecile work with me in my office. So I feel particularly, particularly blessed by the contributions that Ann Richards is making to our country.

In recognition of the theme of Women's History Month: Women, Builders of Community and Dreams, we cannot fail to recognize that there are dreams and communities left to build, especially on our gulf coast because of Katrina, Rita and Wilma.

Last week Speaker HASTERT and I led more than 30 Members of the House to the gulf coast. There we met women who were telling us about their struggle to rebuild their communities, to rebuild their dreams, the theme of Women's History Month.

Those women represent the thousands more who are struggling to rebuild, without the support they need from the Federal Government, and I hope that after our trip that support will soon come.

Despite the stories of loss, I also saw the spirit at work to rebuild the gulf coast to a region that is healthy, strong and prosperous. Women of the storm are particularly noteworthy in their effort, as a group of 100 Louisiana women who are fighting to rebuild a devastated gulf coast. That means not only Louisiana; Mississippi, Alabama, those affected in Florida, those affected in Texas.

One of the most compassionate members of the gulf coast community is Congresswoman and Ambassador Lindy Boggs, who we had the privilege of seeing when we were in Louisiana. I met with her last week. This week Lindy Boggs is celebrating her 90th birthday. Long before your time, my colleagues, when many of us served here with Lindy Boggs in the House of Representatives, indeed she came to Washington in 1941 with her husband, Hale Boggs, and he was serving, and he became the Democratic whip of the House. Tragically his life was lost in an airplane accident, and she then indeed became a Member of Congress.

A woman of great intellect, graciousness and courage, Lindy Boggs taught all of us who served with her a great deal about politics, a great deal about the future of our country, and a great deal about how to do it in the nicest possible way. It worked for some; it did not work for others of us.

In any case, I can assure everyone that Lindy is as vivacious as always. When she left here, she went to be an Ambassador to the Vatican. And she was very proud to represent our country as the representative to the Holy See.

On the occasion of Women's History Month, I salute her and all of the lessons, thank her for all the lessons she taught Members of Congress and the great contribution that she is making to our country.

As we honor the accomplishments of great heroines who have restored hope in the face of impossible odds, we recognize that women are working to strengthen their communities today. We know their power. Women's History Month reminds us that women can and do change the course of history for all of us.

And today being International Women's Day, I was pleased that on Capitol Hill we had women legislators and public figures from Northern Ireland that I met, Afghanistan, Iraq, and many other countries. I just wanted to point out on this that we also received news from Speaker HASTERT, and I am very grateful to him, that we will have a joint session of Congress next week where we will hear from the newly elected President and newly inaugurated President of Liberia Johnson-Sirleaf, who will be visiting the United States on a state visit next week.

She will address a joint session of Congress. She is the first woman to ever be elected President of an African country. And I think I only remember one other woman addressing the Congress, a joint session of Congress. So it is very exiting and an appropriate way for us to celebrate International Women's Day and National Women's Month.

With that, again I salute my colleagues for calling this Special Order. More importantly, I salute them for their tremendous contribution to our country at their early ages. Congresswoman LINDA SÁNCHEZ is the first Hispanic woman, first Latino, ever to serve on the Judiciary Committee. She makes a great contribution to our country from that important, important post.

Congresswoman WASSERMAN SCHULTZ is on the Financial Services Committee where she fights for consumers and for including everyone in the economic success of our country.

And Congresswoman HERSETH and her valuable contribution on the Agriculture Committee, and other committees, on the Veterans Committee where she is already a ranking member of the committee so soon. How wonderful.

Well, I congratulate you all. I thank you and appreciate what you are doing this evening and what you are doing for our country.

And with that, Mr. Speaker, I yield back to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you so much for joining us. Normally when we do our 30-Something hour, Madam Leader, we thank you in absentia for the opportunity to spend the time during this hour talking about the things that are a priority to our generation. So it is a privilege to be able to personally thank you for this opportunity that you give us each night. It is an honor to serve under your leadership.

Ms. PELOSI. Well, I appreciate you saying that, because what we are about here is the future. Everything we do should be about are we honoring our responsibility to make the future better for the next generation? That has been the tradition in America from our Founders until the present. And I hope that we can prevail in this fight to make the future better for the next generation. We owe it to our children. We owe it to the next generation.

Ms. WASSERMAN SCHULTZ. Madam Leader, the way we close our time usually with the 30-Something Working Group is by plugging our Web site, www.housedemocrats.gov/30somethings. We encourage our colleagues and anyone who cares to sign on to that. We have a lot of charts and interesting facts and figures that are important to the next generation.

I want to thank my colleagues from California and South Dakota for joining me tonight and welcome you back any time because we are here every night.

Mr. Speaker, with that we yield back.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). 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 to speak before the House tonight. I want to thank the leadership for allowing me to participate in this hour. I thank the conference chair, Congresswoman PRYCE, for her leadership.

And I want to come tonight with a number of colleagues, and we come with what we call the Official Truth Squad. And we call it that because a group of freshman Congressmen, in our class there are 25 or so freshman Congressman, who have now served in Congress for about 15 months, and when we get together on a regular basis, one of the overarching concerns that we voice to each other over and over and over

again was the tone in Washington and the remarkable partisanship in Washington. And we kind of brainstormed about what could we do to change that tone, to make a difference.

And so we came up with the Official Truth Squad. And we try to come every evening and share with the American people what we believe to be the truthful situation on whatever the topic is.

This instance tonight we are going to talk a little bit about the economy in just a short time. But I think what you have heard, Mr. Speaker, over the last hour, and much of it veiled in some very kind words, but what you have heard is a clear example of the politics of division. And it is the politics of division that many of our friends on the other side of the aisle seem to be wedded to, and I cannot tell you why that is.

It disturbs me. It is very distressing, because I think that it does not serve the greater purpose of why we are all here, why we are all elected to Congress, to try to solve the remarkable challenges that we have.

But the politics of division is, as you know, Mr. Speaker, is pitting one group against another in some really political way that really does not make a whole lot of sense. But it is appealing to people's lowest common denominator. It is appealing to their fears and to their basic instinct, and that, again, does a great disservice to us as a Nation.

I have quoted on this floor before something that I have attributed to President Abraham Lincoln. And I was so pleased that there are folks who are out there and interested in what we are talking about. And I stand corrected on that. It was felt to be consistent with President Lincoln's philosophy, but, in fact, it is attributable to Reverend William Boetcker, who was a leader and a public speaker in America born in 1873, died in 1962.

□ 2100

He talked about the politics of division. He talked about it a lot. He talked about the need for appropriate discourse and a social philosophy that he felt was consistent with President Lincoln's, and it has been confused with that in the past.

So I wish to share that with you again tonight, Mr. Speaker, because I think it really crystallizes what we ought not do here in the people's House because it does a disservice. And the quote goes like this:

''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. You cannot help men permanently by doing for them what they could do for themselves.''

And I may add another one tonight: that you cannot empower women by tearing down men.

So the politics of division do truly a disservice to us as a Nation. It is disheartening to the public discourse, frankly. So I urge my colleagues to try to endeavor as we are talking about issues and the challenges that confront us to remember that truth is important and truth is vital in everything that we do.

In my real job I was a physician. I was an orthopedic surgeon. And I am fond of telling folks that if I did not get truthful information either from the patient or from whatever laboratory study or examination we were doing, if we did not get truthful information, then we could not make the right diagnosis. If you do not make the right diagnosis, then you cannot treat the right disease. And if you do not treat the right disease, it is hard to get the patient cured.

It is the same in public policy. If you are not dealing in truth, if you are not making the right diagnosis, if you are not treating the right disease, you cannot get to the right solution. So, again, I challenge my colleagues on the other side of the aisle to try as hard as they can to avoid the politics of division. It really is shameful and it does a disservice to the public debate, and it really does not do any credit to the party itself.

So I am pleased to be able to have the opportunity tonight to come and talk about many different things, but we are going to talk about the economy for a good length of time here this evening.

I have been joined by a good friend and colleague, a member of the freshman class, Congressman WESTMORELAND, a fellow Georgian. Congressman WESTMORELAND is a small businessman and a fellow Georgian. I served in the State legislature with him. He has come to share some of that truthful information about the economy.

Congressman WESTMORELAND, I welcome you and thank you for joining us tonight.

Mr. WESTMORELAND. Thank you, Mr. PRICE. And I want to thank you, my friend from Georgia, for hosting this hour to highlight some of the truth.

I am sure, Mr. Speaker, that you know that the truth sometimes hurts. And so when you are exposing the truth, it might be even seen by some as being hurtful, but I believe Mr. Haley Barbour quoted, Mr. Speaker, that ''The truth is a lot of things to a lot of people. But in the end, the truth is the truth.''

I want to talk a little bit tonight about the success of the Republican economic policies and to expose the half-truths of our opponents who want to raise taxes on the American families.

Mr. Speaker, the evidence speaks for itself. Republican principles and action lead to economic growth, more jobs, higher standards of living and increased revenue to the Federal Treasury. Since 2003, the U.S. economy has created hundreds of thousands of new jobs while the unemployment rate has dropped down below 5 percent, which is an extremely low number by historical standards. The increases in employment and wages seen last year are also expected to continue, which will help consumer spending. Household net worth has risen for 12 consecutive quarters under the Republican administration and leadership of this House.

Wealth has not risen just because of housing. Checking accounts, savings accounts, and so on are at a record high and are a larger share of after-tax income than any other time since 1993. Economic activity had considerable momentum last year, and that will carry into 2006, 2007 and on. The Congressional Budget Office forecasted the real GDP will grow by 3.6 percent this year and by 3.4 percent in 2007.

With these numbers it is obvious that the tax cuts, passed and renewed since 2001, have bolstered the American economy even after the incredible cost of September 11, 2001, the terrible destruction caused on the gulf coast by the series of hurricanes that hit there, and the high price tag of the war on terror.

Despite many challenges, the state of our economy is strong. As our economy grows, as we create new jobs and as wages grow, more money comes into the Federal Treasury. That is right. Despite all of the belly-aching from the other side about the cost of the tax cuts, the Federal Treasury is taking in plenty of money. Last year the Federal Government took in $2.15 trillion, the highest dollar amount that has ever been received.

I would like to ask my friend from Georgia if he has got a chart there that shows the revenues that came in last year. I think it will show that we do not have a revenue problem. What we have here is a spending problem. And the chart will show you that the revenues will go up as the tax cuts go into full swing to a record high. So we do not have a revenue problem.

Mr. PRICE of Georgia. I appreciate you pointing that out. I am sorry, I had this a little bit later, but this is the chart that you refer to.

It really is amazing when people hear this because it is kind of counterintuitive. If you decrease taxes then people say, well, surely you decrease money coming into the government. But it does not work that way, does it? And what we see here is exactly what you described.

You decrease this line right here. This is the years down here, 2000, 2001, 2002, 2003. This line is when the tax decreases, the tax cuts, went into effect; and the red line is the revenue into the United States Treasury.

Mr. WESTMORELAND. Because, Mr. Speaker and my friend from Georgia, people are reinvesting their money. They have more money to spend. That

is a direct result of the tax cuts. In fact, we need to make these tax cuts permanent; and I think the people of this country would like to see that also. Despite this growth in revenue, we have seen an even greater growth in spending, and this has got to stop.

The fact is we can and have cut back on discretionary spending in this Congress, but in order to really return our budget to fiscal sanity, we have no choice but to tackle serious entitlement reform.

On this floor, our colleagues from the Democratic Caucus, the other side of the aisle, complain about the deficit. Yet when this Republican Congress and our Republican leadership took a stand to modestly reform entitlements and modestly curb the rate of growth and spending in the Deficit Reduction Act, no Democrats voted for that bill.

Where were the so-called deficit hawks and the Blue Dog Democrats? Where were the Democrats in the 30-Something Group who say they would do a better job of taming the deficit?

When it came time to make the tough choices, their votes did not match their rhetoric on the deficit. In fact, when it comes to offering solutions, attacks and hollow rhetoric are all we hear from the other side. What we do not hear from the other side is a plan of action. What we don't hear from the other side is a set of principles. What we do not hear from the other side is a strategy for securing our Nation while expanding our economy.

These are truths, and sometimes the truth does hurt. Republicans, in contrast, have a plan for leading this Nation. The Republican Study Committee today released its proposal for balancing our budget, a recommitment to the contract on America. That budget recognizes that we must take serious steps to tame our budget deficit. If the Democrats had a plan, which they do not, their plan would include hefty tax hikes on American families and American job creators, and that is the only truth that can come out of that. You cannot be unwilling to cut spending and expect the deficit to go away.

Our budget recognizes that we do not need more revenue. We have never had more revenue. But we still have to make tough choices. In a world of tough choices we can raise the price of the buffet or we can curb our appetites. With our waistlines bulging, the choice is clear. We must go on a spending diet until our pants fit again.

We have a plan for trimming down the budget. We have a plan for continuing our economic growth. We have a plan for strengthening the economic security of American families. And I think that plan should include making these tax cuts permanent so people can afford to plan their future and to know what is ahead of them.

Mr. PRICE of Georgia. I came up with another chart that highlighted exactly what you said because so often, as we have talked about on the Official Truth Squad, we get one word out of one side of a person's mouth and what they do when they actually vote is something completely different.

You mentioned about the balanced budget amendment and the opportunities that our friends on the other side of the aisle have had to support a balanced budget amendment and, in fact, their deed has not matched their word. They talk a good game, they really do. They talk about supporting a balanced budget amendment. But here are votes that were taken in 1990; 145 Democrats voted no on a balanced budget amendment; 1992, 150 vote no; 1994, 151 vote no; 1995, 129 vote no. And the most recent time they had an opportunity to do that, 1997, 8 Democrats voted yes, 194 voted against calling for a balanced budget amendment.

Mr. WESTMORELAND. To my friend from Georgia, my mother always told me that actions speak louder than words. And anybody can go anywhere and say anything, but when you are given an opportunity to take those words that you spoke and put them into action, and for the American people to be able to see that you are sincere in what you are saying, your votes should match what your words are.

As we know, as all of us have been in politics, and I see the gentlewoman from Tennessee has joined us here, but in politics you can tell your constituents anything in the world, but they will know honestly how you feel when you vote. And that is what they should do and we should all be held accountable for our votes. And hopefully we will. Hopefully the truth will come out.

I just appreciate so much you taking the time to do this and all the efforts that you have put forward to get the good Republican principled message out: that we are about American families. We are about them having more money in their pockets that they can use on discretionary spending for their families and to be able to plan for their future. Thank you very much.

Mr. PRICE of Georgia. Thanks for your participation, and your words tonight really were right to the point.

We are fond of saying in the Official Truth Squad, quoting Daniel Patrick Moynihan, who had a wonderful quote that goes, ''Everyone is entitled to their own opinion but not their own facts.''

And that is what this is about, the Official Truth Squad. You know as well as anybody that this is not Washington's money. This is the people's money. And that is what is so important to get across to folks. It is the people's money. It is not Washington's money.

Mr. WESTMORELAND. Do you think that after so long this money starts looking like play money and you start talking about billions of dollars and trillions of dollars and that is unrealistic to most people? I think when you start to think of a billion dollars is ten hundred million, and most of us will never know what a million dollars is. It is not just play money. It is money that has come out of the taxpayers' pockets and we have got to be accountable for it.

Mr. PRICE of Georgia. It is their money and they deserve to spend it as they please. Thank you so much for your participation.

We are talking about the economy tonight in the Official Truth Squad and trying to bring some light to some of the wonderful things that are happening in the economy and put statistics down where statistics ought to be and show the truth.

We are joined tonight by Congresswoman BLACKBURN from Tennessee. We are so pleased to have you join us again on the Official Truth Squad and share some of your perspective on the United States economy right now.

□ 2115

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia for yielding and for his leadership and the energy that he is putting into being certain that we communicate the message from our Republican agenda. Thank you for this, and thank you and the freshman class for tackling this project and being certain that we are talking about the things that are happening in our economy and the good news that is there to share.

A couple of points that I would like to make tonight as we are talking about the economy and the growth in the economy is Mr. WESTMORELAND was just talking about leaving more money with American families, with all of our constituents, with their families. That is what one of our goals is, to be certain that we take less from those paychecks, so that the family, when they sit down to work out their budget, they have more that they are working with.

I think that it is an absolute travesty that the single largest item in a family's budget is taxes. How did we get to this, that the largest item a family is left with is taxes? More than food, housing, clothing, transportation and education, more than lessons for children. How did we get to the point that it is taxes?

How wonderful that we could make decisions in 2003, we had the opportunity to vote to roll back some of those taxes so that we take less. It is time that we end the Federal Government having first right of refusal on your paycheck and let you and your family have that paycheck and make those decisions of what to do with those hard-earned dollars.

When we talk about women's issues, all issues are women's issues. Economic issues are definitely women's issues.

One of the things that I hear regularly, wherever I am in this great and wonderful land, is that wherever you have the fastest-growing sector of that town, of that county, of that area's economy, most likely it is going to be women-owned small businesses, and I think that is so exciting that that entrepreneurial spirit is alive and well.

One of the first issues that women will raise with me are taxes, the overburdensome nature of taxes, the cost of compliance for small businesses, how they would love to be growing that business, but with the taxes, with compliance costs, then they have less to spend in growing that business.

So as we look at extending our tax reductions, as we look at being certain we do not raise taxes, that they do not go up, that we hold what we have in those tax reductions, it is so important that we realize that that benefits so many American women who are starting those businesses and are realizing the American dream and those gifts and opportunities and prosperities for their themselves and for their families.

Mr. PRICE of Georgia. I think that is such an incredibly important point that you just made, and that is not to raise taxes.

What most of my constituents do not understand or appreciate is that Congress has to act in order for the current tax decreases, the current tax cuts, to continue, and that if we do nothing, if the other side is successful in making it so that Congress is inactive and does not do anything, then a tax increase will take effect; is that not the case?

Mrs. BLACKBURN. If the gentleman will yield, yes, indeed, that is the case. You know what we are trying to do is hold the line. We are trying to hold the line, and to keep them from pushing tax increases over that line, and that is our goal, to hold these reductions we have been able to put in place, to be certain that we do not see taxes raised on our families, on our small businesses.

It is so important for these small businesses. I had a young lady in my office this week, and it is such a great story. She said, Mrs. BLACKBURN, 4 years ago I was working at McDonald's; I thought, well, I will never get that higher education. She attended a career college, and she gave me her business card where she is working.

I hear story after story after story of this, of women who have moved back in to see their educational dreams come true, to get that degree, to get that diploma, to complete that trade school and move into either working for themselves or working with someone else, but having that job, earning that paycheck, and they all want to be certain. We have a focus on what we are going to do about keeping their taxes low, what we are going to do about creating, creating the right environment so that jobs growth can take place.

I know that you join me in looking forward to the numbers that are going to come out on Friday when we are going to see about jobs growth for this first quarter of the year, and everybody is excited about looking at this because we know that this economy is on a good, solid track. We are seeing plenty of help in it, and much of it has to do with reducing regulation, reducing taxation and putting the focus on what we do to be certain that we have a healthy economy.

One of the things we talk about so often in my district, because I have a district where we have a lot of small businesses, small businesses are the number one employer. Upwards of 90 percent of all the jobs are attributed to small business growth, and my constituents, they keep me honest, and I love it because they remind me regularly that government does not create jobs, that they are the ones that are creating jobs. It is our job to be certain that the environment is right for those jobs to be created, and I am always running around with these little plastic pens with somebody's logo on it. I pick these up from employers in my district, and it reminds me these are the guys that are putting the pen to the paper, and they are the ones that are making jobs growth happen in our district.

And I will yield to the gentleman for this poster which tells the story.

Mr. PRICE of Georgia. It really does. A picture really is worth 1,000 or a million words, certainly, and this one certainly is. In fact, it is worth 4.73 million words, because every one of those 4.73 million new jobs is demonstrated on this picture here, on this graph here, from January 2002 all the way to January 2006. You see the trend that happened during this administration, during the Republican leadership and what happened when it crossed the line with tax decreases, the tax cuts you talked about.

Mrs. BLACKBURN. So many of these jobs, sometimes I have people say, tell me where these are being created, tell me where these jobs are being created.

What we have seen happen is that we are into the knowledge economy. We are into a technology-based economy, and we are seeing this jobs growth in different areas, and it is so wonderful because so many of the individuals that live in our districts are jumping in there. They are getting jobs retraining, they are getting computer skills retraining, and they are working in a million different careers that they never, ever thought would be available to them.

And as we are watching the technology growth in our districts, all across this country, it is small business manufacturing industries that are growing. Their numbers are better than they have been in 10 years. I think that is such a sign of encouragement. Or whether they are working in service industry-related jobs, what we are seeing is new jobs, in new industries, which tell us that an economic renaissance is on that horizon. It is imperative that we make certain we do not see tax increases and that we do not see regulation increases and we keep an eye on having that right environment take place.

I thank the gentleman for yielding.

Mr. PRICE of Georgia. Thank you so much for joining us this evening on this Official Truth Squad and bringing us some truthful numbers, some truthful comments, and highlighting so well the wonder of the small business community across this Nation, because the small business community really is the engine that drives the job creation in our Nation, and this is why the environment to make certain that small business, mom and pop, the corner drugstore, the corner cleaners, those folks who are just working as hard as they can, that the environment for them to be able to succeed and be able to thrive is so doggone important. That is what we are here to try to do and make certain that we continue that economic environment.

We have been joined by Congressman MIKE CONAWAY. Congresswoman MARSHA BLACKBURN was with us. Congressman MIKE CONAWAY is another fellow freshman member of the Official Truth Squad and very, very helpful. He is a CPA by profession. That is exactly what we need are more CPAs in Congress who can tell us exactly what the right number ought to be, and I want to welcome Congressman CONAWAY and look forward to your comments this evening, the truthful comments about our economy.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman from Georgia and appreciate the gentleman from Georgia inviting me here tonight to allow me to share this time with him.

Almost 16 years ago I participated in a Midland introspective. This was a look at what was going wrong and what was going right in Midland, Texas, where I am from, led by the United Way and a bunch of other folks who helped fund the introspective. We did a statistically valid survey of the community to find out what the needs were. This was a needs assessment, and we asked people what was happening in their neighborhoods and their cities and their homes, and to come up with some sort of sense as to how we should be addressing the social issues within our communities.

Once we got the data back, again, it was statistically valid, we came up with our top 10 list of needs that Midlanders told us were Midland's needs, as opposed to those of us in certain organizations trying to decide on behalf of Midland what it was. Anyway, it was an idea that we could do this periodically to try to track how we were doing.

If you look at the top 10 needs within our communities, nine of those needs would have been positively impacted by a job. The needs were family needs and needs for child care. The needs were health care. Every single one of them except one, and I probably ought to remember what that one was that was not directly associated with the solution being a job, because when a family gets a job, those 4.73 million jobs, I suspect, are associated with probably half that number or better, families, moms, dads, children whose lives are better every single day because someone in that family now has a job, someone's bringing in a paycheck, someone is creating an environment within that family so that the

children see mom and dad working, the children understand responsibility, the children understand how families work. The families are so much better off when they have got a job.

So we have 4.73 million jobs, and the number of families that are affected by that cannot be understated. In a body on the floor where hyperbole and overstating and overreaching and puffing is an art form, I probably ought to be able to come up with some flowery language that would help communicate how important job growth is, but I am burdened, though, by being a CPA, and we just do not puff and brag and all those kinds of things very well, and other folks it do it much better than us.

What I really want to talk about tonight is what I see as the single biggest threat to our way of life that we face. I serve on the Armed Services Committee. We are a country at war, and I suspect most of our colleagues in the House tonight would think I would talk about the war being our single biggest threat to our way of life.

I think it is the growth of Federal Government and the growth of spending that represents the single biggest threat to our way of life. Federal spending is a drag on the terrific economy that we have got going. Federal spending does not create wealth. As we all know, it may create a few jobs, but those jobs are dependent upon programs. So the real effective jobs that create wealth and help families are those created in the private sector.

The CBO, Congressional Budget Office, has recently published a study that is posted on their Web site that anybody can go to, cbo.gov, that looks at the 50-year trend in the growth in this Federal Government.

□ 2130

If you look at 2050, and they have several different scenarios that they run through, but the one that seems to make the most sense to me would show that by the year 2050, 45 years from now, that the Federal Government, left unchecked, left unchanged, will consume 50 percent of the gross domestic product of this country.

We are currently at about 20 percent, and in my mind that is about the gag threshold for a Federal economy. So at 50 percent plus, there has never been a free market, free enterprise system anywhere in history that has allowed the central government to take half and allowed the rest of us to prosper on the other half, prosper in terms of an improved standard of living, of opportunities, of the kinds of things of the America that, quite frankly, my colleague and I inherited from our moms and dads and our grandparents.

I have six grandchildren, six terrific grandchildren, and it is unfair of me as an adult to pass on to them a world that doesn't look better than the one I inherited. That ought to be our role as parents and grandparents, to make this world better for our children and our grandchildren. Well, in 2050, my oldest grandson will be about 53 years old. He will be where we are right now. Maybe he will be in Congress. That would be kind of cool. But he and his colleagues in that bracket will be where we are today. And if we don't do something beginning now to address this issue, then they will inherit a world that is radically different than ours, that is fundamentally different than the one you and I currently enjoy. And that is just wrong.

Let me drive this point home. Who among us as grandparents, or any of us who want to be grandparents, would take, in my instance, my six grandkids down to the nearest bank and say, Mr. Banker, I want to borrow every single dollar in your bank, and I want you to prepare notes that my six grandchildren will sign. I am going to take the money and I am going to spend it the way I want to. I will spend it on some good stuff, but I am going to spend all of it, and you are going to have to look to these six grandkids for repayment of that debt.

In all the times I have used this anecdote, or used this story, I have never found one grandparent who would say that they would in fact do that with their grandchildren. But collectively, somehow this mob mentality, that is exactly what you and I and our colleagues are doing in America, is that we are spending money today that we don't have and we are creating debt that our grandchildren are going to have to pay off.

I spoke earlier today to a trade association and was asked for questions. And one of the guys in the audience asked about the budget deficits that we are experiencing and should we, in effect, continue to borrow this money that our grandkids are going to have to pay off; shouldn't we do something to address that? Well, I said, yes, we should, but it should not be a tax increase.

Now, you and a couple of our colleagues have already talked about this. We do not have a revenue problem in America. The Federal Government does not have a revenue problem. We will have record tax collections this year. We had record tax collections last year. And our tax revenues, our ability to grow those is growing at about 5 percent a year. Collectively, we should be able to live within that spending frame. So I would disagree with our colleagues on the other side of the aisle who call for increased taxes, who call for a bigger share, a bigger take out of our working families and working people's take-home pay to help with our spending problem. So we don't have a revenue problem; we, in effect, have a spending problem. We just are simply spending too much.

I know that my colleague and I belong to an organization that is going to bring forth a pretty radical budget scenario that could balance the budget within 5 years, and it is going to call for some pretty radical changes. The problem with cutting Federal spending, whether it is discretionary spending or mandatory spending, every single dollar that the Treasury writes a check for winds up on somebody's deposit slip. Somebody gets that money. They feed their families with it and do things with it that they think are important. They believe the Federal program that generates that check or that dollar is probably the single most important Federal program that we have going out there.

It is much like surgery. You are a surgeon. If we are cutting on one of our colleagues, then it is minor surgery. But if that same surgery is being performed on me, it is major surgery. So cutting Federal spending is much the same way. We are going to see, once this budget is prepared by the Republican Study Committee, once it is published, and we have already seen it from the President's budget, we will see an awful lot of people who represent every single one of those dollars that are going out and the constituents for those dollars, the special interest groups for those dollars are going to be in pushback mode trying to convince you and I and others that we need to cut somewhere else. Not their program, some other program needs to be cut.

This is going to be a little self-serving, and I don't want to intrude on your time tonight, but I introduced a bill last week that would require you and I, every Member of the House, every Member of the Senate, and our senior staffers to once a year read the Constitution. Now, it is going to be interesting as I begin to make the rounds and try to get our colleagues to agree with that to see what kind of pushback I get.

As a physician, you had continuing education hours that you had to do every year to stay current in your profession and your field. I had, as a CPA, about 40 hours a year to keep current. It seems to me, and you and I have taken an oath to defend and protect that Constitution, you and I who write laws that implement some of the powers that are granted to the Federal Government under that Constitution, you and I who propose amendments to that Constitution, that this is kind of a novel approach, that we ought to know what is in it.

So reading the Constitution once a year may help us begin to think about just big areas that this Federal Government should not be associated with. Not denigrate the area itself. That is not the issue here. Our Founding Fathers were incredibly brilliant. As modern-day Americans we have a pretty jaded view of other peoples and certainly other times, and we think we are the brightest and the smartest generation to have ever lived. But as you read our founding documents and read the Constitution, and as you think about what people did 230, 240 years ago, there were some pretty bright folks that put this thing in place.

And I think every single one of them, including Alexander Hamilton, who

wanted the most expansive Federal Government he could think of, would be really shocked to see what collectively you and I and all of us have done with that document, with those authorities and powers. They had envisioned a pretty limited Federal Government, a pretty limited role. Everything else was to go to the States.

Clearly, some of the roles we would all agree on, national security, homeland defense, border security, those are things everyone agrees is the Federal Government's job, period. It is not the States' job or local municipalities' jobs. It is ours, as representatives of the Federal Government, to get that done well. But we have an awful lot of areas that the Federal Government has crept into. And in order to make substantive changes in that growth in government, in that growth to 50 percent of GDP that CBO thinks is an inevitable track, that we are going to have to make some very strong substantive changes in the way we are doing business.

As your colleague talked about earlier today, there are probably 10,000 reasons in that budget that is going to be proposed for every single Member of Congress to vote against it. I have got six reasons why we ought to seriously consider it. Reason number one is named Michael; reason number two is named Caleb; reason number three is named Cameron; reason number four is named Emily Kate; reason number 5 is Conally, and reason number six is Alexandria. Those are the first names of my six grandkids.

So that is what we ought to be about doing. It is going to be hard work and it is going to require some tough, tough choices, some tough things to tell people. Some folks are going to have to figure out a different way to feed their families and they will have to figure out ways to provide the goods and services that they think the Federal Government is currently doing that we don't think under our Constitution is an appropriate role. And it is going to be hard. We are going to have to ask people to make some sacrifices and do things in a whole lot different way than they have been doing it.

Almost every one of us have grandchildren or will have grandchildren. And the path we are on, the path you and I inherited and that we are perpetuating, is one that leads to a very ugly conclusion.

Now, as a CPA, that sounds like pretty standard stuff we say, and it is awfully downer talk, and it is not particularly uplifting, but it needs to be a clarion call. Our issue is that you and I and our colleagues are pretty good at handling stuff tomorrow, next week, and maybe some into 2007. But when we look beyond that, that is an eternity. This issue, this growth in Federal Government is 20 years, 30 years, 40 years down the road. And so because it is far enough down the road, it is very easy for us to stick our heads in the sand and let it be someone else's responsibility, let it be someone else's decisions as to how to fix it.

So if I don't do anything else tonight, hopefully I can scare some of our colleagues into at least taking a look at that CBO study. Don't take my word for it, go look at it for yourself. And, look, if the number is only 40 percent of GDP, if it is 60 percent of GDP, it is a number that is unsustainable. It is a world that is fundamentally different than the one you and I currently enjoy, the opportunities we have and our colleagues have, and it is just patently unfair for us to hand that off to our children.

I want to thank my good colleague for letting me rant tonight and share with you and other members of this Truth Squad, and I thank you for organizing this and getting it done.

Mr. PRICE of Georgia. Thank you so much, Congressman CONAWAY. You said you didn't have the flowery speech, but you do. And in addition to that flowery speech, you speak the truth. Because so oftentimes here we don't refer to that document, the Constitution, that I carry with me every single day and that highlights our principles; that is the founding document that says what our guidelines ought to be.

Where are our walls and fences? What should we be doing? We ought to hear every single day on the floor of this House, is that the responsibility of the Federal Government? We ought to be asking ourselves that on every single thing we do.

Mr. CONAWAY. Mr. Speaker, if the gentleman will yield for just a moment, your good colleague from Georgia was sharing with us last night an experience he had with a town hall meeting. Somebody asked him about a proposed cut of the President, and I will not name the particular policy area because I don't want to get off into that kind of thing, because it just distracts us. But anyway, they asked, why are you in favor of cutting whatever?

His great answer back, and I am going to steal it from him, was to look at them and say, okay, how many in here think that is the Federal Government's responsibility; that particular area of public policy? And not one person raised their hand. And this is an area that is very important to our country, very vital to our country, but it is just not the Federal Government's role.

And he did it again. Somebody else brought up another area. And he thought, well, it worked once so let me try it again. How many people here think that is a role that the Federal Government should be doing? Not one hand raised.

So I think Americans are like that. They understand that if we begin to pose things in that frame, questions just like that, that we will begin to get the political will and the political backbone and support for getting back to basics and getting back to the constitutional Republic that we have.

Mr. PRICE of Georgia. I appreciate so much, again, the gentleman's coming. Really, it is a positive picture, because what it says is that we ought to be looking at our founding document. That is a positive uplifting picture.

I guess what is one of the most distressing things about what you have said is that you described this budget that is going to be proposed as a radical budget, but it is a balanced budget. There is nothing radical about a balanced budget within a 5-year period of time, which is, as I understand it, what will be proposed. So it is not radical.

In fact, doing anything else is harmful, is not compassionate, and is probably radical because it puts us on that track for the GDP percentage being consumed by the Federal Government that you pointed to of 50 percent in the year 2050. And as you say, that is unsustainable. It means it doesn't work. Can't work.

So thank you so much for joining me tonight, and I really appreciate your perspective and your insight and your acumen that you bring from the private sector to us here in Congress.

I have talked about Senator Moynihan's wonderful quote that ''Everyone's entitled to their own opinion but not their own facts.'' What we try to do on the Truth Squad is to highlight some of the comments that have been made on the floor of the House of Representatives and to point out what in fact the truth is. And we have heard an awful lot, an awful lot lately about the Dubai Ports situation, the potential transfer or sale of management of six of our Nation's ports to Dubai Ports World.

And regardless of what you think about that, there are some real questions that many of us have about that. But in the context of that discussion, we have heard over and over and over again that no money has gone to port security, the money has been slashed to port security, and the Congress hasn't been responsible in what it has done with port security. So what I have done tonight is to bring two new highlights for the Official Truth Squad that talk about port security funding.

This first one highlights the funding to the six ports that are in question here as it relates to the current topic.

□ 2145

This chart says since September 11, 2001, Congress has authorized a 700 percent increase. That is not a cut, that is not flat, that is an increase in funding for port security, and in particular Congress has authorized the following amounts for six of the most high-risk ports: $43.7 million to the port of New York and New Jersey; $32.7 million to the port of Miami; $27.4 million to the port of New Orleans; $16.2 million to the port of Baltimore; and $15.8 million to Philadelphia, a 700 percent increase in port security since September 11, and nowhere do you see a decrease.

That is highlighted even more so on this chart here that demonstrates and

shows the port security funding in fiscal year 2001, and you see the remarkable increases we have had since September 11, 2001; fiscal year 2006 and the 2007 request is nearly $3 billion for money that would be utilized in the area of port security.

What you hear and what the truth is oftentimes are two different things. I am pleased to be able to bring this kind of information to the floor and to talk about the truth, talk about the kind of numbers that in fact we are dealing with in the House of Representatives and to try to get through a lot of partisanship, to try to get above a lot of hyperbole and misinformation that is rampant and does a disservice to the debate.

We oftentimes do not get to debate a whole lot in Congress. Like what is occurring tonight, one side presents their issues and the other side presents their issues. It goes back and forth. It really is not a debate, it is not an interchange. It is not the kind of thing that I would think of as a debate and probably most Americans would think of, but what is occurring with the Official Truth Squad coming here night after night after night is we are beginning to have some dialogue, some back and forth with our friends on the other side of the aisle, and they have made some interesting comments and I thought I should bring them to the American people.

Last night there was a group of folks in the House that call themselves the Blue Dogs, and they talked about what we do in the Truth Squad in a certain way.

They said, ''Following us this evening, I am pretty confident that the other side will show up and they will probably talk about how we had an opportunity to cut, to cut $40 billion in spending and how we, the Blue Dogs, voted against it. But what they will not tell you is it was $40 million in cuts to the most vulnerable people in our society: Medicaid, 8 out 10 seniors in Arkansas on Medicaid; 1 out of 5 people in Arkansas are on Medicaid. Cuts to Medicaid, cuts to student loans to the tune of $40 billion.''

Now that is what they said. But the Official Truth Squad is here because what we are interested in doing is looking at the real numbers. What is the truth in that? That is a pretty significant charge that was made, significant cuts in Medicaid and to education, to student loans. What is the truth? What really has Congress done?

Madam Speaker, here is the chart that puts the Medicaid situation into perspective. This chart goes from 1995 to 2005. It talks about the amount of money, the Federal outlays in billions of dollars to the Medicaid program. In fact, what this square says is that spending more than doubled over the last 10 years on Medicaid for an average growth of 7.4 percent per year. Average growth in Medicaid for the past 10 years, 7.4 percent. That may not sound like a lot, but look at the actual numbers. In 1995, $89.1 billion. In the year 2000, $208 billion. In 2005, $181.7 billion in Medicaid funding.

Now, Madam Speaker, I know that people oftentimes like to talk about a cut. As I talked about before, that is the politics of division. It does not help anybody. All it does is put fear into folks reliant on the program who oftentimes are the most vulnerable.

What we have done in the United States House of Representatives under Republican leadership is cut waste, cut fraud, worked to cut the abuse of the system, but continually increasing the amount of revenue that is going because that population, regretfully, has increased. So it is appropriate to have more money go into that area, not cuts, not cuts to the program.

What about education? They mentioned education. These cuts that they quote for education; well, in fact, it is the same kind of picture. Here we have a chart, the year 2000 all of the way up to 2005. This is the annual growth in Federal education spending over the past 5 years. The year 2000, a little under $40 billion. The year 2005, nearly $60 billion. Total education spending has grown an average of 9.1 percent per year over the past 5 years. That is certainly faster than the inflation rate. It is faster than the population in that area. It is not a cut, not a cut.

And then they talk about student loans. What is happening with student loans? We had some significant changes to student loans last year, but they were loans that put more money into the hands of the students and less money into the hands of the borrowers. Still, if we look at the actual money, this is the truth, the Official Truth Squad, Pell grant funding has grown 10.3 percent per year since the year 2000, $12.4 billion for fiscal year 2005. The graph demonstrates clearly annual growth every single year.

So, Madam Speaker, when people hear that the cuts are occurring and when they hear the discussion about the cuts as was mentioned earlier in the budget, the balanced budget within 5 years that is going to be proposed, again, it is not honest, it is not fair to the discussion. It results in this politics of division which pits one group against another, all of which is not positive for our Nation and it does not assist in the debate. It does not help us reach solutions. I encourage my colleagues to kind of rethink how they are approaching this debate.

We would love to have an open and honest discussion about these things and be able to work together to solve the problems because these are not Republican problems, these are not Democrat problems, these are American problems. They are challenges that all of us have. It works best, our system works best when we all work together to solve the challenges that we have.

Madam Speaker, we live in a wondrous and a glorious Nation. It is still a Nation where men and women around the world, they look to us with optimism, they look to us as being a beacon of liberty and a vessel of hope. They view us as being an example that they might be able to follow. I am proud to serve in the United States House of Representatives. I am proud to serve with men and women who are willing to stand up and to say how much they love America and how much they believe that the policies that we are putting forward are moving us in the right direction. I am proud to serve with those men and women who joined us this evening and talked about truth, talked about issues that are so important for the American people to understand and put a little positive perspective on the challenges that we have before us. I look forward to coming back at some point in the future.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. Foxx). Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

Mr. DELAHUNT. Madam Speaker, I thank the Speaker for according me the time. I am claiming it on behalf of my colleagues who will be here shortly with me, Mr. MEEK and Mr. RYAN, the cofounders of the 30-Something Working Group. We will be exploring an array of issues this evening dealing with many of the subjects that my colleague and the gentleman from the other side of the aisle discussed this evening.

Much of what the gentleman said or some of what he said I would agree with. It certainly would be a contribution to the public discourse if there were an open and transparent debate and discussion on the issues that are confronting the American people.

I only wish that were the truth, not just the official truth but the real truth because what is lacking within this institution, this body, is an open and transparent and real discussion, genuine debate and respectful discourse.

I find it interesting that the gentleman talks about cutting spending and indicates that this side of the aisle supports raising taxes. Well, that is just simply inaccurate.

I think the only tax that we can agree on that ought to be cut is the tax that is in the form of waste and fraud and abuse. Tragically, what we have observed over the course of the past 6 years is an abundance of fraud and waste, a corruption tax, if you will, Madam Speaker. But what we have not seen is an open and transparent and respectful process to discuss these particular issues.

If the Chair would bear with me for a moment, I am going to read excerpts into the RECORD of a deal that was struck between conferees on the Senate side and on the House side that did not include the Members of the minority party. How can you have a discourse or

a conversation when Members of the minority party are excluded?

Mr. RYAN of Ohio. You cannot.

Mr. DELAHUNT. You cannot, that is right, and I welcome Mr. RYAN to the floor.

Mr. RYAN, let me pause for a moment and find that particular report so we can discuss transparent and open and respectful discourse and inclusion. The previous speaker was correct; there ought to be inclusion. But there is none and that is a sad comment on democracy within this institution. I would only hope that the rhetoric that I heard earlier would be matched by action and deeds on the part of the Republican leadership in this House.

Madam Speaker, let me read into the RECORD an article from The Washington Post. It is dated January 24, 2006.

□ 2200

We talk about saving money, Madam Speaker. We all want to save money. We had an opportunity to do that, Madam Speaker, but we failed because of a closed-door deal that reduced a savings that was possible by $22 billion.

Again, I am quoting from the Washington Post: ''House and Senate GOP negotiators, Republican negotiators, meeting behind closed doors last month to complete a major budget-cutting bill, agreed on a change to Senate-passed Medicare legislation that would save the health insurance industry $22 billion over the next year, according to the nonpartisan Congressional Budget Office.''

Now, let me repeat that, Madam Speaker, and may all those that are observing our conversation tonight, our colleagues and all those in attendance here, listen carefully. It would save the health insurance industry $22 billion. Not the American taxpayer, but the health insurance industry it would save $22 billion.

''The Senate version would have targeted private HMOs participating in Medicare by changing the formula that governs their reimbursement, lowering payments $26 billion over the next decade. But after lobbying by the health insurance industry, the final version made a critical change that had the effect of eliminating all but $4 billion of the projected savings,'' for the taxpayer, Madam Speaker, not for the HMOs. But who loses in that closed-door deal? And yet we hear, the taxpayer. You cut spending.

I can't wait until this budget is finally produced here on the floor, because we have not had a budget in years, until President Clinton was the President, that has been balanced.

Mr. RYAN of Ohio. Balanced by not one Republican vote in the House or the Senate.

Mr. DELAHUNT. No, I understand that. But, do you know what? Let us remember then we had dialogue and a working relationship between the President and the Congress. Let's give credit. What I am looking for, when I hear talk about let's sit down and talk, of course, we welcome that, and let's have this understanding. Let's work together.

How can you work together when you have closed-door deals going on that eliminate a savings to the taxpayers of America for $22 billion? Is this about saving the HMOs and the health care industry money, or is it about taking care of the American taxpayer?

So, please, please, let's match the rhetoric that we hear here with action, not with closed-door deals that benefit the health care industry, the $22 billion, and think nothing of helping the American taxpayer.

Mr. RYAN of Ohio. If the gentleman will yield, the point is that it is not that we have the money to give the health care industry. It is not like we have it. It is not like you look at the table behind me in the House of Representatives and it is stacked with money and who wants it. No, the health care industry is over here, Mr. MEEK. We will give them some. We don't have the money to give.

This is the point I think we need to focus on: We don't have the money in the United States of America today to subsidize the energy companies, to subsidize the health care industry. So what is the Republican Congress doing? They are borrowing the money, Mr. MEEK. They are borrowing the money from the Chinese, they are borrowing the money from the Japanese.

Mr. DELAHUNT. Reclaiming my time, they are borrowing that money, but they are not giving it to the American taxpayer. They are giving $22 billion of it to HMOs in this country. They are not giving it to the beneficiaries, they are not giving it to the American taxpayer. They are giving it to the health care industry.

Mr. RYAN of Ohio. Right. If you break it down, Mr. MEEK, basically what is happening is we are here in the United States Congress. Article I, Section 1 of the Constitution creates this House of Representatives. Levy taxes. The Republican majority levies taxes on the American people. The money comes down here.

What do we do with it? What the Republican majority is doing with it is they are spending it on corporate welfare, and we don't even have it to give to them. So the Republican majority wants to give them so much that they have to go and borrow the money.

I am not making this up. So the Republican majority goes out and borrows the money. They have borrowed so much money in the past 4 or 5 years that they have to go out and borrow it from the Chinese government, from the Japanese government and from——

Mr. DELAHUNT. OPEC.

Mr. RYAN of Ohio. OPEC countries in order to fund the corporate welfare.

Mr. DELAHUNT. Reclaiming my time for a moment, it is like we have developed a new class in the United States, and I am trying to think of an appropriate term. The one that just came to mind while you were speaking was we have a class now of welfare kings.

Mr. RYAN of Ohio. Bingo.

Mr. DELAHUNT. Welfare kings. What about, Madam Speaker, this $22 billion? Who is it going to? It is going to the welfare kings in this country. That is who is receiving it. It is a tax on Americans. We had a savings of $22 billion, but somebody, behind closed doors, by the way, without the presence of the minority party, decided to give it to some welfare kings.

Mr. MEEK of Florida. If the gentleman will yield, let me just basically say, Mr. DELAHUNT, the bottom line is backroom deals are nothing new to the Republican majority. They do it every day, every hour.

That is the reason why we are in the situation we are in now as it relates to our fiscal situation. They are meeting with these special interests in the back halls of Congress, not here on the floor of the House, but in the back halls of Congress, and we wonder why things are the way they are.

Do you want to talk about irresponsibility? The bottom line is we can't even print them fast enough. Secretary Snow writes a letter saying we have to raise the debt limit or they will not be able to continue to finance government operations. That is on December 29.

There are so many letters, I just don't have time. The bottom line is here, February 16, just last month, again, the Secretary writes and says that we have to raise the debt limit, and if we don't do it, as a matter of fact, no, today, on February 16, he is going to have to go into the G fund, the retirement fund for Federal employees.

One more letter, Mr. RYAN, if you would bear with me. Here again, March 6, 2006, he is saying, hey, I am going to have to exercise some of the power that has been given to me by Congress. We no longer can operate unless you raise the debt limit.

The bottom line is, Mr. DELAHUNT, that you cannot believe what the Republican majority tells you as it relates to, oh, we want to cut the budget in half. Oh, trust us. We will make sure that we are fiscally responsible.

The bottom line is these letters by the Republican Secretary of Treasury, as a matter of fact, Mr. Snow, I think he is a nice guy. He is the accountant for the United States of America.

Mr. RYAN of Ohio. He is a CPA.

Mr. MEEK of Florida. He is a CPA, and he lets us know when we are running out of money. The bottom line is that he is saying he has to take drastic steps. Never before, this last letter just written days ago, it says for the first time in the history of the United States of America, we may not be able to reach our obligations to foreign nations.

Madam Speaker, I think this is something we need to be very alarmed about, and we need to do something about versus being alarmed about, but we need to do something about it immediately.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield for a question, I am sort of the least senior of the four of us here this evening. I am a freshman. I have just gotten here a year ago. I am wondering, you are talking about the four letters that you have shown that Secretary Snow has sent to the Congress asking us, begging us, to increase the debt limit. Would this be the first time under this administration, Mr. RYAN, that that was necessary?

□ 2210

Is it unprecedented? If we raise the debt limit this year, is it something that was an anomaly, was it something that had not occurred before?

Mr. RYAN of Ohio. Well, it is an excellent question. I think what Mr. MEEK was saying was that we are going into the government retirement program in order to not have to increase the debt limit.

What we have here is that the Republican Congress has raised the debt limit numerous times since President Bush has been in. June of 2002, $450 billion, which means Congress raises the debt limit so we can go out and borrow more money. May of 2003, $984 billion, Mr. DELAHUNT. That means almost $1 trillion.

Again, November of 2004, this administration, this Republican Congress, went out and borrowed another $800 billion. And now the new increase that the Secretary of the Treasury is asking for is another $781 billion.

So, Mr. Speaker, over the last few years, the Republican Congress, the Republican President, has borrowed $3 trillion, new money, from the Japanese, the Chinese and OPEC countries.

Ms. WASSERMAN SCHULTZ. I just want to share with you, because that is billion with a B.

Mr. RYAN of Ohio. And trillion with a T.

Ms. WASSERMAN SCHULTZ. And trillion with a T.

When I am home and you all are home, we talk to our constituents, and they ask me, sometimes they ask me questions that makes it clear that it is hard for anyone to get their mind around what a billion is. So we spent some time, we did some research to try to help put what a billion is in terms that people can understand better.

So let us just translate it into some things that maybe people can think about, you know, more in the way they deal with things on a day-to-day basis. A billion. How much is a billion dollars? Well, a billion hours ago, humans were making their first tools in the stone age. That was if we were talking about what happened a billion hours ago.

If you are going on to a billion seconds ago, let us start with seconds, a billion seconds ago, it was 1975, and we had just pulled the last troops from America out of Vietnam. That was a billion seconds ago.

Let us try to break it down a little bit more. A billion minutes ago, it was A.D. 104, and the Chinese first invented paper.

Well, so now let us talk about what a billion dollars ago was. Under this administration, a billion dollars ago was only 3 hours and 32 minutes at the rate that our government spends money.

A.D. 104, 1975, the stone age, and 3 hours and 32 minutes ago.

Mr. MEEK of Florida. I am glad that you are breaking this down so that Members understand exactly what we are talking about. I just want to say that all of these letters that we have received from Secretary Snow raising the debt limit, Madam Speaker, Republicans have given the administration and themselves these increases in the debt limit.

Mr. RYAN, can I just walk down there and just rubber-stamp that chart there? This rubber stamp says ''Official rubber stamp. I approve everything that George W. Bush does, Member of Congress.''

You can talk, sir, but I just want to have permission to come down there and rubber-stamp that, because all of these letters that have been written by Secretary Snow, I guarantee you that the Republican majority will grant him the raising of the debt ceiling so we can owe foreign countries more money.

Mr. RYAN of Ohio. Why would they not? They rubber-stamped it in June of 2002. They rubber-stamped it in May of 2003. They rubber-stamped it in November of 2004. Go ahead. Put it on there.

Mr. DELAHUNT. Mr. Speaker, I think it is important that the American people understand who is running the show here in Washington. In 2002, the House of Representatives, the majority were Republicans. In 2003, in 2004, in 2005, and 2006, they were Republicans; in 2001, in 2000, in 1999. And since 2001, January, we had a Republican President. And the same is true on the other side of this building in the United States Senate.

So when I hear the head, I presume our colleague is the Chair of the Official Truth Squad, say, you know, we have got to curtail spending, and the Democrats want to take money out of your pockets, I am really befuddled, Madam Speaker. I am really confused, because you are in charge. You are running the operations of Government. Where have you been? Why did you not cut before? Why did you not manage this in a away that was competent? Why did you go and borrow money from the Chinese? Why did you borrow money from the Koreans?

Mr. RYAN of Ohio. Why did you borrow money from OPEC?

Mr. DELAHUNT. Exactly. And what is the story? When you come to the floor, the rhetoric is, we want to work with you. And yet when Democrats say we are willing to sit down and have a respectful and substantive discussion about the issues that are confronting America, what do you do? You close the doors on us. You do not tell us where you are meeting. You do not tell us what time.

And you gave a break to the HMOs of $22 billion, which is like asking the taxpayers, you are increasing the tax to the American taxpayers by $22 billion at the same time. It does not compute.

Mr. RYAN of Ohio. Can you imagine, Mr. DELAHUNT, if you are asking the American taxpayer who is already paying an increase of 15 to 20 percent a year in their health care, and now you are telling them, this is what you are telling them, this is the God's honest truth, this is third-party validators, we are not making it up. You are also saying that the money that is taken out of your taxes that you send to the Republicans down here in Washington, that money is also going to the HMOs. So not only what you pay out of your paycheck every single month, but also the taxes that you see come out, that you send down here to the Republican majority, they are sending that to the HMOs, too.

Ms. WASSERMAN SCHULTZ. Because the third-party validators that we use on this floor is for the purpose of showing that others who have fact-checked, experts who have fact-checked what is going on internally in this institution report on what they see.

And so if we are going to talk about accuracy and clarity, it is the third-party validators who the American people are going to listen to. You know, quite honestly, although I really feel privileged to be able to come and join you on this floor every night, a lot of people would just chalk up what they say and what we say on the floor as noise, you know, as partisan noise.

And so third-party validators are important. And so let us talk about what USA Today said about who is in charge and what they are responsible for and what they could have done about it. This is just last week, February 21, about 10 days ago.

USA Today editorial. The title of the editorial was Who is Spending Big Now: The Party of Small Government. Tax cuts, they say, force hard decisions and restrain reckless spending.

The last time we looked, according to USA Today, the last time we looked, though, Republicans controlled both Congress and the White House. They are the spenders. In fact, since they took control in 2001 they have increased spending by an average of nearly 7½ percent, 7½ percent a year, more than double the rate in the last 5 years of Clinton-era budgets.

I mean, the truth hurts.

Mr. RYAN of Ohio. You cannot make it up.

Ms. WASSERMAN SCHULTZ. That is factually accurate information by an outside source.

□ 2220

This is not by people who have D and R's next to their name in this Chamber. There is a better way.

Mr. RYAN, we had a better way that Democrats were responsible for with

their votes, some who lost their offices in casting their votes for the PAYGO rules that we used to have here. You have another third-party validator chart up there right now that talks about the education investments that we make here.

Mr. RYAN of Ohio. When you look at what you are just saying, what Mr. DELAHUNT was just saying, that the money is now, all these tax cuts, but yet they are still borrowing money to spend so they can give it to the health care industry or everything else, where is the money not going?

I had a friend of mine who is from Russia, his name is Vladimir, and Vladimir was just a third-party observer to all of this as he was watching. And he couldn't believe honestly the rhetoric that he would hear as a new citizen of the country versus what was actually happening because he was into politics and he was paying a little bit of attention.

So all of it, this money that is going to the HMOs and going to all these different places, where is it not going?

Mr. DELAHUNT. It is going to the welfare kings.

Mr. RYAN of Ohio. The welfare kings and the health care industry. If you look at where it is not going, this is the Federal Government's commitment to education. Again, as Ms. WASSERMAN SCHULTZ said, this is a third-party validator. This is called the Committee for Education Funding in February 2006. In 2002 there was an 18.2 percent increase. And as you can see, it dramatically is reduced to where in the 2007 budget President Bush's proposed budget, Mr. DELAHUNT, there is going to be a negative 3.8 percent decrease in education funding. So as we are competing in a global economy with 1.3 billion Chinese workers, with 1 billion workers in India, with the country of Ireland that is called now the Celtic Tiger because of its increase; and part of what the Celtic Tiger has done is make education free for everybody, college education. We are decreasing education. And so my friend Vladimir is right.

Look at what is happening in this country, Madam Speaker. We are giving money to the welfare kings and decreasing funding for our students. Now, that is appalling to me.

Mr. DELAHUNT. Can I tell you where else the money is going? The money is being wasted. And the money is being wasted because of sheer incompetence and mismanagement. And no big contracts, no big contracts. I will tell you where the money is going. Let me give you one example.

Can you all see this right here to my left, this chart? Row after row after row after row of trailers. And they are all sinking into the mud. These were the trailers that FEMA, the Federal agency that responds to natural disasters, purchased I am sure for hundreds of millions of dollars. I do not have the exact amount.

Mr. RYAN of Ohio. Three hundred million dollars.

Mr. DELAHUNT. Three hundred million dollars. So there is $300 million sitting out there, sinking into the mud, that will not ever be used. Meanwhile, we have thousands, tens, hundreds of thousands of people in Alabama, in Louisiana, in Mississippi, the Gulf States, that were devastated by Hurricane Katrina and they do not have any homes. They are homeless. They are living in their cars.

It is a natural disgrace. Six months after the disaster. But because this administration has made incompetence a virtue, we are wasting $300 million of the taxpayers' money, Madam Speaker. I mean, think of that. If you want to talk about fraud and abuse and mismanagement, that picture, let me suggest, epitomizes.

Ms. WASSERMAN SCHULTZ. You have picture after picture and week after week of new revelations about the shocking aftermath of the response of this administration to Katrina.

Last week it was the videotape evidence that when Max Mayfield, who is based in Miami at the National Hurricane Center, clearly warned the President and the Secretary and those assembled from the administration's team, that it was quite possible that the levees in New Orleans would breach, and then on Tuesday, 2 days later, you have the President declaring that there was no way that anyone could have anticipated a breach of the levees.

I mean, how do they look at themselves in the mirror? How does he look at himself in the mirror and go on each day?

Mr. DELAHUNT. How do you say, if I can interrupt, how can you say we were fully prepared? We were fully prepared? The President said that to the American people in the aftermath of the hurricanes and in the disasters that befell the Gulf States.

This is just a closeup of the picture of the chart that I showed earlier of those trailers that are crumbling someplace, somewhere, at the tune of $300 million. Well, if we were fully prepared, God save this Republic in the event of another natural disaster or a terrorist attack. I would suggest to the American people and to you, my friends, that we are ill-prepared. We are not fully prepared. We are unprepared. We are fully unprepared because of the incompetence and mismanagement that we witness on a daily basis near Washington.

Ms. WASSERMAN SCHULTZ. I know the gentleman from Florida wants to go back to PAYGO, but what I heard today in a meeting earlier in the afternoon, I heard the feeling and the sentiment that you described this way: Whether you are talking about the aftermath of Katrina, and quite honestly in my community the aftermath of Wilma, or you are talking about this port deal, the bottom line is that the homeland is not secure. The homeland is not secure.

We have port security that has been essentially undermined by the Republican leadership here, and I know we will talk about that in a little bit, but the American people's confidence in their government has been shaken. We continually have to increase the debt limit and we have a solution, Mr. MEEK, that we have been pushing over and over and over again repeatedly. Yet, it falls on deaf ears.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ and Mr. DELAHUNT, you are 110 percent right. The bottom line is who is going to level with the American people, tell them the truth about what is going on? If you are not prepared, say you are not prepared and then take the steps to get us prepared.

The American people, we are an understanding people. We know we run into real issues every day in our own homes, but for the President to say, A, he did not know anything about possible levee breaks or individuals being in a detrimental situation and loss of life, the video proves that that is not the case. Time after time, again, this administration has been caught on camera, okay, saying one thing to the American people and something else is going on in the background.

□ 2230

As you know, we have asked for a Hurricane Katrina Commission, just like the 9/11 Commission, so we can get down to the bottom of this. It is not to say, hey, Mr. President, you were wrong; Louisiana, you were wrong; New Orleans, you were wrong; other gulf coast cities, you were wrong; and Mississippi, you were wrong. It is not finger pointing. It is making sure that we correct it. If we find ourselves in a bad situation, we have got to make sure we correct it.

Speaking of correction, I think it is important that we share, Madam Speaker, the fact that we are going down almost a path of no return. This Republican majority, Madam Speaker, is out of control, out of control in a way that they are borrowing as much money as they can possibly borrow from who? Foreign nations, foreign nations that we have questions about.

There was just some press accounts today talking about Iran. Iran's President is shooting verbally back at the United States of America, saying, bring it on. The bottom line is that this administration has put us in a posture, Madam Speaker, to where that if we say something about Iran, that we want to get serious with, and they should not chuckle when we say it, and that is what is happening right now.

As it relates to fiscal responsibility, I just want to speak for a moment very boldly on the fact that we have tried to do everything we can as a minority, and as you know, as the minority party, we do not have the votes to be able to push the policy in the direction we need to push it, pay-as-you-go. When you are in a situation, when you are borrowing more from countries, record-breaking borrowing from countries that at $1.05 trillion, let me just

add the Republican Congress to that because the President cannot do it by himself, $1.05 trillion from foreign Nations, more than any other time in the history of the Republic in 4 years, from 2001 to 2005, versus 42 Presidents before this President and this Congress were only able to borrow $1.01 trillion from foreign nations in 224 years, it is alarming. I want to say that we have tried to stop that from happening.

On March 30, 2004, Republicans voted by a 209–209 to reject the motion by Representative MIKE THOMPSON of California, who is a Democrat, to instruct conferees to use pay-as-you-go policies. Also, again in 2004, vote number 97, we believe in third-party validators, they voted down. Similar vote on May 5, 2004, Republicans voted 208–215, Republicans on the 215 part, to reject a motion by Representative DENNIS MOORE, once again Democrat. In 2004, vote number 145, similar vote on November 18, 2004, Republicans voted to block an amendment by Representative Stenholm, who is no longer in Congress, to not raise the debt limit and to be able to use pay-as-you-go.

Mr. RYAN has two other examples there that are recent that Mr. SPRATT has put forth, pay-as-you-go amendments. Again, Republicans voted against it. Again, Mr. SPRATT did it, and H. Res. 393 in 2005, budget resolution, failed. No Republicans voted for it, bottom line. I am trying to read the chart from here.

Let me just say this, Madam Speaker. I think it is important that we document this and we share this with the majority and with all of the Members that we have done everything in our power to stop this Republican Congress from putting this country in further debt to foreign nations. That is incompetence. That is jeopardizing America's security. That is jeopardizing America's financial security.

If anyone knows what it means when a creditor calls your house talking about you need to pay me, you know exactly what I am talking about. The creditor calls your house, they call you by your first name. They disrespect you from the beginning, and no other time in the history of the country, this is not Democratic stuff, this is U.S. Department of Treasury information that we have here, they are disrespecting the United States of America. Democrats have nothing to do with that. We have tried to turn the tide on the dependency that this Republican Congress has in raising the debt limit.

Now, the Secretary of Treasury has asked us to raise the debt limit again by $821 billion. That is going again to allow Iran, Japan, Red China and other countries, OPEC countries, Iran, Iraq, Madam Speaker, Korea, that should mean something to some of our veterans that allowed us to salute one flag. This is a problem. This is a major problem. That is a problem that not only Democrats, Republicans and Independents should be concerned about, but the Americans that are not voting now need to rise up and say enough is enough.

Ms. WASSERMAN SCHULTZ. What we advocate is going back to the PAYGO rule, and again, to translate that into terms that most people understand and deal with every day, you do not spend more than you have. You make sure you have the revenue coming in for the money that you are going to put out.

Listen, there are people in everyday life in America that struggle with that every single day, but most people think it is totally irresponsible. Even if they are engaging in it in their own house, they think it is the wrong thing to do, to spend what they do not have. I do not know in America that anyone has the ability on their own to raise their debt limit in their household. Can you imagine, you reach a point in your day-to-day life and you are going along and you have a certain amount of money that you earn. You have a certain amount of credit. Let us say you have a couple of credit cards. When you reach the debt limit on your credit card, the maximum that the credit card company will allow you to put on that card, unless you ask permission from the credit card company, you cannot do that usually, depending on your track record.

If you compare the track record of the United States of America recently, you know, we are not doing so good because we are not getting a handle on this. Most credit card companies would say, no, we are going to stop you at a certain point and not let you raise your debt limit.

Mr. DELAHUNT. Madam Speaker, if I can, that is the problem that the Secretary of Treasury has. He is representing an administration and a rubber-stamp Congress that can only be described as irresponsible when it comes to fiscal policy. I mean, maybe we ought to write back, now, this is a letter dated March 6, 2006, and say, you know, we are sorry, but we are not going to raise the debt limit anymore; we are done, we are finished, we are closing you down.

Why should we be voting to raise the debt limit? With all of the fraud and the mismanagement and the abuse of the taxpayers, why do we not say go back to that conference committee and tell them to reconsider their closed deal that cost the American taxpayers $22 billion? Why do we not do that instead? Or why do we not recommend that the Bush administration stop spending $1.6 billion on advertising and public relations contracts; why do we not do that? Why do we not tell them to stop the no-bid contracts that are leaving resources sinking in mud somewhere in Arkansas to the tune of $300 billion? Why do we not tell them that they ought to go find the $9 billion that they cannot find that is somewhere in Iraq that is unaccounted for?

You know what? I am not going to vote simply because the Secretary of the Treasury of the United States is representing an administration that is in accord, if you will, with a Congress that cannot handle the budget in an appropriate way.

Mr. MEEK of Florida. Madam Speaker, if the gentleman would yield, I think it is important for us to realize the history of this in the wrong way, in the wrong way. This is not something that we have dreamed up. This is not something that just happened yesterday.

□ 2240

I am just going to read what Secretary Snow said, Secretary of the Treasury, appointed by the President, confirmed by the Republican Senate. I think you have to pay attention to what he said. This is not what we are saying but what the Secretary said.

In a letter to Congress he urged lawmakers to pass a new debt limit ceiling immediately to avoid the first default on its obligations in U.S. history. For the first time in U.S. history. This is a Republican Congress saying trust me, a Republican White House saying trust me, a Republican Senate saying trust me, we know what we are doing. The first time in U.S. history. That is a fact. That is from the lips of the U.S. Secretary of the Treasury.

He goes on to say that the full faith and credit of the U.S. Government, he is saying to the leaders of the House and Senate, that the full faith and credit commitment, referring to the fourth amendment of the U.S. Constitution, that we will pay our bills. What he is saying now is that for the first time in U.S. history we will not be able to pay our bills. This is not a situation created by us. We tried to stop it with PAYGO and went through the whole process with that. This is the Secretary of the United States Department of Treasury.

Mr. RYAN of Ohio. This is the same party that in 1994 said that they were going to pass a balanced budget amendment to make sure that they balanced the budget every year. It would be a constitutional amendment. And here we are, 12 years later, and they are borrowing money like drunken sailors from the Japanese, the Chinese, and from all kinds of foreign countries.

Look, of all the money that we have borrowed, almost all of it is from foreign countries. That is the money we have borrowed. That is the money we have borrowed from foreign countries. And I am sure the Members, Madam Speaker, cannot even see this. This is the money we have borrowed from domestic interests. Look, it is a joke.

Ms. WASSERMAN SCHULTZ. And, Mr. RYAN, if you would yield, this is also the party that tries to represent themselves as the party of less government and more personal freedom. And in my time here, just in the year that I have been here, we don't even talk about the Terry Schiavo case last year anymore because so much else has happened that is disturbing in terms of their leadership that that seems like a

distant memory, but that was not even a year ago. We are coming up on the year anniversary of that.

The beginning of my first year in Congress you have the bookends of Terry Schiavo's tragic case, where this Congress, this Republican leadership inserted itself into one family's private angst-ridden tragedy. Then you have Katrina, you have the debt limit increase, you have the largest deficit in history, you have the refusal to go back to the PAYGO rules, and you have the port deal. This is the party of less government and more personal freedom? No, it is not. The evidence does not lie.

The funny thing, and I have heard Mr. MEEK say this at home in Florida a lot. Just because you say it over and over again does not make it so. Things do not come true just because you say them a lot. The facts do not lie.

Mr. DELAHUNT. You know, the three of us were watching you, Ms. WASSERMAN SCHULTZ, lead the first hour, and it was very informative and we want to congratulate you on a great presentation.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. DELAHUNT. Many of our female colleagues on the Democratic side participated, and you talked about the role of government, particularly as it impacts women. You know, the truth is, and we have seen it just recently in South Dakota, that if the Republican majority has their way, they will see to it that the woman's right to choose will be ended in this country. They will do everything that they can to effectively repeal Roe v. Wade.

Mr. RYAN of Ohio. It is not only the woman's right to choose. We have a variety of things. It is about throwing people in prison. Throwing people in prison, Mr. DELAHUNT.

Mr. DELAHUNT. If you are familiar with that South Dakota law.

Ms. WASSERMAN SCHULTZ. Even in the case of rape or incest.

Mr. DELAHUNT. Exactly. In case of rape or incest. This is a dramatic change in terms of the role of government as reflected in the Supreme Court decision of Roe v. Wade and all of the advances that have been made in terms of civil rights and other issues.

But I know we all want to get back to discuss the issues that impact every American.

Ms. WASSERMAN SCHULTZ. But your point is, and the point we have to make here is, there is a radicalism in this Republican leadership; that they have reached new heights. Schiavo, South Dakota, the Alito confirmation. There is just a growing list.

And now this port deal, where the President literally saw nothing wrong with allowing a foreign government-owned corporation to take over the port terminal operations at six major ports. No alarm bells were set off to trigger a national security review, a 45-day national security review that can be triggered under the law. It defies logic.

Mr. RYAN of Ohio. He didn't even know about it.

Ms. WASSERMAN SCHULTZ. Right. Not the least of it was that he did not even know about it.

Mr. MEEK of Florida. I am sorry, Mr. RYAN, you are going to have to yield to me.

Mr. RYAN of Ohio. He said he didn't know about it, and I believe him.

Mr. MEEK of Florida. Mr. RYAN, you have to yield to me. The President has said that he has not known about a lot of things and then we found out later.

Mr. RYAN of Ohio. No, if he said it, it is true.

Mr. MEEK of Florida. He thinks someone might have said something to him about it.

Ms. WASSERMAN SCHULTZ. Six White House offices were part of the committee that reviewed this port deal. I asked in Financial Services. I am on the committee. I am on the subcommittee where we had a hearing last week, and the President still didn't know.

Mr. MEEK of Florida. Let me just say this, Ms. WASSERMAN SCHULTZ. Democrats on this side of the aisle have great credibility when it comes to homeland security. Great credibility. I am on the Homeland Security Committee. We asked the Department of Homeland Security.

Madam Speaker, we brought the President and the Republican majority along, kicking and fighting, not to do it. Now, we did it, but they do not want to provide the oversight, when I am saying the Republican majority.

I just want to mention a few things now that we are getting into this subject, because I want to put what we are doing first versus what they are not doing.

September 29, during a meeting of House and Senate conferees, Democratic Congressmen Obey and Sabo and Senator BYRD offered an amendment to increase funding for port container security by $300 million. House conferees defeated the amendment on party-line votes.

2004, October 7. During also a House and Senate conference committee, the same Democratic Members offered an amendment to increase and enhance funding by $150 million. Republicans defeated it on a party-line vote.

On June 18, 2004, Democrats supported the same amendment to increase port and container security by $400 million, because this is what the Coast Guard is calling for, Mr. DELAHUNT.

Mr. RYAN of Ohio. It is what they want.

Mr. MEEK of Florida. This is not where we are just picking a number out of the sky. And this is not all they need. We are trying to give them a little bit more, and I will yield to Ms. WASSERMAN SCHULTZ in a minute and she will talk about what is being checked and what is not being checked.

We are trying to do something about it. We are trying to protect America. So it goes on, Mr. DELAHUNT, and Ms. WASSERMAN SCHULTZ, and it goes on and on. If we had enough time, I could read all this off.

So when folks start talking about where are the Democrats on this issue, just because the Republicans say it, it does not necessarily mean it is true. We have facts, Madam Speaker, and the CONGRESSIONAL RECORD on our side and commitment to the American people and the safety of our country on our side.

The bottom line is that the Republican majority talks about things, and we do things. When we are in the majority, we will do it. We will not talk about it. We will talk about what we have done and how we are doing it.

Ms. WASSERMAN SCHULTZ, can you share with the Members this chart?

Ms. WASSERMAN SCHULTZ. Oh, most definitely, just to take off from where you have launched. Really, the facts are laid bare.

It is evident who is for security and who is just kidding. And if you look at this chart here, this pie chart, the source is Fox News, that is our third-party validator, so we are not talking about a liberal bastion, who is for security and who is just kidding? Less than 6 percent of our U.S. cargo at our Nation's ports is physically inspected. That is 95 percent not inspected. We will say 94 percent not inspected and 6 percent inspected, but I think actually the number is just a little lower than that.

The difference between the increase in security at airports and the increase in security at ports since the 2001 9/11 attack is $18 billion, Mr. RYAN, increased airport security, compared to a $700 million increase in port security.

□ 2250

Now, I heard one of our colleagues bragging about the $700 million increase and trying to detail how much of an increase the six ports received that the port deal, the DPW port deal, was involved in, as if that was some fantastic accomplishment.

There is a $6 billion difference between what the Coast Guard has said they need, a $6 billion difference. The Republican Congress has shortchanged port security by $6 billion, according to the Coast Guard. They have requested $7.2 billion.

Mr. RYAN of Ohio. Third-party validator, the U.S. Coast Guard.

Mr. MEEK. The U.S. Coast Guard.

Mr. RYAN of Ohio. So if someone would say we are not telling the truth, they are saying the Coast Guard is not telling the truth.

Ms. WASSERMAN SCHULTZ. Not Mr. MEEK, not Mr. RYAN, but the Coast Guard has requested $7.2 billion and gotten $910 million in congressional appropriations. That is a commitment right there to national security.

Mr. DELAHUNT. I think we ought to inform our colleagues here and those that are observing our conversation what the Democratic policy is in terms

of inspection of goods coming into this country is not 5 percent, but 100 percent. We have what I would call a zero tolerance policy, and it can be done, and it can be done in a very cost-efficient way, in a way that not only will prevent a terrorist attack coming in via our maritime shipping, but will be efficient in terms of taxpayer dollars.

Do you know in Hong Kong every single container ship that comes in, every piece of cargo, goes through a high-technology review? Every single piece is inspected. I guess what my point would be is that if they can do it in Hong Kong, we can do it in the United States of America. We can do it. We should have a zero tolerance policy, period.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, the point is the issue is so much bigger than this one port deal. This is emblematic of the tremendously significant problem. You cannot say even if this problem gets addressed, this port deal gets addressed, which it should, you cannot say, okay, we are done. It is so much deeper than that. Democrats have been constantly fighting for increased port security, and Republicans have not, plain and simple.

Mr. RYAN of Ohio. Time and time again.

Madam Speaker, if Members would like to get ahold of any of the information, all of the charts we had here tonight are available on our Website, www.HouseDemocrats.gov/30something

Also, Madam Speaker, my old high school, the John F. Kennedy Eagles, bowed out of the high school tournament tonight. They lost to Campbell Memorial High School, and I just want to say what a great year they had. My brother happens to be the assistant coach. I wanted to give a shout-out to the John F. Kennedy basketball team.

Mr. DELAHUNT. Madam Speaker, let me just conclude by saying we should not ever mislead the American people. We know and they know who is in charge here in Washington. When I hear comments that would suggest that Democrats are in any way impeding or obstructing this Congress, my response is that is absurd. The Republican Party is in control.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. FOXX). The Chair has shown lenience toward the rather informal pattern by which Members have been yielding and reclaiming the time controlled by the gentleman from Massachusetts. But Members should bear in mind that the Official Reporters of Debate cannot be expected to transcribe two Members simultaneously.

Members should not participate in debate by interjection and should not expect to have the reporter transcribe remarks that are uttered when not properly under recognition.

PARLIAMENTARY INQUIRY

Mr. MEEK of Florida. Parliamentary inquiry, Madam Speaker, did you use the word ''rhetoric'' at the beginning?

The SPEAKER pro tempore. No, the Chair did not.

Mr. MEEK of Florida. Madam Speaker, thank you very much for the information.

PRESIDENT BUSH'S TRIP TO INDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, after President Bush made his first ever visit to India last week, I want to lend my personal support to the ever-improving relationship between the world's two largest democracies. His 3-day visit was another great step towards our two Nations' strategic partnership. The United States and India have made extraordinary progress over the last several years, and the path that lies ahead is critical to our improving relationship.

Besides the U.S.-Indian civil nuclear cooperation deal, President Bush and Prime Minister Singh spoke about a number of important initiatives that would enhance cooperation in defense, counterterrorism, agriculture, energy and promotion of democracy. Based on their shared values of diversity, democracy, and prosperity, the growing partnership between the United States and India has created profound opportunities that are central to the future success of the international community.

I appreciated that the President put some emphasis on the Kashmir conflict. He called for a solution agreeable to all parties and emphasized the need for ''tangible progress'' on the issue. The deep-seated hostility between India and Pakistan, of course, long predated the U.S. war on terrorism, but the conflict in Kashmir cannot be separated from it. Bush used his trip to urge the leadership of India and Pakistan to continue down the road to peace.

Madam Speaker, last year India and Pakistan agreed to use confidence-building measures aimed at promoting trade and normal relations, and have begun to narrow their differences on the issue of Kashmir. I am encouraged by this recent effort to improve the security situation in Kashmir. I am also hopeful that cooperation between India and Pakistan can continue so we can finally sustain peace in Kashmir.

Madam Speaker, there is also a growing agricultural cooperation between America and India shown by the India Knowledge Initiative on Agriculture formulated last July. Fittingly, the President visited with farmers and agricultural scientists in the state of Andhra Pradesh, where some of the best modern cultivation methods and new farming technology are being implemented.

As a Member from the Garden State of New Jersey, I believe it is important that we continue to help developing countries like India emulate technologies already adapted by the United States to increase farm production. We must support programs like those at Cook College, the Rutgers University agricultural school in my district, that are committed to providing agricultural solutions through education and research. Through their involvement in various international initiatives to promote modern research and development, Cook College and others are vital to global food production.

Madam Speaker, energy cooperation is another strong aspect of the growing relationship between our two Nations. Just like the U.S., India is facing spikes in oil and gas energy prices, and they are searching for ways to fuel their rapidly growing economy. As developing economies continue to expand and existing industrial economies use more and more energy, global demand is leading to serious price increases. That is why we must work together to develop alternative sources of energy for homes, businesses and cars. We must find ways to promote the development of stable and efficient energy markets in India to ensure adequate and affordable supplies.

I hope that over time, the U.S. and India can work together to find ways to lessen both Nations' dependence on foreign oil. It is critical that we reduce the world's dependence on oil from unstable nations that pose security threats to us and our allies.

Last July, President Bush and the Indian Prime Minister, Manmohan Singh, agreed that the U.S. would share nuclear technology for India's civilian energy use. Since then, chief delegates from both governments have been tirelessly negotiating the details of India's separation of nuclear power into civilian and military sectors along with establishing international oversight for India's civilian programs.

□ 2300

At the conclusion of his trip, President Bush announced the details of an agreement that both parties have signed on to, and now all that remains is congressional approval, which I urge my colleagues to support when it comes under consideration.

However, the President's trip to India last week should not be viewed merely as a way to complete the Nuclear Cooperation Agreement. Indeed, the President used his time accordingly to discuss all the issues of importance to the growing U.S.-India relationship, including peace throughout the region and cooperation on global issues like agriculture and energy.

IMMIGRATION

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for the balance of the time remaining until midnight.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you, Mr. Speaker, and address this United States House of Representatives. I have a series of issues on my mind here tonight. As I listened to some of this discussion, I promised myself to discipline myself and speak to the subject matter I came to the floor to address, and that, Mr. Speaker, is the issue of immigration.

First, I would say that we have a history of immigration in this country that certainly goes back to the very beginnings of the colonization of the 13 American original colonies.

America certainly is a nation that has benefited greatly from immigration, so that is why the Founding Fathers and the ratifiers of our Constitution put into this Constitution the directions to the United States Congress, Mr. Speaker, that we establish immigration policy. That immigration policy is the responsibility, the constitutional duty and the province of the United States Congress, and throughout the decades, and now centuries of immigration, that policy has been established by Congress, and we, for the most part, have adhered to those amounts and values that were reflected.

As I look back across those two centuries, I think there was a time in the early part of the 20th Century when there was a significant and massive amount of immigration that came in, much of it through Ellis Island, there was a real effort to settle a land that did not have a lot of population in it.

The region I represent in Western Iowa is one of those areas, as most of America is, I will say west of the East Coast. In fact, the population peaked out in my home county in the year 1912, much of it because of immigration. Since that time, it held steady for quite a while and has actually reduced in my agriculture county because we found ways to get the same amount of work done with less people because we have machines now to do a lot of that farm work that wasn't being done any way except by hand.

So immigration has been certainly the only way that this continent could have been settled. As I look around the United States, that is the case for most of us.

Mr. Speaker, I should back up to about 1924. That was a watershed year for immigration. That was the year in the aftermath of World War I, after the huge numbers of immigration had poured into the country, after my ancestors arrived here in a legal fashion, I would point out.

In 1924, Congress made a decision that they wanted to slow immigration down significantly. They wanted to do so so there would be an opportunity to have a time period where there could be an assimilation into this American culture. There was a concern that the picture of America would be different if the immigration kept continuing to refuel the cultural values that came from mostly Europe in those days, Mr. Speaker.

Our predecessors in this Congress understood that there is a limit to how much immigration a nation can prudently accept. They understood that there is something called a unique American culture, an overall civilizational culture here, that is the sum total of the values of all the subcultures that come into America.

They understood that we needed to have come on values, and one of those common values was a common language. They understood that we needed to have a common sense of history, a sense that we were pulling together, all pulling that same wagon together, not riding in it, but pulling together toward a common destiny. Those things that bind a nation together, our commonalities, common sense of history, a common sense of similar religions for the most part, a common language, English the official language, an opportunity to chase one's dreams, an opportunity to pull ourselves up by our bootstraps. And part of this American dream is to leave this world a better place for the succeeding generations and for each generation to have more opportunities than the preceding generation had.

That has been a true fact, I believe, for every generation of Americans. Each generation has had more opportunity, and it is because this American work ethic, this culture that we have, has always striven to provide for more opportunities for the next generation.

So in 1924, they dramatically shrunk down the legal immigration coming into this country and they stalled immigration throughout that period on from 1924, on through the Second World War, on through the 1950s, up until about 1964 when they passed an immigration act that began to open up immigration in a larger way here in the United States. That was perhaps a 40 year hiatus from significant immigration numbers, and that was the period of time by which actually two parts of two generations were assimilated into America and there became a distinction here in this country, very much commonality.

We lost our sense of what was the country that our ancestors came from, we lost our sense of ethnicity, and we absorbed this American ethnicity with this great dream we are all created in God's image and there is not a distinction between his creation, and we could all come here and thrive and prosper together and all under one flag.

Well, so in 1964, perhaps 1965, when immigration laws were changed, it began to open this up, and it was opened up in a way that they didn't realize at the time I don't think the kind of numbers that would be coming, but it began to set a new set of parameters.

Chain migration was one of those, where a person could immigrate into the United States and then begin to be able to bring their family members in. Later on there was legislation that was passed that provided for a visa lottery so that there would be 50,000 people that would come into the United States by just entering their name in a lottery, and if their name was drawn from the lottery, they would come to the United States.

Those kind of policies began to come into play, and as that went along, immigration accelerated then from 1965 on up until 1986 when there was an amnesty program that was passed by Congress and signed by the President. This truly was an amnesty program. It was about 3 million illegals in America at the time that were given a lawful permanent resident status and a chance to become citizens of the United States.

I have met some of the people that came here illegally that presented themselves under the amnesty plan and became citizens of the United States, and I don't quarrel with the contribution they have made to this country, Mr. Speaker, but I do quarrel with the idea that we could present amnesty to people and expect them to respect the rule of law. If they came here by breaking the law and then we gave them a break on the law and eliminated the penalties that they were facing for breaking our laws, why should we be surprised if they don't respect the rest of the laws here in the United States of America?

So, from 1986 on, there was a contempt for the law, and the pledge though in 1986 was we will give amnesty to those perhaps 3 million people that are here in this country illegally because we really don't know how to deal with them otherwise, and then we are going to make sure that we enforce employer sanctions.

That was when I as an employer received my I–9 forms, and any employee application that I had, I had to take their identification down, their Social Security number, get the data introduced on an I–9 form, put that on file, and that was my protection in a way, but my responsibility as an employer to ensure that I was doing due diligence to hire lawful residents here in the United States, people who were legal to be here in the United States and could work here legally in the United States. I followed that with due diligence for years and years, anticipating then the INS would knock on my door some day, go through my files, check my employees and verify that I had been doing that due diligence and hiring legals.

Of course, the INS never showed up in my small operation. They showed up in a few of the larger operations back in 1986, 1987 and through the early nineties. But as the years went by, there was less and less enforcement at the employer level, fewer and fewer employer sanctions. And I wasn't very happy during the Clinton years as I saw a lack of will to enforce our immigration laws.

So we come to the year 2000, the election of our current Commander-in-Chief. And as I watched the enforcement, and I have noticed that within

the last couple of years there haven't been a half a dozen employers that have been sanctioned for hiring illegals, that is how far we can have come with this rule of law. We sent the message to people that came into the United States illegally that there was a reward for breaking our laws, there was amnesty at the end, there was a path to citizenship, which many of them did receive.

□ 2310

And then the trade-off was that there would be enforcement. And that would make it harder, that would shut off the jobs magnet, and, of course, then it would take the incentive away for people to come across the border to come into the United States illegally. That was the idea on how we were going to slow down border crossings, especially on our southern border.

But when the employer sanctions wound down, slowed down through the Clinton years and came to essentially a stop in the last couple of years, at least from all practical purposes came to a stop, that message echoes down below our southern border.

In fact, that message was going below our southern border well before it was clear that there are no employer sanctions. I happen to know that there was at least one corporation within the region that I represent who put up billboards in Mexico to recruit Mexican citizens to come to the United States illegally, to come to work for this particular company. There were other companies that did the same thing.

So the message goes down clear into southern Mexico, here is a path for you, come on up, we will set up your transportation, we will recruit you down here, we will bring you into the United States, we will put you to work, and we can put you to work under whatever Social Security you might submit, because, after all, there would not be any employer sanctions, there would not be an INS raid that would come in and pick people up and deport them back to their home country, which is what the law says.

That is what has happened with the immigration picture here in the United States over that century called the 20th century and beginning into this new century that we are in, this 21st century. And we have evolved into a situation now where people in America understand we do not control our border. We do not enforce our laws. We do not stop illegal traffic in a significant way coming across our border, and once they get into the United States they are essentially home free. They can go to work for about any company that is willing to hire them, and we will not see now ICE show up, the Immigration Customs Enforcement people show up, to enforce employer sanctions or to do a round-up and do a deportation.

And so businesses, being what they are, capital is always rational, Mr. Speaker, and so it will follow this path of least resistance. And you need a series of components to run a successful business anywhere, and certainly that is true in the United States of America. And some of those components are raw materials, facilities. You need capital, and, of course, you need administrative ability and know-how. You need a product or service that you are going to sell and a marketing ability and all of those things that go with it.

But you also need labor. And generally the highest cost to any business, single cost, is the cost of labor. And so business, being astute, will reach out to fill that gap in the cheapest way they possibly can. The most effective way for the dollars they will invest, I should say, because if they can get good, high-quality labor and pay a little more money for it, they will go that route, because that is rational, as capital, we know, is rational.

So business has set about bringing in cheap labor, especially across our southern border, putting them to work essentially with impunity, without fear of sanctions.

And this process as it began, it accelerated. Well, it was not a new process, especially along our southern border where we have a large amount of producers that raise specialty crops. It takes a fair amount of stoop labor and hand labor to raise those specialty crops. It took more 20 years ago than it does today, because machinery and technology has replaced some of that labor.

But that problem along the southern border was often the kind of situation where it was fairly localized. I do not excuse it. I do not agree with it. In fact, I disagree with it. But it did not bother the rest of the United States very much because that human traffic would come across the border and go to work and go back south of the border to live.

It was cheaper to live south of the border, and the money could be made north of the border. As that flowed back and forth, there was not a lot of public outcry until such time as the penetration of that illegal labor began to come up into the heartland of America and spread out to our coasts, along the Atlantic and the Pacific coasts, and on up into the Upper Midwest and Chicago, New York, the Northeast part of the United States. But in Iowa also we received a significant number of illegal workers.

And so as that happened, America began to understand what was going on in our southern border. But business was taking care of themselves by going to the well for cheap labor, because they could make profit with cheap, illegal labor.

Now, there is a thing in business called supply and demand. I mean, Adam Smith articulated it better than anyone and earlier than anyone in 1776 in his book Wealth of Nations. But I will submit, Mr. Speaker, that labor is a commodity like oil or gold or corn or beans, where I came from, and the value of that labor is determined by supply and demand in the marketplace. If there is a large supply of cheap labor, labor that is willing to work well under the going market for the existing labor, that cheap labor is going to underbid those workers, displace those workers, and businesses are certainly going to make that hire, and cash the profit. That is what they are in business to do is to return investment to their shareholders.

So they did not need to ever come up with other alternatives to labor because they had the easy supply of cheap labor just south of the border. So business did the rational thing. It was capital, after all, driving the decision. Capital is always rational.

The United States had that option, because we have a 2,000-mile border on our southern border, and wages are significantly cheaper down there. But just, Mr. Speaker, take, if you will, if the United States were a Nation unto itself, a continent that were sitting out in an ocean, perhaps like Australia is, if we did not have a border that was adjacent to a country that could supply cheap labor, if we did not have an ability to just open that border and let that labor pour in and find its way through the marketplace as this illegal labor has, what might we have done as we saw that we had a need for this and a demand for more labor?

And I would submit, Mr. Speaker, that we would have done a number of other things if illegal labor were not an option. And perhaps we would have recruited from other countries, and gone to this Congress and asked this Congress under its authority granted in the Constitution to open up legal immigration into the United States. We might have reached out and recruited people to come here, people that had assets, that had skills, that were trained, that were trainable, people that could best and the most quickly assimilate into this society and this economy.

We probably would have raised the numbers of legal immigrants if we had not had the border open for the illegals to fill that demand. That would have been one alternative—to go to more legal labor, in a prudent, manageable style that we could regulate.

Another alternative, and it would happen more than it has, would be to develop technology to replace the labor. I happened to see a show on television the other day about how they have replaced the hand labor picking tomatoes with machines and, through selective genetics, produced a tomato that has a tougher skin on it that can now be handled by machines. And many of the tomatoes in America are now picked by machine. It has cut down dramatically on the amount of labor that is necessary.

That is one kind of technology that has come forward. And the technology that used to be, the hand harvesting of sugar beets, is now done by machine. And the list of those items that we

used to think were all hand labor has dramatically changed.

A lot of the grapes in America are now picked by machine rather than picked by hand. If we had not had access to the labor, we would have produced more machines, developed more technology. In fact, as there is pressure on labor today, there is more technology that is being developed.

And another thing that was always evident, Mr. Speaker, in the ag communities in the world, it has always been the case, you know, to some degree it has been the case in my particular life, with my aspiration in the construction business where I spent my life, families tended to raise the labor that they needed. They had large families on farms because they needed the people to do the work. That was an alternative. It was a rational decision to have quite a few children.

That has stopped. And I should not say stopped, but it has dramatically reduced. And families before that would have had 5 or 6 or 8 or 9 or 10, or some of the households I have been in that have 12 or 14 or 15 children, the next generation has 1 or 2 or 3 children. And those children are trained and educated to move off the farm, go get a college education, take that diploma and cash it in for the biggest paycheck they can get anywhere in the country or even in the world, and not come back to the farm except to visit.

That is the message that has been sent out, Mr. Speaker, and I would ask, what are we doing in this country for the young man or the young woman who wants to finish their high school education and not go to college, they do not see themselves as a student, they just want to go to work, they want to go to work in the plant, the manufacturing plant, or they want to go to work in the food processing plant, or whatever the industry happens to be that is close to home? What if they just want to grow up and go to work, punch the time clock, do their 40 or 50 or even 60 hours a week, take their paycheck, hang up their hard hat and go home and raise their family, buy a house, and build their future?

Those young people in America do not have that chance anymore, Mr. Speaker. They do not have that chance because illegal labor has underbid those kind of low-skilled jobs that used to be respectable jobs that used to pay a reasonable wage, and used to pay reasonable benefits. But there are young Americans that do not want to go on to a higher education. Are we operating under the presumption that everyone should be a college graduate?

□ 2320

I applaud education, a good man or a good woman with an education is better than one without as far as revenue of their life work is concerned, but, still, they do not all want to go to school, Mr. Speaker. So we have taken that away from them. We have allowed that to be taken away from them by the underbidding of cheap illegal labor.

That is what business has done. They have done the rational thing because we have not enforced our laws.

Now, on the political side. There is the other benefit that is there. Why does not Congress have the will to step in and ensure that our immigration laws are enforced?

I will submit that there are significant numbers of Members in this Congress that are here because they represent a significant supply of illegals that are residents within their district. When we do the census every 10 years, as we did in the year 2000, we do not count U.S. citizens for redistricting purposes for these 435 congressional districts. We count human beings that happen to be residents in the United States and then we draw the district lines around that, about 600,000 people within each one of those district lines.

When people go to the polls to vote on whether they will send me back to this Congress, Mr. Speaker, it will take a minimum of 120,000 votes for me to be returned back to this Congress, and that is because that is perhaps one more vote than half that will be cast. About 240,000 votes will be cast in the Fifth Congressional District of Iowa. But there are at least two congressional districts in California that it will only take 30,000 votes to win a seat in Congress and come here and represent the people of those districts. And the reason is because our census counts people, not citizens. Noncitizens do not vote, at least they should not vote. The law says they cannot vote. And so because of the massive numbers of illegals that are residents in those regions, they have representation here in Congress whether they vote or not.

Their Member of Congress is elected from that region, certainly influenced by the public opinions in that region, and sent to this Congress on a mere 30,000 votes when those of us who represent predominantly citizens in our district are required to earn four times that many votes. So one can say that an illegal in America has at least as much representation in Congress as a U.S. citizen does.

I think, Mr. Speaker, that is wrong; and I think we need to amend the Constitution so that in our census, we can count the people. We should know how many residents that are in America. That is the intent of our Constitution. But for redistricting purposes, our Founding Fathers did not envision that we would be giving representation to people who are here illegally. And so that is the political benefit that comes from illegal labor.

Additionally, there is also on the liberal side of the aisle, there is a strong push to legalize and give a path to citizenship to people that are here illegally because they see the political benefit to having more numbers, more votes, more political influence here. I have a real strong bias in favor of citizens of the United States of America and I am a great cheerleader for legal immigrants. And I submit that they are the people that deserve the representation in our country and that those that are here illegally do not deserve representation in this country and they are not fully protected by the rights of citizenship as some would submit in this Chamber, Mr. Speaker.

There is a business demand for cheap labor, Mr. Speaker. There are the political benefits. Then people will argue that we cannot replace this labor supply. We cannot get along without this illegal labor. They will not say illegal labor. They always confuse the term of legal immigrant with illegal immigrant. Immigrant to them is a generic term that covers everyone, and I will tell you that when I am talking about illegal, that is the people who have come in here illegally. Real legal immigrants, I do not know anyone that opposes legal immigration. I certainly do not. It has been good for the United States of America. It is something we must manage.

But for 3 years that I have been in this Congress, we have talked about 11 million illegals in the United States of America, 11 million. If you go back and look at the numbers and look at the proportion that is employed, the workforce is about 6.3 million of the 11 million illegals. These are numbers that have been bantered about here for at least 3 years. Well, that 6.3 million workforce represents 4 percent of the labor force, 2.2 percent of the gross domestic product or, excuse me, of the overall wages of the many dollars, I think it is trillions of dollars of wages that are earned altogether in America. It is 2.2 percent of that that goes to the illegal workforce.

So if by some miracle, illegal labor did not go to work tomorrow morning and that was stopped for an extended period of time, we would have to find 4 people out of 10 to fill those roles but the productivity is down to perhaps half of that. So maybe we do need someone to fill those roles. We noticed the difference, but it is only 2.2 percent of the overall earned wages.

So it is something that if I have a crew, a work crew of 100 people and I am going to lose two of them tomorrow morning, you can bet we will keep things running. We will keep your operation going. We will keep our production up there. We will notice a difference but we will find a way to adapt.

People say, well, you cannot replace those illegal workers, that 6.3 million. I would submit, Mr. Speaker, that today there are 7.5 million on the unemployed rolls. Those people are being paid not to work today, 7.5 million. There is another 5.2 million who are looking for work, who have exhausted their unemployment benefits but they will answer the polling questions and say, I want a job. I am still looking for work.

So you add that up and that is 12.7 million. Then you add to that the young people between the ages of 16 and 19 that presumably would be looking for at least perhaps some part-time

work and some that would like to go into full-time work. There are 9.3 million in that group between the ages of 16 and 19. They are not in the workforce in any way whatsoever, not even on a part-time basis. They may be going to school. They may be full-time students, but many of them could be brought into the workforce and at least work part time. They can flip some burgers or cook some steaks or mow some lawns or fix some roofs or go out and do some harvest out here in the time that we really need the labor.

Additionally, between the ages of 65 and 69 there are 4.5 million Americans and some of them presumably would go to work if we did not penalize them for earning too much money once they start to collect their Social Security check.

Additionally, Mr. Speaker, between the ages of 20 and 64, that age group that is really the workforce age group of America, there are another 51 million Americans that are not in the workforce and they are not listed on the unemployment roles and they are not part of that 5.2 million that are looking for work. This 51 million Americans, they may be retired because they are wealthy. They may be homemakers. They may be working in the black market somewhere doing some cash trade so they do not show up in the workforce. But there is a potential for 51 million Americans between the ages of 20 and 64.

So this all adds up, Mr. Speaker, to 77.5 million Americans that are not currently in the workforce. There are a universe of people that could be gone to hire them to do these jobs that people say that Americans will not do. So I took the 6.3 million illegal workforce, divided it into the 77.5 million Americans that are not working and that comes out to 12.3 times.

There are 12.3 people in America that are not working for every illegal in America that is working. So if you just hired one out of those 12.3 and put them to work you could solve this problem. I cannot believe that business is not smart enough to figure this out. They are smart enough to figure it out but they are taking the easy option, the cheap option, the option that avoids liability, the option that really, again, it is rationale to higher illegals because they will go to work cheaper for one thing, Mr. Speaker. They do not file unemployment claims. They do not file workers' comp claims. You do not really have to have a lot of health insurance for somebody that is here illegally. You do not have to put together their retirement plan. You do not have to worry about an illegal worker getting mad at you and filing a lawsuit that might shut your company down.

You add up all of those burdens that become part of the risk and responsibility of hiring legal people to work here in the United States and then you add to that that you can hire the illegals cheaper, but let's just say you can't. Let's just say that you will put $10 an hour out on the table and you will higher an illegal for $10 an hour or you will offer $10 an hour to a legal person. Now, the legal person might be working right alongside the illegal and they might be getting gross wages $10 an hour each. But the legal one, even if they are a single dependent, they have to claim themselves as a dependent, and then there will be withholding for their Federal income tax, and their State income tax, and their payroll tax including Social Security, Medicare and Medicaid.

□ 2330

That comes out of their check. The illegal almost invariably, and I have stacks and stacks of check stubs in my filing cabinet that show me this, claim the maximum number of dependents. So there is no withholding for Federal or for State. They give up their payroll tax to Social Security and Medicare the .0765 side of the thing, 7.65 percent of their payroll, but there is no withholding for Federal and for State if they claim the maximum number of dependents.

So what it amounts to is, if you are an illegal worker working for $10 an hour and make that decision to claim the maximum number of dependents, whether you have them or not, the withholding different is about $1.54 an hour. What American citizen wants to go out and work alongside someone who is here illegally? The American citizen is making $10 an hour, and the person who is here illegally is making $10 an hour, and you see the take-home pay. You work next to somebody. You often see that, and you realize that guy is taking home $1.54 more than I am. Why would they stay there in a job like that? Why would there not be resentment when the employer on this other side of the equation sees once he pays that $10 an hour, he is done with that?

It is kind of like piecemeal work. It is like custom work. It is not like you really have a full-time employee that carries all those responsibilities with it. You just pay the hourly rate, and when the shop closes that night, you are done until the next day. There is not a lingering liability that goes on like there is with a legal employee.

I have dealt with those things on my side, and believe me, I have great respect for all employers. But I wrote out payroll checks for over 1,400-and-some consecutive weeks. We did it all legally, and we competed against people who did not often. It is unjust for us to put employers in this country, who want to do it right, and competition up against those who refuse to do it right, but a lot of it is our public policy.

So, Mr. Speaker, we passed some legislation here before Christmas, enforcement legislation, on the floor of this Congress, and it does a number of things, including tighten up our borders.

It requires employers to use the employment verification program, so I call it the instant check program. When they hire someone, they will have to enter the Social Security number, date of birth, place of birth, perhaps the mother's maiden name, a series of different indicators. That information then goes out on the Internet, out to the Department of Homeland Security database, and also, it goes to the ICE database, the Immigration and Customs Enforcement, those two databases. It will verify if that information that is entered into that computer identifies a person legal to work in the United States.

I have this program entered into my computer, and I have run a whole series of different tries on it. The longest delay I have had is 6 seconds. That is not so long when you think about how long it takes to fill out the paperwork to hire someone and the effort you have to put in it.

That bill requires that the employment verification system be used by all employers. That will be helpful, Mr. Speaker, if we can enforce anything, but I am not optimistic that this administration will enforce. So I have introduced legislation called New IDEA legislation, the New Illegal Deduction Elimination Act. IDEA is the Illegal Deduction Elimination Act. It brings the IRS into this.

The Internal Revenue Service has demonstrated a desire to enforce the laws that they are entrusted with. They want to enforce that we all pay our income tax, and they seem to be entirely willing to levy interest and penalties against underpaid taxes. So New IDEA would give the IRS the authority to take the Social Security numbers that are introduced on the 941 employee withholding forms, enter those into the instant check program, the employment verification program, and if the employer knew or should have known they were hiring an illegal, it allows the IRS to disallow the wages and benefits that were paid to illegals as a business expense. The IRS makes that decision. That $10 an hour that was an expensed item goes over into the plus side, into the profit column, and presuming that the business is profitable, perhaps a corporation would be in a 34 percent corporate income tax bracket. If that is the case, then the $10 an hour expensed item, that becomes now a profit item. It gets the 34 percent tax levied against it and also interest and penalties. This totals up to about $6 an hour on top of the $10 an hour.

The net result of New IDEA, H.R. 3095, Mr. Speaker, becomes a $16 an hour liability for this illegal employee. Now, I will not tell you that you can hire then a $16 illegal because we have all of those things we talked about, health insurance, workers comp, unemployment and retirement benefits and all that contingent liability that comes with that, but perhaps a person can take a job that is legal here for maybe $12 an hour, and that levels the playing

field so that lawful permanent residents in the United States and especially citizens of the United States then can have some opportunities instead of being undercut and underpriced by cheap, illegal labor.

That is the idea of New IDEA, the New Illegal Deduction Elimination Act, H.R. 3095, and it will generate billions of dollars for the United States Treasury until employers figure out that it will be enforced by the IRS.

You might, Mr. Speaker, contemplate that it would be unjust for us to go in and levy that kind of a penalty on employers if we did not give them some kind of safe harbor if they use the instant check program. New IDEA does give safe harbor to employers if they use the instant check program and they used it in good faith, then that gives them safe harbor. So the IRS then cannot levy interest and penalties against the employer if they happen to hire someone that is illegal and maybe the instant check could potentially have a mistake in it.

So we set this up with the right kind of structure. We bring in the IRS to do a good task, to help enforce our immigration laws. We direct the IRS then to make those kind of reports to Immigration and Customs Enforcement so that once there is a determination made that an employer was, I will say, willfully hiring illegals, then Immigration and Customs Enforcement can come in and levy employer sanctions under those cases.

So the risk could be significantly greater than another $6 an hour on top of your $10 an hour, but what it does is it puts enforcement in place where enforcement did not exist before. It brings a new agency in that has demonstrated a willingness to enforce Federal law. It changes this dynamic. It shuts down the magnet so that this magnet that is bringing people into the United States for the jobs, it shuts down the jobs magnet, Mr. Speaker. That is what New IDEA does, and you couple that with building a fence and more employer sanctions, those are encouraged. They are required to use the basic pilot instant check program. These things all go together to shut down the jobs magnet.

Another thing that we need to do and we can do so statutorily, not requiring a constitutional amendment, is to pass a law here in the United States Congress to put an end to anchor babies, birthright citizenship. That was not envisioned either in our Constitution. It is a practice. It is kind of a bad habit that we have gotten into, and so it is not guaranteed in the Constitution that a person born in the United States can be granted or shall be granted automatic United States citizenship. It is a practice that we have take on and it has gotten out of hand.

So we need to shut down the jobs magnet. We need to end birthright citizenship. We need to build a fence because not only is it a way to control the flow of humanity, which in the last year we have had perhaps 4 million illegals come across our southern border. I can tell you how many we stopped. We stopped 1,159,000, thanks to an effective border patrol, and I say effective given the manpower that they have, faced with the manpower that they are faced with. That is a fairly astonishing accomplishment to pick up 1,159,000, but we only adjudicated 1,640 to go back to their home country.

The rest of them, some of them, perhaps 155,000 OTMs, other than Mexicans, were released because we did not have a deportation agreement with their home countries. So they just disappeared into America's society.

Then on top of that, the rest of them were released on the promise that they would return to their home countries. Will you go back to your home country? Yeah, I will go. Okay, fine. Nobody took them down to the turnstile and saw to it that they went through and were put in airplanes and flew back into Mexico City and put them on a bus and took them to their hometown and did so because it was further for them to come back here to the United States.

□ 2340

You know, I think that is a questionable policy, and I do not know if it is very effective on the dollar, but we did some of those things. And yet the Border Patrol has testified that they stop perhaps one-fourth, or, maybe on a good day, a third of the illegal entrants. So that will take that 1,159,000 that came in and it takes that number up to about 4 million. So 2 to 3 million, if you do your math, that came into the United States unobstructed, and reasonably thinking that most will stay here. And yet for 3 years we have been saying 11 million illegals. But in 3 years we could have accumulated another 11 million illegals. And if the number was right 3 years ago, today maybe it is 22 million illegals rather than 11 million illegals. And maybe this workforce is a little bigger than 6.3 million. Maybe it is 12 million. Maybe you have to hire 2 out of every 12 that are not working in America to fill that gap.

But many have said they are doing work that Americans won't do, and that concerned me. I heard a story that if you need your roof fixed in Dallas and it is 105 degrees, no American will go up and fix that roof. Well, Mr. Speaker, I would submit that myself, this Member of Congress, and my crews have worked in an environment that from the heat index temperature on up to 126 degrees, and from a wind chill index temperature down to 60 below, and we have done that for days at a time. So that is 186 degrees, and it feels like temperature range. And certainly at 126 it doesn't feel a lot hotter than that on that roof in Dallas. But I asked myself, what would be the hottest, dirtiest, most difficult, most dangerous job there is anywhere in the world?

I conducted a little informal poll and came back with a consensus that rooting terrorists out of Fallujah probably is the hottest, most difficult, the dirtiest, most dangerous job anywhere in the world. And we have soldiers and marines that have been doing that, Mr. Speaker. And if it is noncombat pay, it pays them $6.80 an hour, and with combat pay it comes to $8.09 an hour. Plus benefits, I admit, Mr. Speaker. That is $8.09 an hour for a soldier to put his life on the line when it is 130 degrees, with bullets flying and RPGs going through the air. That is what is going on with brave American patriots.

If they will do that kind of work for that kind of money, then I believe that the difference is this work that is here in this country, that people claim Americans will not do, has simply just been bid down or it pays too little. And I have watched entire crews, almost entire crews of, I will say, 1,300 in a packing plant that were only about 8 Hispanics 10 years ago go to 81 percent today. And it is not because all of a sudden those people that were there 10 years ago picked up and left. They have been displaced one at a time. The wages and benefits stayed low, and so the illegal labor came in and replaced the labor of the people who had built their lives and their dreams around that plant and around that job.

So there is work, and Americans will do all of this work. And I always argue that if you want to see it on the other side, if marines rooting terrorists out of Fallujah for $8.09 an hour doesn't move your heart, Mr. Speaker, then I would say this: that I could hire Bill Clinton tomorrow to mow my lawn if I just paid him enough money. That is the other side of the equation.

In between those two extremes are all kinds of solutions. There are the 77 million nonworking Americans and there are ways to recruit them and to motivate them. We can have bigger families and we can use more technology and open up illegal immigration. But the rule of law must be maintained, and it must be restored if we are going to have respect for the laws in this country.

A question that is never asked, or seldom asked and never answered by the proponents of open borders, Mr. Speaker, is the question: Is there such a thing as too much immigration? That is the number one most obvious question of all. If you are going to enter into this discussion and this debate and you are going to seek to establish an immigration policy and be a part of that debate and put your vote up, you ought to have an opinion on whether there is such a thing as too much immigration.

Some will go off on tangents and not answer that question. If you pull them back from their tangents and just insist, is there such a thing as too much immigration, in the end they have to admit that if there isn't such a thing, then they have to argue, well, okay, we can have 6 billion people here in the United States. Everyone wants to come to America, for good reason. So if there

is not such a thing as too much immigration into the United States, legal or illegal, then everybody in the world might well want to come here, and 6 billion people living in these 50 States of America and depopulating the rest of the world, I do not think that is the formula we want to look at.

So someplace between this 283 million that we have and the 6 billion that are out there to be recruited might be the right kind of number. Maybe the number is even perhaps less than the 283 million. I don't think so, but it should be part of our discussion.

So there is such a thing as too much immigration. We can establish that clearly, unless they are willing to take the position that 6 billion people would be an appropriate number for Americans. So if there is such a thing as too much immigration, then the next question is, well, how much is too much? And what are the reasons by which we would come to a conclusion?

I would argue, Mr. Speaker, that we need to bring people into this country who can assimilate into this society, who can contribute to this economy, and people who hopefully have an education and perhaps some capital. We need to look at the industries that are there and have these debates about H1 and H2B visas so we can supply the demand that is there.

But I am hearing people whine when I say we need to enforce our immigration laws, and it is because they are afraid they are going to lose their gardener or they are going to lose their housekeeper. I talked to an individual the other day that drove up to the illegal immigrant distribution center, where some of the communities have built a building so they can gather the day laborers there. He pulled his car up and he said, I need someone to work for the day. He had 100 people around him. Then he said, I have got $10 an hour, and they all walked away. He had to get out of his car and say I have $15; now I have $20. He found one that would work for $20 an hour for a short day.

I would submit that that is not a national security issue if you can't hire someone to pull the weeds out of your garden. If you cannot go out there or hire someone to do that, go rent a condo and sell the house to someone who can figure that out. This economy will sort this out. Supply and demand is always taking care of this. People used to migrate to go to work. They migrated out of Oklahoma to go to California. The Okies picked grapes out there.

I read a story about a 6-by-6 area in Milwaukee, 36 square blocks, where they used to have heads of households all working in the breweries. They came there in the 1930s from the South. And on that day, and this has been some years ago that I read this article, but on that day there wasn't a single working head of household because those jobs had disappeared in the breweries in Milwaukee. But nobody thought that that labor force might want to migrate somewhere where there was a job, because the safety net that is there has become a hammock. That is why we have 7.5 million on unemployment and that is why there is another 5.2 million that are looking. And many of those are good people. But if we provide a safety net there, it is easier to set back on that, rest a little on the hammock instead of having to get out there and go to work.

So if there is such a thing as too much immigration, then how much is too much? And I would submit, Mr. Speaker, that we are working at an effective rate right now. We will see differences in numbers, but the legal numbers are about a million a year. That is a lot of people. I think we can assimilate a million a year. But at some point we need to make sure that they have an opportunity for education; that they can learn the language.

We are printing ballots in more than 22 different languages just in Los Angeles County alone. We are in the process of reauthorizing the Voting Rights Act and people are arguing that even after all these generations people need a ballot handed to them in the language they are comfortable with. And I would argue that if you are born here in the United States or are a naturalized citizen, you should have had enough access to the English language to be able to read the ballot and cast a vote.

The only way that you can argue that a person that is legal to vote in the United States, that means a United States citizen, doesn't have a command of the English language, it wouldn't be if they were a naturalized citizen because they have to demonstrate proficiency in English to be a citizen, so they would have had to have been born here in the United States, had birthright citizenship, lived in an enclave, and didn't learn enough English to be able to know President, Vice President, Congressman, State senator, or State representative. Now, how long would it take to learn that? And if you couldn't learn that enough to vote, how could you understand the current events and the culture well enough to make an informed decision?

So I think that we are going down this wrong path with catering to people. We need to bring people together under one umbrella. A common language is the single most powerful unifying force that there has ever been throughout history. God knew that at the Tower of Babble. We have known it many, many times.

There was an emperor in about 245 B.C. in China. And I will never get the pronunciation right in Chinese, Mr. Speaker, but I call him Qin Shi Huang Di. He was the first emperor of China, and that part I know I have right. But he looked around and realized there were all these different tribal regions within China. They had a common culture, they wore similar clothes, ate similar food, a lot of similar habits, but they couldn't communicate with each other because they didn't speak the same language.

□ 2350

He set about to unify the Chinese people for the next 10,000 years, and that was a quote from him, by hiring scribes to draft the Chinese language. They did that, and that language has bonded those people together for a fourth of that time. That is how powerful language is as a unifying force.

I will submit that we have a debate ahead of us, and it is going to be an intense debate. Immigration is a very, very complicated and convoluted subject. There are people whose oxen are going to be gored. There are people who walk away from the rule of law, and they say, What are we going to do? We have businesses that are dependent on illegal labor so you need to legalize this labor.

I heard that last Friday in testimony in a trip out West. I heard a witness testify that they had set up their business near the border based on the premise they could bring illegal labor to do that work. Now they have what I call an attrition rate of 9 percent a week, and we should legalize that, that is their request. We should legalize because, after all, the business cannot get along without illegal labor.

If they premised their business on illegal labor, it does not tug at my heartstrings so much because I have great reverence for the rule of law, the order that is here in the United States of America, for this Constitution that I carry next to my heart every day, to the continuity of our history, to our responsibility to this sacred covenant that really is our Constitution, this responsibility, the legacy that is left us by our Founding Fathers, this rule of law, this greater American civilization, the one that welcomes people in a legal way and gives everyone here an opportunity to pull themselves up by their bootstraps and succeed.

And often, newly arriving immigrants surpass their peers, those born here in the United States that maybe take some of this for granted. A lot of the vitality in America comes from immigration, but the idea that America is a Nation of immigrants and therefore we cannot have a rational immigration policy is an idea that is built upon a fallacy.

I asked the question in an immigration hearing of a series of witnesses: Is the United States a Nation of immigrants? And the answer was yes from all witnesses. Then please submit to me, since you are here as an expert, name a nation that is not a nation of immigrants? No one could answer that question because all nations are nations of immigrants. All nations have benefited from the flow of human traffic.

When people come to go to work, temporary worker, guest worker programs, there is no model in the history of humanity where there has been a

successful temporary worker program. When people are brought into a country to work, they put down roots. It is human nature. They raise a family and buy houses. They should do that. If we bring people into this country, however we might do that, and whether I lose this debate on the rational side of this or not, we ought to ensure that they do have an opportunity to become full-fledged American citizens and not create a second-class category of citizens here in the United States. That will build resentment. People who come here and live and work here, and do so legally, should have a path to citizenship. It should be an earned citizenship. They should respect and revere our laws and our history, but a second-class level of citizenship will be a wedge between us. It will pit people here in America against each other.

And a guest worker, temporary worker program sets up a lower class of residence, quasi-legal workers, but that does not guarantee that there will not be competing groups of illegal workers that are underbidding the guest workers. With guest workers, you have to make sure they are not putting too much pressure on the services, such as health care and education. If you do all of that, it raises the price of labor. They are going to want more money anyway because now they are legal and they have some options.

The people who come in to underbid that will be another wave of illegal workers, and that other wave will drive the price down even further.

So we must control our borders and insist that there is respect for our laws. We must look down range to the future and what America is going to look like in a generation or two. We must maintain our cultural continuity, respect the rule of law and make a prudent decision here, not one that is based upon the idea of we do not have any alternatives. We have many alternatives. We have 77.5 million nonworking Americans. We have technology that we could develop. We could increase our birth rate, open up legal immigration for the skills that we need, and those are just some of the solutions that I can come up with. But, in fact, business is so creative, they can think of many, many more.

With that, Mr. Speaker, I would express my appreciation for the privilege to address you and this United States House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of illness.

Mr. NORWOOD (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. SALAZAR (at the request of Ms. PELOSI) for after 3:30 p.m. today and for the balance of the week 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 Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. CHOCOLA) to revise and extend their remarks and include extraneous material:)

Ms. PRYCE of Ohio, for 5 minutes, on March 14.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. CHOCOLA, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

H.R. 1287. An act to designate the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the ''Robert T. Ferguson Post Office Building''.

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building''.

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the ''John J. Hainkel, Jr. Post Office Building''.

H.R. 2413. An act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the ''Lillian McKay Post Office Building''.

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex''.

H.R. 2894. An act to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the ''Abraham Lincoln Birthplace Post Office Building''.

H.R. 3199. An act to extend and modify authorities needed to combat terrorism, and for other purposes.

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the ''Congressman James Grove Fulton Memorial Post Office Building''.

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the ''Gagetown Veterans Memorial Post Office''.

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the ''Ava Gardner Post Office''.

H.R. 3548. An act to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the ''Heinz Ahlmeyer, Jr. Post Office Building''.

H.R. 3703. An act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the ''Staff Sergeant Michael Schafer Post Office Building''.

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building''.

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the ''Clayton J. Smith Memorial Post Office Building''.

H.R. 3830. An act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the ''U.S. Cleveland Post Office Building''.

H.R. 3989. An act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the ''Albert H. Quie Post Office''.

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office''.

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the ''Maryland State Delegate Lena K. Lee Post Office Building''.

H.R. 4152. An act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the ''Raymond J. Salmon Post Office''.

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the ''Mont and Mark Stephensen Veterans Memorial Post Office Building''.

H.R. 4515. An act to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the ''Corporal Jason L. Dunham Post Office''.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the ''Hiram L. Fong Post Office Building.''

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, March 9, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6516. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Add Portions of Los Angeles, San Bernardino, and Santa Clara Counties, CA, to the List of Quarantied Areas [Docket No. APHIS-2005-0116] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6517. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Cottonseed Payment Program (RIN: 0560-AH29) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6518. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Organization; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Loan Policies and Operations, Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions; Definitions; Disclosure to Shareholders; Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System (RIN: 3052-AC19) received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6519. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6520. A letter from the Comptroller, Department of Defense, transmitting a report of two violations of the Antideficiency Act by the Department of the Air Force, Case Number 04-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6521. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-10, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6522. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6523. A letter from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), Department of Defense, transmitting notification of emergency munitions disposal, pursuant to 50 U.S.C. 1518; to the Committee on Armed Services.

6524. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 323 (h) Public Law 106–398, section 633 (a); to the Committee on Armed Services.

6525. A letter from the Director, Legislative Liaison, Department of Defense, transmitting the Department's revised interim guidelines concerning the free exercise of religion; to the Committee on Armed Services.

6526. A letter from the Deputy Secretary, Department of Defense, transmitting a report pursuant to Section 9010 of the Department of Defense Appropriations Act, 2005 (Pub. L. 108–287); to the Committee on Armed Services.

6527. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Security Program and Appendix B—Guidance on Response Programs for Unauthorized Access to Member Information and Member Notice—received January 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6528. A letter from the Regulatory Specialist, Office of the Comptroller of the Currency, transmitting the Office's final rule—Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions [Docket No. 06-02] (RIN: 1557-AC90) received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6529. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age—received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6530. A letter from the Chief Financial Officer, Department of Energy, transmitting the Department's report on Carryover Balances for Fiscal Year Ended 2005; to the Committee on Energy and Commerce.

6531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Department's Alternative Fuel Vehicle (AFV) Program Report, pursuant to 42 U.S.C. 13211–13219 Public Law 105–388; to the Committee on Energy and Commerce.

6532. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Transactions Subject to FPA Section 203 [Docket No. RM05-34-000; Order No. 669) received January 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6533. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Amendments to Codes of Conduct for Unbundled Sales Service and for Persons Holding Blanket Marketing Certificate [Docket No. RM06-5-000; Order No. 673] received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6534. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards [Docket No. RM05-30-000] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6535. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Prohibition of Energy Market Manipulation [Docket No. RM06-3-000; Order No. 670] received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6536. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands [Docket No. RM06-9-000] received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6537. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—AP1000 Design Certification (RIN: 3150-AH56) received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6538. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the second report of 2005, as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100–203, pursuant to 42 U.S.C. 10268; to the Committee on Energy and Commerce.

6539. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 on March 15, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

6540. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the March 2006 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on International Relations.

6541. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a certification related to the Global Fund to Fight AIDS, Tuberculosis, and Malaria, as request under Section 525 of the Foreign Operations, Export Financing and related Programs Appropriations Act, 2005; to the Committee on International Relations.

6542. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-305, ''Department of Mental Health Collective Bargaining Agreements Temporary Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6543. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-306, ''DC USA Parking Garage Bond Security Documents Approval Temporary Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6544. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-304, ''Finance and Revenue Technical Amendments Temporary Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6545. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-303, ''Non-Health Related Occupations and Professions Licensure Temporary Act fo 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6546. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-287, ''National Opera Street Designation Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6547. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-288, ''Dishonored Check Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6548. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-289, ''Other Tobacco

Products Tax Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6549. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-290, ''Uniform Environmental Covenants Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6550. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-291, ''Illegal Dumping Enforcement Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6551. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-292, ''Residential Energy Conservation Tax Credit Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6552. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-294, ''Fiscal Year 2007 Budget Tax Relief Priorities Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6553. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-302, ''Income Withholding Transfer and Revision Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6554. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-295,''Drug Offense Driving Privileges Revocation and Disqualification Temporary Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6555. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-296, ''Identity Theft Technical Temporary Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6556. A letter from the Mayor, District of Columbia, transmitting a copy of the report entitled: ''The Comprehensive Annual Financial Report Fiscal Year 2005,'' pursuant to D.C. Code section 47–119(c); to the Committee on Government Reform.

6557. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's Performance and Accountability Report for fiscal year 2005, pursuant to the Government Performance and Results Act of 1993 and the Office of Management and Budget Memorandum M-04-20; to the Committee on Government Reform.

6558. A letter from the Secretary, Department of Education, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Department's Report to Congress on FY 2005 Competitive Sourcing Efforts; to the Committee on Government Reform.

6559. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6560. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending September 20, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6561. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Member Business Loans—received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6562. A letter from the Acting Director Equal Employment Opportunity, National Endowment for the Humanities, transmitting the Endowment's annual report for FY 2005 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination andRetaliation Act of 2002 (No FEAR Act), Public Law 107–174; to the Committee on Government Reform.

6563. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6564. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Health Benefits Acquisition Regulation: Technical Amendments (RIN: 3206-AJ20) received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6565. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Change in the Survey Cycle for the Harrison, Mississippi, Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AK96) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6566. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Suspension of Enrollment in the Federal Employees Health Benefits (FEHB) Program for Peace Corp Volunteers (RIN: 3203-AK90) received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6567. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Definition of Federal Election Activity [Notice 2006-2] received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6568. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—$5,000 Exemption for Disbursements of Levin Funds by State, District, and Local Party Committees and Organizations [Notice 2005-26] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6569. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's 2005 Annual Report to Congress on the Transitional Housing Assistance Grant Program, pursuant to 42 U.S.C. 13975; to the Committee on the Judiciary.

6570. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification; Reporting and Waiting Period Requirements—received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6571. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification; Reporting and Waiting Period Requirements—received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6572. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Revised Jurisdictional Tresholds for Section 8 of the Clayton Act—received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6573. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Revised Jurisdictional Tresholds for Section 7A of the Clayton Act—received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6574. A letter from the President and CEO, National Safety Council, transmitting a copy of the Council's 2005 annual report; to the Committee on the Judiciary.

6575. A letter from the Secretary, Department of Transportation, transmitting the Department's final report titled, ''Aviation and the Environment: A National Vision Statement, Framework for Goals and Recommended Action'' as required by Section 321 of Vision 100-Century of Aviation Reauthorization Act, Pub. L. 108–176; to the Committee on Transportation and Infrastructure.

6576. A letter from the Secretary, Department of Transportation, transmitting the Department's report to Congress entitled, ''Design-Build Effectiveness Study'' submitted in accordance with Section 1307(f) of the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure.

6577. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Small Business Technology Transfer Program Policy Directive (RIN: 3245-AE96) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6578. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Small Business Size Standards, Inflation Adjustment to Size Standards; Business Loan Program; Disaster Assistance Loan Program (RIN: 3245-AF41) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6579. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Cosponsorships, Fee and Non-Fee Based SBA-Sponsored Activities, and Gifts (RIN: 3245-AF37) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6580. A letter from the U.S. Trade Representative, Executive Office of the President, transmitting the 2006 Trade Policy Agenda and 2005 Annual Report on the Trade Agreements Program, pursuant to 19 U.S.C. 2213(a); to the Committee on Ways and Means.

6581. A letter from the Director, Regulations & Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, transmitting the Bureau's final rule—Quarterly Excise Tax Filing for Small Alcohol Excise Taxpayers (2005R-441P) [T.D. TTB-41] (RIN: 1513-AB17) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6582. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, ''The Social Security Administration 's Efforts to Promote Employment for People with Disabilities: New Solutions for Old Problems''; to the Committee on Ways and Means.

6583. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the Corporation's final rule—Golden Parachute and Indemnification Payments (RIN: 3055-AA08) received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Government Reform and Agriculture.

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. SESSIONS: Committee on Rules. House Resolution 713. Resolution providing for consideration of the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act (Rept. 109–387). 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 Ms. WOOLSEY (for herself, Ms. LEE, Mr. GRIJALVA, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. NADLER, Mr. MCDERMOTT, Mr. OWENS, Mr. MCGOVERN, Mr. CLAY, Mr. CONYERS, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. STARK, Ms. SCHAKOWSKY, and Ms. MCKINNEY):

H.R. 4898. A bill to reallocate funds toward sensible priorities such as improved children's education, increased children's access to health care, expanded job training, and increased energy efficiency and conservation through a reduction of wasteful defense spending, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Homeland Security, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. WEINER, Mr. HASTINGS of Florida, Mr. SANDERS, Mr. ENGEL, Mrs. MALONEY, Mr. BISHOP of New York, Ms. SCHWARTZ of Pennsylvania, Mr. DEFAZIO, and Mr. HONDA):

H.R. 4899. A bill to prohibit the entry of ocean shipping containers into the United States unless such containers have been scanned and sealed before loading on the vessel for shipment to the United States, either directly or via a foreign port; to the Committee on Homeland Security.

By Mr. ALLEN (for himself and Mr. BASS):

H.R. 4900. A bill to amend the Federal Election Campaign Act of 1971 to exclude certain communications made over the Internet from certain requirements of such Act, and for other purposes; to the Committee on House Administration.

By Mr. BECERRA (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. HONDA):

H.R. 4901. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. BURGESS (for himself and Mr. GENE GREEN of Texas):

H.R. 4902. A bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator; to the Committee on Financial Services.

By Mrs. CAPPS:

H.R. 4903. A bill to amend the Public Health Service Act to establish an Office of the National Nurse; to the Committee on Energy and Commerce.

By Mr. FERGUSON (for himself, Mr. PLATTS, Ms. LEE, Mr. SMITH of New Jersey, Mr. KUCINICH, and Mr. SIMMONS):

H.R. 4904. A bill to amend the Fur Product Labeling Act to require labeling of all fur products, regardless of value; to the Committee on Energy and Commerce.

By Mr. FOLEY (for himself and Mr. CRAMER):

H.R. 4905. A bill to provide for the registration of sex offenders and for appropriate notification of their whereabouts, and for other purposes; to the Committee on the Judiciary.

By Mr. FORD:

H.R. 4906. A bill to improve science, technology, engineering, and mathematics education, and for other purposes; to the Committee on Science, and in addition to the Committees on 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. HEFLEY (for himself, Mr. SALAZAR, Mr. UDALL of Colorado, Mr. TANCREDO, Mrs. MUSGRAVE, Mr. BEAUPREZ, and Ms. DEGETTE):

H.R. 4907. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak region of Colorado; to the Committee on Veterans' Affairs.

By Mr. POE:

H.R. 4908. A bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing; to the Committee on Resources.

By Mr. STARK:

H.R. 4909. A bill to repeal the transition and grandfather provisions relating to foreign sales corporations and extraterritorial income; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself and Mr. ENGEL):

H.R. 4910. A bill to prohibit the manufacture, sale, marketing, or distribution of products or substances designed or intended to defraud a drug test; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. LANTOS, Mr. BURTON of Indiana, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. PAYNE, Ms. ROS-LEHTINEN, Mr. DELAHUNT, Mr. FOLEY, and Ms. LEE):

H. Con. Res. 353. Concurrent resolution commending the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulating President-elect Rene Garcia Preval on his victory in these elections; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. BUYER, Mr. SWEENEY, Mr. CARTER, Mr. BURTON of Indiana, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. FORTUÑO, Mr. HUNTER, Mr. BACHUS, Mr. ISSA, Mr. POE, and Mr. SULLIVAN):

H. Con. Res. 354. Concurrent resolution expressing the continued support of Congress for requiring an institution of higher education to provide military recruiters with access to the institution's campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds; to the Committee on Armed Services, 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 Ms. HARRIS:

H. Res. 714. A resolution urging the replacement of the United Nations Human Rights Commission with a new Human Rights Council; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. YOUNG of Florida and Mr. CLEAVER.
H.R. 226: Mr. PRICE of North Carolina.
H.R. 282: Mr. DICKS.
H.R. 303: Mr. GALLEGLY and Mrs. BIGGERT.
H.R. 311: Mrs. KELLY and Mr. HOYER.
H.R. 352: Mr. PRICE of North Carolina.
H.R. 354: Mr. EMANUEL.
H.R. 421: Mr. PRICE of North Carolina.
H.R. 450: Mr. BARTLETT of Maryland, Mr. RUPPERSBERGER, and Mr. WELDON of Pennsylvania.
H.R. 500: Miss MCMORRIS, Mr. SHAW, and Mrs. SCHMIDT.
H.R. 503: Mr. BRADY of Pennsylvania.
H.R. 558: Mr. GALLEGLY.
H.R. 561: Mr. KILDEE.
H.R. 583: Mr. PITTS and Mr. FORD.
H.R. 611: Ms. LEE.
H.R. 669: Mr. SHIMKUS.
H.R. 783: Mr. BARROW.
H.R. 788: Mr. MCDERMOTT.
H.R. 896: Mr. DAVIS of Tennessee.
H.R. 930: Mr. KENNEDY of Minnesota.
H.R. 952: Mr. ROTHMAN.
H.R. 968: Mr. RUPPERSBERGER, Mr. SOUDER, Mr. BONNER, and Mr. GALLEGLY.
H.R. 995: Mrs. KELLY.
H.R. 998: Mr. MCDERMOTT.
H.R. 1002: Mr. FITZPATRICK of Pennsylvania and Mr. BOYD.
H.R. 1053: Mr. FLAKE and Mr. SHAYS.
H.R. 1131: Ms. WASSERMAN SCHULTZ.
H.R. 1345: Mr. KLINE.
H.R. 1402: Ms. WATSON and Mr. LOBIONDO.
H.R. 1518: Mr. JEFFERSON.
H.R. 1549: Mr. PLATTS, Mr. MEEHAN, Mr. KUCINICH, and Ms. LORETTA SANCHEZ of California.
H.R. 1764: Mr. VAN HOLLEN.
H.R. 1998: Mr. SAM JOHNSON of Texas.
H.R. 2048: Mr. KUHL of New York.
H.R. 2178: Mr. RUPPERSBERGER and Mr. GEORGE MILLER of California.
H.R. 2230: Mr. BRADLEY of New Hampshire and Mr. RANGEL.
H.R. 2328: Mr. PAYNE.
H.R. 2533: Ms. MCCOLLUM of Minnesota.
H.R. 2567: Mr. HASTINGS of Florida and Mr. VAN HOLLEN.
H.R. 2671: Mr. PETERSON of Minnesota.
H.R. 2684: Ms. HART.
H.R. 2735: Ms. HARRIS.
H.R. 2793: Mr. CAMP of Michigan and Mr. BISHOP of New York.
H.R. 2842: Mr. CAMPBELL of California, Mr. PUTNAM, and Mr. WICKER.
H.R. 2943: Mr. SHUSTER.
H.R. 3006: Mr. AL GREEN of Texas.
H.R. 3099: Mr. DEFAZIO.
H.R. 3127: Mrs. NAPOLITANO, Mr. BEAUPREZ, and Mr. BISHOP of Georgia.
H.R. 3209: Mr. EVANS.
H.R. 3358: Mr. DICKS.
H.R. 3401: Mrs. JO ANN DAVIS of Virginia.
H.R. 3434: Mr. STARK.
H.R. 3442: Mr. MOORE of Kansas.
H.R. 3476: Mr. FOSSELLA, Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, and Mr. BOUCHER.
H.R. 3569: Mr. MEEHAN.
H.R. 3616: Mr. ANDREWS and Ms. NORTON.
H.R. 3779: Mr. HONDA, Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. PAYNE.

H.R. 3861: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3957: Ms. MOORE of Wisconsin.
H.R. 3962: Mr. JEFFERSON, Mr. MCNULTY, and Mr. PAYNE.
H.R. 3966: Mr. INGLIS of South Carolina.
H.R. 3973: Mr. ANDREWS.
H.R. 4013: Mr. BISHOP of Utah.
H.R. 4063: Mr. BILIRAKIS.
H.R. 4092: Mr. LAHOOD.
H.R. 4140: Mr. HONDA, Mr. ISRAEL, Mr. MCGOVERN, Mr. OWENS, Mr. DAVIS of Alabama, Ms. DEGETTE, Mr. OLVER, and Mr. BISHOP of Georgia.
H.R. 4170: Mr. HALL.
H.R. 4197: Mrs. CAPPS and Mr. MCDERMOTT.
H.R. 4200: Mr. MELANCON.
H.R. 4272: Mrs. CAPPS.
H.R. 4304: Mr. CROWLEY.
H.R. 4341: Mr. MURPHY, Mr. MCINTYRE, and Mr. EVERETT.
H.R. 4366: Mr. YOUNG of Florida.
H.R. 4372: Ms. LEE.
H.R. 4424: Mr. LANTOS.
H.R. 4472: Miss MCMORRIS and Mr. CHANDLER.
H.R. 4561: Mr. PAUL, Mr. POE, Mr. MCCAUL of Texas, Mr. DELAY, Mr. BONILLA, Mr. THORNBERRY, Mr. CULBERSON, Mr. HENSARLING, Mr. GOHMERT, Mr. CONAWAY, Mr. BARTON of Texas, Ms. JACKSON-LEE of Texas, Mr. BURGESS, and Mr. SMITH of Texas.
H.R. 4663: Mr. KUHL of New York.
H.R. 4708: Mr. MCGOVERN.
H.R. 4729: Ms. SCHAKOWSKY.
H.R. 4753: Mr. VAN HOLLEN.
H.R. 4755: Mr. BASS, Mr. BLUMENAUER, and Mr. KIND.
H.R. 4774: Mr. JONES of North Carolina.
H.R. 4780: Mr. MCNULTY and Mrs. JO ANN DAVIS of Virginia.
H.R. 4790: Mr. MILLER of Florida.
H.R. 4793: Ms. DEGETTE, Mr. GREEN of Wisconsin, Mr. CUMMINGS, Mr. LARSON of Connecticut, Mr. BOUCHER, Mr. HOLDEN, Mr. NEY, and Ms. MCCOLLUM of Minnesota.
H.R. 4806: Mr. PALLONE.
H.R. 4807: Mr. LEWIS of Kentucky and Ms. BERKLEY.
H.R. 4808: Mr. ROHRABACHER and Mr. ABERCROMBIE.
H.R. 4824: Mr. GILLMOR, Mr. MCCOTTER, and Mr. MICHAUD.
H.R. 4828: Mr. VAN HOLLEN, Mr. CHANDLER, Mr. CARDOZA, Mr. KILDEE, Mr. KENNEDY of Rhode Island, Ms. BORDALLO, and Mr. MCINTYRE.
H.R. 4830: Mr. ISSA, Mr. ROGERS of Michigan, Mr. KUHL of New York, Mr. CALVERT, and Mr. ROYCE.
H.R. 4842: Ms. BERKLEY.
H.R. 4843: Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. MICHAUD, and Mr. STRICKLAND.
H.R. 4844: Mr. MCCOTTER and Mr. PUTNAM.
H.R. 4862: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4881: Mr. FORD, Mr. PETERSON of Minnesota, Mr. SCOTT of Georgia, Mr. ROGERS of Alabama, Mr. TAYLOR of Mississippi, Mr. MARCHANT, Mr. FRANKS of Arizona, Mr. RENZI, and Mr. SAM JOHNSON of Texas.
H.R. 4889: Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. GOODE, Ms. FOXX, Mr. KING of Iowa, Mr. PENCE, Mr. COLE of Oklahoma, Mr. PITTS, and Mr. GARRETT of New Jersey.
H.R. 4890: Mr. SHIMKUS, Mr. GERLACH, Mr. HOSTETTLER, Mr. ISSA, Mr. BRADLEY of New Hampshire, Mr. CAMPBELL of California, Mr. BRADY of Texas, Mr. JINDAL, Mrs. MYRICK, Mr. CHABOT, Mr. NEUGEBAUER, Mr. COLE of Oklahoma, Mr. KING of Iowa, Ms. FOXX, Mr. GOODE, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. GOHMERT, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. RAMSTAD, Mr. BASS, Mr. MILLER of Florida, Mrs. SCHMIDT, Mr. NORWOOD, and Ms. GINNY BROWN-WAITE of Florida.
H.J. Res. 3: Mr. ROTHMAN.
H.J. Res. 28: Mr. ANDREWS and Mr. HONDA.
H.J. Res. 53: Mr. HOBSON and Mr. CHABOT.
H.J. Res. 57: Mr. PUTNAM.
H. Con. Res. 42: Mr. PUTNAM.
H. Con. Res. 90: Mr. MICHAUD.
H. Con. Res. 296: Mr. AL GREEN of Texas.
H. Con. Res. 301: Mrs. BLACKBURN and Mr. HERGER.
H. Con. Res. 314: Ms. WOOLSEY.
H. Con. Res. 318: Ms. JACKSON-LEE of Texas and Mr. ABERCROMBIE.
H. Con. Res. 319: Mrs. BONO and Mr. GALLEGLY.
H. Con. Res. 339: Mrs. NORTHUP, Mr. KLINE, Mr. CANNON, Mr. ENGLISH of Pennsylvania, Mr. NORWOOD, Mrs. JO ANN DAVIS of Virginia, and Mr. SULLIVAN.
H. Res. 116: Mr. GUTKNECHT and Mr. VAN HOLLEN.
H. Res. 322: Mr. BACA.
H. Res. 415: Mr. MCCOTTER.
H. Res. 658: Ms. JACKSON-LEE of Texas.
H. Res. 672: Mr. ANDREWS and Mr. ISRAEL.
H. Res. 673: Mr. ENGEL.
H. Res. 690: Mr. FEENEY and Mr. HERGER.
H. Res. 691: Mr. SANDERS, Mr. RUSH, Mr. BROWN of Ohio, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, and Mr. MEEHAN.
H. Res. 695: Mr. WEXLER, Mr. BAIRD, Ms. WATSON, Mr. CONYERS, and Mr. VAN HOLLEN.
H. Res. 696: Mr. RYAN of Ohio, Mr. ETHERIDGE, Mr. MCGOVERN, Mrs. CAPPS, and Ms. BORDALLO.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, MARCH 8, 2006 No. 29

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Loving Father, we are thankful for every blessing from Your bounty. Thank You for health and strength, for meaningful work, and for the love of family and friends. We acknowledge that every good and perfect gift comes from You. Forgive us when we have not been faithful in using our time, talent, and tongue.

Lord, open our eyes to creative ways of helping those who live without hope. We offer You today our thoughts, words, and deeds to use in the service of Your kingdom. Send us forth as Your ambassadors of goodwill.

Bless our Senators as they seek to honor You. Keep their thoughts pure, their words true, and their actions honorable.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we set aside 30 minutes equally divided for morning business. Following that time we will return to the consideration of the lobbying reform bill.

Last night, the Democratic leader proposed an amendment which is the pending business.

The managers will be here shortly, and we expect that we will work out an agreement for a time certain for the vote in relation to that amendment.

Last night, they were also trying to line up some additional amendments for today. We will make as much progress as possible on the bill today. To do that, we are going to need a lot of cooperation from both sides of the aisle.

The managers of the bill are encouraged to work out short time agreements on amendments to provide adequate time to discuss the issues and also allow us to move the bill forward.

If we are able to finish the bill this week, we will need Members who have amendments to notify the managers just as soon as possible so they can be scheduled for debate and vote.

Finally, we will be asking for filing deadlines for all amendments, and we will attempt to lock that in for today.

I thank my colleagues for their attention and for their cooperation on this important bill.

MORNING BUSINESS

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

Who seeks time?

The Senator from Colorado.

RENEWABLE ENERGY

Mr. ALLARD. Mr. President, I would like to take a few minutes to comment on the trip that President Bush recently made to my home State of Colorado. The President visited several sites that are involved with furthering renewable energy. One of those sites included the National Renewable Energy Laboratory, or NREL as it is often called, in Golden, CO. Due to previous commitments, I was unable to join the President during his trip, but I want to thank him for visiting there, and thank him for the commitments he has made to the lab and to renewable energy.

NREL is on the cutting edge in bringing renewable energy technologies out of the laboratory and into the mainstream of American business and society. Although America has rivals in many Asian and European nations in investing in the development of these technologies, NREL deserves credit for many wonderful accomplishments.

In recognition of these accomplishments, I have, during my tenure in Congress, led a coalition to push for sufficient funding for both the Department of Energy's renewables budget and NREL. Earmarks have created problems for our national laboratories throughout the United States. The President has addressed the problem, and I am working to prevent this in the future.

The environmental benefits of renewable energy are well noted and widely praised. Not only are renewable sources of energy beneficial to our national security, but they reduce greenhouse gas emissions and decrease demands for other energy resources.

Wind, solar, geothermal, biomass, photovoltaic and other renewable energies have few if any harmful byproducts. It is simply good policy to do all we can to effectively harness and utilize the natural, clean, reusable sources of energy that are abundant all around us.

However we should also be looking at energy efficient technologies. There is a saying that energy saved is like extra

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

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energy made. I think it is important that we continue investing in research and development of renewable energy and energy efficient technologies. Further developing these technologies is a win-win solution in every sense. Jobs are created, taxpayer money is saved, our national security is enhanced, and the environment is protected.

For example, a hog farm near Lamar, CO, is seeing both economic and environmental benefits from converting to a renewable energy source that they have in abundance. The farm was built with an anaerobic digester, which is fueled by hog waste, and uses its methane as a fuel to supply power to the farm operations. An example of how increased efficiency saves money comes from Harmony Library in Fort Collins, CO. The library is considered to be a showcase for state-of-the-art, energy-efficient technologies and building design. They are projected to use about 40 percent less energy than a comparable new building in Fort Collins. They estimate that this will save nearly $12,000 in annual operation costs. The library will be able to use these savings to increase stock and provide additional library services.

Renewable and efficient technologies are an important part of a balanced domestic energy portfolio, and our energy future and national security will be enriched by the technologies being developed and perfected today. We must maintain our commitment to funding the research and development that will bring those technologies to the market. The future of our security and prosperity depends on the commitments we make today.

I would also like to remind my colleagues of the Renewable Energy and Energy Efficiency Caucus within the Senate. The caucus works to keep Members informed about issues important to the renewables and efficiency communities. We currently have 36 members, but we would like to have more.

I also want to thank the President again for his sincere interest in solar and biofuels. The visit to NREL by President Bush and his staff is appreciated by those of us who have been advocating a role in our energy policy for renewable energy. I will continue to work with the administration and my colleagues on the issues facing renewable energy resources.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ECONOMIC STRENGTH

Mr. ENSIGN. Mr. President, I rise today to comment on the strength of our economy.

This might seem like a news flash, but our economy is thriving.

You would not know it if you tuned in to a network newscast or read the paper, but we have much to be excited about.

The U.S. economy is healthy, growing, and creating more opportunity every single day.

The commonsense tax relief that we passed in the Senate and that the President signed into law have fueled our economy and driven it to new heights.

Fighting for this relief wasn't a gamble—we did it because it has a proven track record.

We know that lowering taxes creates more jobs, greater opportunity, and overall prosperity.

It has been proven in my home State of Nevada, and we have seen the results in our Nation's economy over the last several years.

Since 2003, when the tax cut went into effect, there have been almost 5 million new jobs created.

Economic growth in the United States has outpaced other major industrialized countries.

We have had 33 straight months of growth in our manufacturing sector. And productivity has grown strongly over the last 5 years.

In January, the unemployment rate fell to the lowest monthly rate since July 2001 and lower than the average of the 1970s, 1980s, and 1990s.

In Nevada, the unemployment rate is at an all time low, 3.6 percent.

Tax relief is working.

All of this economic growth and job market expansion is a result of the Jobs and Growth Tax Relief Reconciliation Act of 2003 that jumpstarted our economy and fueled unprecedented growth.

Another example of how tax cuts boost the economy is the Invest in the USA Act which I offered.

I introduced this legislation, which was included in the JOBS Act of 2004. However, this was only a temporary, 1 year tax reduction.

When meeting with corporations in the Silicon Valley, I learned that U.S. corporations pay no U.S. tax on foreign earnings invested overseas, the same as their foreign competitors. But they pay taxes on 100 percent of the foreign earnings that they want to reinvest in the United States.

Obviously, this deters many U.S. companies from reinvesting their foreign earnings in the United States. That comes at a great loss to our economy.

The Invest in the USA Act temporarily modified this inequity for 1 year by taxing companies at 15 percent for foreign earnings reinvested in the United States.

By January 2006 when it expired, the law had encouraged companies to bring home and reinvest an additional $350 billion of foreign earnings in the United States. It raised revenues, lifted investment, and created thousands of jobs.

We should take the momentum of the tax relief measures we have provided during the last several years and build on them.

Our economy is growing and that is great news, but as has always been the case in the United States, we look to the future and work to make it even better.

Let's make tax relief permanent and reassure American families and businesses that today's remarkable economy is just the beginning.

Cutting taxes, empowering working families by letting them keep more of their income, encouraging small businesses to expand and create jobs—that is how we continue to create opportunity and success in the United States.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

ENERGY

Mr. THUNE. Mr. President, the economy, as has been noted, has been performing extremely well of late with 10 consecutive quarters of economic growth, with job creation at 4.5 million jobs created in the last 2½ years. There are a lot of good things happening in our economy. One of the dark clouds that hovers over our economy right now, however, is the cost of energy. For several years, going back to the very first year of the Bush administration, there was an effort made by the administration to move a comprehensive energy bill through Congress, get it passed and put into law, that lessens our dependence upon foreign sources of energy.

Regrettably, in the last Congress, that bill, after it had been negotiated through the conference committee, was filibustered by the Senate Democrats and prevented from becoming law.

In this session of Congress, last July, the Senate and the House came together in a conference committee and reported out a conference report, an energy bill that was signed into law by the President that will make remarkable strides forward in doing what all agree is an important goal for this country, which is to reduce our dependence upon foreign sources of energy.

Statistics today show we are now 59 percent dependent upon imports for our U.S. energy demand. That is expected to be 60 percent not too far into the future. The Energy Information Agency says U.S. oil consumption will grow from 20.7 million barrels a day in 2005 to 26.1 million barrels a day in 2025. We are using more energy. Worldwide demand for energy is growing. Countries such as India and China are demanding more and more energy. We rely on energy that exists outside the United States in areas of the world that are unpredictable and unreliable and unstable.

We have a great solution. We have seen significant success in my State of South Dakota with renewable energy. The products we raise and grow right here in the United States, in States

such as South Dakota, corn and soybeans, can be converted into energy that will lessen that dependence upon foreign sources of energy and, at the same time, create jobs. We are creating enormous numbers of jobs across this country, particularly in the Midwest.

New technologies will allow ethanol, cellulose ethanol, to be made from other products, from other feedstocks. This will be a trend that will continue to create jobs all across this country.

The ethanol industry and the economic gains we have seen have benefited our rural economy. Over the next year, ethanol will displace 2 million barrels of imported oil, create 234,840 jobs and boost American household incomes by $43 billion. Because of the ethanol requirement in the Energy bill we passed last summer, 34 new ethanol plants are under construction, 8 existing plants will be expanded today, and more than 150 plants are in the works. Each plant employs between 40 and 50 people directly and creates hundreds of jobs throughout the local economy. These new plants will add more than 2 billion gallons of ethanol to the Nation's fuel supply by 2007, a 50-percent growth in ethanol production.

This is a good story for the American economy because the American economy relies upon affordable energy. My State of South Dakota is a case in point. We are an agriculture intense economy, energy intense economy, and rely on tourism. We have long distances to cover. We need affordable energy to continue to grow the economy and create jobs in states such as South Dakota.

The ethanol success story could not have happened had it not been for the Republican leadership in the Senate and the House coming together last summer on a bill that would put in place a renewable fuel standard that guarantees a market for ethanol moving forward in the year 2012. As a consequence, we are seeing remarkable improvements in the economy in places that had been struggling economic areas in this country, in rural areas of America that had been losing jobs and suffering from outmigration. It is a success story and one that could not have happened had it not been for the leadership that moved forward with an energy bill last year, that put in place the renewable fuel standard for the first time as a matter of policy in this country.

There are lots of other areas in the Energy bill currently being developed. If you look at wind energy, solar energy, nuclear energy, the Energy bill passed last summer provides great strides forward as we strive to achieve energy independence in this country and deal with what is a fundamental issue for our national security; that is, our energy security.

I rise this morning to again take note of the fact that we are an economy that is in some respects growing, seeing job expansion and a lot of good things happening in our economy, but also acknowledging that unless we do something to decrease the amount, the 60 percent of the energy that we get from outside the United States, we run the risk of dramatically undermining and harming the economic growth we have experienced.

The energy policies we put in place last summer and some of the things currently under consideration in the Senate as we move forward will make great strides forward in helping America deal with what is an economic security issue, what is a national security issue, and that is the crisis of energy we see not only in the United States but across the world as more and more countries have an energy demand and the consumption continues to increase with a very limited supply.

We have a supply right in the Midwest. We grow corn each year, we grow soybeans each year. Other areas produce products that, as technology continues to improve, will enable us to convert those products into usable energy for America's future.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, parliamentary inquiry: What is the status of the agenda at this time?

The PRESIDING OFFICER. In just a minute, morning business will be closed. Then the Senate will resume consideration of S. 2349.

Mr. LOTT. Mr. President, you say in a minute. Do we have other speakers?

The PRESIDING OFFICER. No. The Chair just needs to announce that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. 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.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2349 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2349) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 2932, to provide additional transparency in the legislative process.

Mr. DODD. Mr. President, I wish to spend a couple of minutes this morning commenting on the provisions offered by the Democratic leader, Senator REID of Nevada, which is a comprehensive amendment that covers a lot of the waterfront related to the matter before us, and that is greater transparency and accountability by Members of this institution as well as those who lobby us, who come to us and petition us as paid representatives of various public, private, and nonprofit entities, so we have a better opportunity to restore a lot of the confidence that has been eroded in how this institution performs its public function.

My colleague from Nevada, the chairman of the Democratic team here, has put together a very good proposal. It has been endorsed and supported by over 40 of our colleagues as part of the larger Reid bill. It is called the Honest Leadership Act. It covers a lot of ground. I want to identify the provisions in this bill. I know my colleague from Nevada has done that already, but it deserves repetition.

As someone who has now spent more than a quarter of a century in this body, I have great respect for my colleagues and their integrity. We all know that laws are not only written for the majority who abide by the law, but occasionally we write laws because there are those who step outside the boundaries, particularly when it comes to public responsibility and trust. I am not suggesting by this amendment, nor is the Democratic leader, that my colleagues in any way, at least the overwhelming majority, are violating not only the law of the land but even ethics, a sense of responsibility, a sense of good conduct. But we have learned painfully over the last number of months that there are people, unfortunately, who serve in public life, who serve in this great Capitol building, who do take advantage of their position for private gain, who have abused that public trust and have caused this institution and its Members to suffer once again the derision of our constituents, of people who are disappointed about how we conduct our business. It is a painful thing to go through.

I have often said I would be willing to take the 99 Members I serve with in this body and compare their ethics and morality to almost any other group of people, and I am sure they would stand up very well. But the facts are that we have people who do abuse the process, and we need to be cognizant of that and respond to it. That is what Senator LOTT and I are doing. That is what my colleagues, Senator LIEBERMAN and Senator COLLINS, are doing with their proposal which is part of the underlying bill.

Senator REID, on behalf of more than 40 of our colleagues, has put together a

comprehensive proposal to try and deal with many of these issues. I am sure there are matters with which some Members may disagree, may want to fine-tune in some way, may not necessarily support every dotted ''I'' and crossed ''T.'' But the overall direction of the provisions included in this proposal is one that should enjoy broad support. We hope when the vote occurs later this morning, we can have strong support for it.

Let me mention several things it does. One, it bans all gifts, including meals, from lobbyists, the assumption being that this is no longer acceptable. There is no connection between the work of someone petitioning government on behalf of a client or an organization and simultaneously offering some gift to the Member or to the staff of that Member as a way of ingratiating themselves on behalf of the cause they represent. It may be innocent enough. We may find it obnoxious, even, in some cases, considering some of the things that are called gifts. But nonetheless, the perception—perception is reality in the business of public life—that Members of Congress or their staffs are receiving some unrelated item or gift or service or activity as a result of the relationship has come to be unacceptable to most of us here. And again, perceptions are such that we suffer as a result of that kind of conduct.

We also impose some additional restrictions of disclosure on the revolving door issue, requirements under the bill's revolving door provisions. This has to do with Members and senior staff who serve here and then leave and go into private life and become lobbyists and use that relationship to come back and have an immediate, direct influence on the legislative process as a result of those close, personal relationships. The revolving door has tried to have additional disclosure requirements and even extend to some degree the amount of time before such a person could come back and lobby their Member or other Members of this body or their senior staff.

We also deal in the Reid proposal with congressional travel. It bans lobbyists or anybody affiliated with them from being involved in congressional travel. Again, I say ''congressional travel.'' Travel can be a very important element of service in the U.S. Congress. Members, from time to time, need to get out around the country and need to engage in foreign travel. We are not talking about that. We are not talking about related travel in which Members should be engaged. We are talking about those travel expenses that are unrelated.

The most egregious case recently is the matter involving Members of the other body on a golfing excursion in Scotland. When people look at that, they assume maybe all of us are doing those sorts of things. That is not the case, but that is the perception. We need to limit what we talk about here in terms of the travel in which Members of Congress can engage. In my view, if you are traveling on behalf of your public responsibilities as a Member of the Senate or a Member of the Congress, then that is something we ought to allow. In fact, we ought to encourage it. If the travel is unrelated to that nexus of your public responsibility, we ought to try to limit it, if not ban it altogether.

The Reid proposal does that. It allows only bona fide 501(c)(3) organizations to pay for congressional travel for factfinding, educational purposes. It retains the requirement for Ethics Committee approval for travel beforehand so that if Members think it may be questionable, they can get a ruling ahead of time. It requires certification that the trip is not planned, supported, or paid for by lobbyists. It imposes per diem rates on acceptable third-party-paid travel and lodging.

I point out, Mr. President, it tightens the ban on the so-called K Street project. This is controversial. My colleague from Mississippi was patient in the Rules Committee in listening to the K Street project provision that was offered by my friend from Illinois. It was pointed out in committee that there are already prohibitions in existing criminal law for people who would suggest that there was going to be a price that someone would pay if they hired or did not hire someone else based on their political affiliation. We thought it was so important to establish this principle in the rules of this body that we have codified the prohibition against those who would pressure outside employers to make a hiring decision based primarily on party affiliation. This is wrong, it is an abuse, and it ought to be stopped. The Reid proposal does just that.

It is especially egregious where it is accompanied by a threat—implicit or explicit—that a Member might take or withhold certain actions based on the hiring decision. We have learned that has happened. It is unfortunate. The businesses that did that were unwise and shortsighted, but nonetheless it has occurred. This proposal includes the ban on the so-called K Street-type projects.

There are new civil and criminal penalties to combat public corruption. It would require new certifications by lobbyists on gifts and travel and by trip sponsors and increase penalties for knowing, willful, and corrupt violations under the False Statements Act. It would prohibit dead-of-night legislating, require a final vote on conference reports in a public meeting, which, again, I think is critical here.

We know if you are getting this legislation out, getting it to be public on the Internet so people have an opportunity to read, as well, what we are about to do, what actions we are about to take—I know this becomes difficult under certain circumstances, particularly at the end of a session if you are dealing with continuing resolutions which can be very large and so forth. It imposes burdens on this institution. But I think we bear a responsibility to make sure the public has a clear idea, or at least the opportunity for a clear idea, to understand what we are about to do, what actions we are about to take, and how they would affect them.

So I urge my colleagues, again, to support this kind of provision. Not all are people on this side or the other side of the aisle. So that is what is being proposed by Senator REID of Nevada. I hope in looking at this, in conjunction with the underlying accomplishments—let me say once again to my colleagues, I think the work of the Rules Committee was a good effort, and we are proud of what we did. Again, this is a dynamic process that doesn't happen all at once. What is reform one day is not the next, and you go back and forth. I always loved this line, and you have to be careful.

There was a wonderful Republican Party chairman in New York who once said that the last refuge of the scoundrel was patriotism—until they invented the word ''reform.'' People sometimes hide behind that language as a way to achieve certain ends.

What we have done here with the underlying bill—and I think with the Reid proposal—is strengthen this legislation. It is going to make us all better Members, help restore confidence in this institution and its individual Members. I emphasize what I said at the outset. I have great confidence in the ethical, moral behavior of my colleagues. People I have total disagreements with on policy matters, I trust them as to how they conduct themselves in these public arenas. But every profession learns that the laws are not written for the majority who obey the law. Laws and codes of ethics are written for those in the minority who violate that trust and confidence.

So we write these provisions and include these proposals in statutory law and in our code of conduct not because we believe every Member is somehow on the brink or cusp of engaging in irresponsible behavior but because we recognize and understand that from time to time there will be people who serve with us who will violate that public trust and confidence. That is why we have these codes of conduct, why we have statutory language that prohibits the behavior that we have outlined in these proposals.

So I urge my colleagues, when the time comes in roughly an hour or so, to support the Reid proposal. It is offered on behalf of more than 40 of us in this body. We think it is a sound proposal that would strengthen an already good bill. I urge my colleagues to cast and ''aye'' vote for the Reid amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, after conferring with our colleagues on this side of the aisle, I ask unanimous consent that the vote in relation to the Reid amendment No. 2932 occur at 11:30 a.m.,

with no second degrees in order prior to the vote, and that all time be equally divided until the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, I urge our colleagues to come over to speak if they wish.

Mr. LOTT. Those who would like to be heard, we want to make sure they can be heard. I would be glad to yield my own floor time so they can comment. I do have some comments I would like to make, and I will ask unanimous consent—I will do it then—that we set aside the Reid amendment so that we can have one offered by Senator SANTORUM, and we can begin debate on that. The emphasis will be on the Reid amendment, if you want to check that and make sure you are OK with that. I see one potential speaker.

In order to try to keep things moving, we are going to try to get another amendment offered, and we will alternate back and forth.

Mr. DODD. I have no objection at all to that proposal offered by my friend from Mississippi. I urge Members on both sides of the aisle who have amendments or ideas on the bill, let us know so we can move the process along, and let us know what your amendments are so we can begin to consider and discuss them even before they are offered as a way of trying to expedite the process. The Senate wants to consider other matters. This is very important, but I would like to move as rapidly as we can on the consideration of these ideas and proposals.

I urge my colleagues who have amendments and want to be heard to let us know as soon as possible.

Mr. LOTT. Mr. President, full disclosure, too. We have other Senators who would like to get into the mix, I say to Senator DODD. Senator INHOFE is here with some amendments, some of which we can probably get an agreement on, some of which will take more time. Also, Senator VITTER, who is in the chair now, would like to get into the mix.

As we go back and forth, I thought we would go to SANTORUM, and then if you have a Senator—or maybe we can clear a couple of the Inhofe amendments. That is what we would like to do.

Mr. President, I want to respond a little bit to the Reid proposal. I think you have to give credit to Senator REID and the Democrats for developing some legislation for this body to consider. People may be shocked to hear me say that, thinking that is not the way we do things. This is basically the Democratic leader's proposal. My attitude is, look, good work was done on it. They have a package here. Some of it was good enough that we pulled it out and put it right into the Rules Committee bill. I want to give credit to the fact that they want to work on this and have made some recommendations. In that vein, Senator SANTORUM, at the request of our leader, as chairman of our conference, went to work and started developing a package of ideas, amendments, and concerns and solutions, too.

So both parties were working on this. Yes, it was on separate tracks, but as we went forward Senators began to realize that this is not really partisan. It is even bigger than the institution. It is about us and the people we represent and their rights. We need to think this through because whatever we do, we are going to have to live with it, and the American people are going to have to live with it.

As time went forward, Senator SANTORUM was working with Senator MCCAIN and Senator LIEBERMAN. I started working with Senator DODD—we talked—and Senator FEINSTEIN, and then bipartisan meetings started to happen. I tell you, I wish we could do more things here like this. We came to a juncture and we reported out a bill from the Rules Committee that was unanimously approved. The Homeland Security and Governmental Affairs Committee reported out a bill that had only one dissenting vote. This is the way it ought to work.

I give credit to Senator REID and the Democrats for getting involved and helping this process. But now we have to produce legislation. It is important that we hear each other out and that we have some debate and some amendments and votes and get this job done.

Mr. President, the amendment presented by the Democratic leader is not fundamentally different from any of the provisions of the bill reported by the Rules Committee and by the Homeland Security and Governmental Affairs Committee. It has similar provisions to what was in the Santorum package. Our main differences are on issues such as how to treat gifts from lobbyists, and the Reid amendment bars all gifts from registered lobbyists. The Rules Committee bans gifts from registered lobbyists, except for meals, which are not included in the definition of a gift. I will give you one example for why we are making this exception. Our bill bars gifts from registered lobbyists and foreign agents. A very thoughtful Senator, chairman of the Foreign Relations Committee, Senator LUGAR, inquired: Wait a minute. How will that work if I am invited as chairman of the Foreign Relations Committee to a dinner at an embassy of a foreign country that involves foreign agents? Will I be able to go? How will I deal with that?

That is the kind of thoughtful question we better think about because we don't want to put ourselves into a position where we cannot do our jobs.

Another example of where I am concerned is we have language in the Homeland Security bill that is going to restrict or require more reporting of grassroots lobbying activities. This will have a chilling effect on grassroots lobbying. Do we want to do that? What about the right of the people to petition their government for a redress of grievances? Why are we letting on like there is something wrong with people with a point of view who would get people involved and get our constituents to contact us about an issue? We are big boys and girls.

We should be able to hear from our constituents, even if they are inspired by the Chamber of Commerce or the Sierra Club, or even if it is something such as the ports issue. I heard from a lot of my constituents. We need to make sure we think through what we do here.

The Reid amendment claims to prohibit privately funded travel, yet, in fact, it does no such thing. It opens a loophole that would allow 501(c)(3) organizations to finance congressional travel. The Rules Committee requires far stricter preclearance of such trips.

My attitude is, instead of setting up a new process or new loophole, let's have these trips reviewed mandatorily and approved or you can't do it. Then you have to also divulge the itinerary and who is involved in these trips. I think that is a far better approach.

The Democratic alternative presented by Senator REID bars lobbyists from participating in such trips whereas the Rules Committee measure requires disclosure of lobbyist involvement.

The Reid amendment also prohibits a Member from negotiating for prospective private employment if a conflict of interest or the appearance of a conflict exists. We have that in our Rules Committee language. We actually went a step further than that. The law prohibits this already, but I also think that a rule in this area is fine.

The Reid amendment makes it a felony for a Member of Congress to seek to influence a private employment decision by threatening to take or withhold an official act. Absolutely we should do that. I think the law already does that. I honestly believe the bills reported by the Rules Committee and Governmental Affairs Committee are superior to the Reid amendment.

When I first looked at the Homeland Security and Governmental Affairs bill, I wasn't quite sure what it did. But as I read it more and more, it is very good in terms of reporting, disclosure, and transparency. It requires more reporting with regard to lobbyists.

We better continue to ask ourselves about what we are doing here. For instance, I am particularly troubled by the provisions that would only allow travel sponsored by 501(c)(3) organizations. Do my colleagues not realize that 501(c)(3) organizations can be manipulated and used by lobbyists as fronts for their lobbying activities? In fact, that is exactly what Jack Abramoff did. He laundered money through a 501(c)(3) and used a tax-exempt entity to finance congressional travel.

This is one of my major concerns with the Reid proposal. I think it actually endorses a process that has been used to abuse the lobbying rules.

While the effort here is a good one by Senator REID and in good faith, we have a superior bill. Where Senator REID had some good proposals, we put them into the Rules Committee bill. But there are many provisions, a much more detailed package from the Rules Committee and Homeland Security and Governmental Affairs Committee.

I hope when the time comes, this amendment will be rejected. We are trying to make this a responsible bill—not inferring that the Reid amendment is not responsible. We are also trying to make it bipartisan. So I am concerned that we have come right out of the gate with a partisan package. I assume we are not going to have the Santorum alternative offered as a package. It has been melded into what we have.

I urge my colleagues to reject the partisan package. Let's take the good stuff out of it and make it a part of our final product.

Mr. President, I will be glad to yield the floor so a Senator may speak on the Reid proposal. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, if it is all right with Senator DODD, I wish to be heard on the Reid amendment for not longer than 15 minutes.

Mr. DODD. I yield whatever the time the Senator cares to use.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am very pleased the Senate has now taken up this important issue. I compliment Senators LOTT and DODD for working together, as well as Senators COLLINS and LIEBERMAN. We needed to have this debate. We need to have these changes.

Over the past several months, we have all heard the sorry tale of scandal and corruption and bribery involving Jack Abramoff, senior Bush administration officials, and, sadly for us, Members of Congress. Those tales have unfolded here in Washington. It is clear that these scandals show corruption has taken hold here and that we in Congress must act. That is why I am so glad we have set aside time for this bill.

The measure on the floor today makes important strides in cleaning up corruption, but, in my view, it doesn't go quite far enough. Under the leadership of Senator HARRY REID, Senate Democrats have advanced legislation that goes even further, but it doesn't go so far as to make it unworkable or unreasonable.

We were and Senator REID was the first to respond to the revelations of scandal and corruption in Washington. Nearly the entire Democratic caucus united to create a package of reforms which we call the Honest Leadership and Open Government Act of 2006. It was the first idea that we rolled out for the American people to see.

I believe the Reid bill helped set the tone for the bill we are debating today. I do, again, Mr. President, thank Senator LOTT for his leadership in the committee. I thank him for working so closely with Senator DODD. And I say the same to all my colleagues involved in this issue because we know the partisanship here is deep and the Senators set it aside, and for that we are all grateful.

What we have before us is an excellent start. If we did that and nothing else, it is a start. But we have a chance now to do better. I think the American people won't settle for just a good start; they want to see deep reform. They want the revolving door slowed so that they don't see Members of Congress—Senators and House Members—staff members, and administration officials walking out the Capitol steps and walking right into a lucrative job where they will have undue influence in terms of what goes on in the Congress.

The American people want to feel they still have a voice, even though they don't have thousands or maybe millions of dollars to shell out on K Street where the lobbyists thrive. They want gifts banned. They don't want to see a commission report on why the latest scandal happened; they want measures in place that prevent scandals from taking place at all.

My colleagues and I on this side of the aisle are prepared to offer amendments to strengthen this bill, and Senator REID's package is the first such attempt. I believe it is important, again, to strengthen this bill and raise it to a standard in which our constituents can take comfort.

We truly need to go beyond what we have before us. We also need to go beyond the Congress and follow the money, as sordid as it may be, and follow the meetings, and follow the contacts between Mr. Abramoff and the White House. So far, the White House is quick to admonish those outside the administration who engage in scandalous acts. Yet they have maintained a policy of duck and cover and denying when allegations are pointed in their direction.

I will have an amendment calling on the White House to cooperate, to turn over the information that we and the public deserve to have on how many times Jack Abramoff was in the White House, or his associates, and what it is they wanted and what it is they got and what it is they gave. That amendment will be coming soon. It is very clear. I hope it will be accepted. I know that my side of the aisle supports it.

My amendment simply says that the White House should fully disclose all of its dealings with Mr. Abramoff. We certainly should disclose our dealings, and as far as I know, every Member has gone back and looked to see if they received contributions from Mr. Abramoff, if they received contributions from anyone associated with him. Many of us have acted to either return those contributions or to explain why we would rather give them to charity. We have opened up our books. The White House has to open up its books as well.

Again, I am very pleased at the bipartisan effort that has taken place to bring ethics reform to the floor today, and I urge all my colleagues on both sides of the aisle to support the amendment offered by the Senator from Nevada and continue this bipartisanship.

Anyone who knows HARRY REID knows he is a reasonable person who loves this institution, who has given his life to public service, starting from the time he was a police officer. The Reid amendment serves only to strengthen the reforms we seek and that the American people demand. This is what it does in part.

It closes the revolving door so that the outcome of legislation is not tied to a Member's potential job prospects. It ends the K Street project by shutting down the pay-to-play corruption scheme. K Street offices should be staffed by individuals who are the most qualified for the job, not well-placed former congressional staffers who obtain their job through a back-room deal to stack the deck in any party's political favor. And we know that calls come routinely to these offices saying: Hire this staff or that staff, and the implication is you will be treated better in legislation. It is a disgrace.

The Reid amendment increases penalties for violations of the rules under the Lobbying Disclosure Act as a further deterrent for lobbyists to engage in unethical practices, and it prohibits dead-of-night legislating to allow for an open meeting of the conferees with access by the public. The public is so shut out around here. Not only are Democrats shut out of some conferences, but the public certainly knows not what is going on. We want the light of day to shine. If you want to stop those bridges to nowhere and other projects that don't make any sense, open up the process to the light of day, and all of us—all of us—will be scrutinized.

I think we should impose tougher restrictions on congressional travel and gifts. We know there is a difference between traveling in an official congressional delegation and traveling because some company wants to do you a favor. We know what that is about. There is a difference between a truly educational trip that is sponsored by a foundation with no ties to special economic interests and a trip that is organized by some economic interests that want to treat you in a way that will make you more open to what they want. There is a difference here, and I think what the Reid amendment does is walk that line.

So with this bill, amended by the Reid amendment, the American public will have reason to feel confident that laws are being written and debated and voted on by Members who respect democracy and the wishes of their constituents and are not unduly influenced

by forces that simply want it because it is good for their bottom line.

We must be open, we must be honest, and we must be ethical. I know each of us tries to do that, but the rules need to reflect the highest denominator, not the middle, not the lowest. With this bill, we are at the middle denominator. The Reid amendment and some other amendments offered by colleagues on both sides of the aisle can bring us up to that highest level, and I hope we will start by voting ''aye'' on the Reid amendment in a bipartisan way. It will set the tone of this debate.

I thank my colleague Senator DODD for yielding me this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I wish to be recognized for the purpose of having a colloquy with the chairman and ranking minority member, Senator LOTT and Senator DODD.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. WYDEN. I thank the Chair.

As the distinguished chairman of the Rules Committee knows, Senator GRASSLEY and I have worked for a decade to bring some openness and accountability to the Senate by requiring that when a Senator puts a hold on a major piece of legislation, they would have to disclose it publicly. Senator GRASSLEY and I are ready to go with that bipartisan amendment which we have worked on for a decade. I would simply ask the distinguished chairman of the committee and the ranking minority member what the process is so that Senator GRASSLEY and I can bring forward this bipartisan amendment. I pose my question to the distinguished chairman of the committee.

Mr. LOTT. Mr. President, in answer to the distinguished Senator from Oregon, we have before us the Reid amendment which is in the nature of a substitute.

I am advised it is not; it is a regular amendment. We are going to have a vote on it at 11:30. We are open for debate on that amendment.

Then we are working out arrangements where we would come back to this side to Senator SANTORUM and Senator DODD, who are going to offer the next amendment jointly, sometime between now and 11:30, or immediately after the vote on the Reid amendment. Then it would be back to the Democratic side and going back and forth for the next amendment that might be in order. We are encouraging Members to come to the floor and offer their amendments. We have Senator INHOFE coming up to offer amendments on our side. But after Senator SANTORUM, we would be back for I guess a jump ball if anybody wanted to offer an amendment.

Mr. WYDEN. Would it be acceptable to the distinguished chair of the committee and ranking minority member that I could ask unanimous consent that after you all have completed the bipartisan amendment of the Senator from Connecticut and the Senator from Pennsylvania, that when you all have completed your business, the Wyden-Grassley amendment come next?

Mr. LOTT. Mr. President, we have no objection. We are encouraging Senators to come to the floor with their amendments, and if Senator WYDEN would like to be next in line, that is fine. As a part of that, let me ask consent that Senator INHOFE be allowed to offer the next amendment after the Wyden-Grassley amendment so we would have a package of the two lined up.

I propose then that we have the Wyden amendment in order after the Santorum-Dodd proposal, to be followed by the Inhofe amendment.

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

Mr. WYDEN. I thank the distinguished chairman and the ranking minority member.

Mr. DODD. Mr. President, does my colleague from Delaware request time?

Mr. CARPER. I do. Can I ask for 5 minutes?

Mr. SANTORUM. Mr. President, we have been trying to go back and forth. The last speaker was Senator BOXER. I think we have been trying to alternate back and forth.

Mr. LOTT. Does the Senator propose to speak on the pending amendment?

Mr. SANTORUM. Mr. President, I am going to talk about the bill, and then I will yield back to Senator DODD to actually offer the amendment we are working on, was my intent. That was the plan.

Mr. President, I, too, rise to thank Senator LOTT and Senator DODD, as well as Senator KYL and Senator LIEBERMAN. They talked about how this process has been somewhat unique in the annals of recent Senate history and about how this process has worked now for the past month, a little over a month in a way that, as Senator LOTT said, should be done more often around here, which is sitting down and having good, bipartisan discussions to try to come up with a consensus piece of legislation.

While obviously there will be lots of amendments, at least the foundation of this bill is one that included a lot of bipartisan input and, in fact, has features from both sides of the aisle and is as much a bipartisan bill, at least on a major bill, as has been brought to the floor in a long time. I thank the chairman and ranking member of the committees, in particular Senator MCCAIN for his leadership on this issue, as well as others who participated in the bipartisan process, including Senator FEINGOLD, Senator PRYOR, Senator OBAMA, Senator SALAZAR, and others who have made contributions on the Democratic side; Senator VITTER, Senator ISAKSON on the Republican side, who have also been very involved in the process.

As a result of that process, we came up with a working document. I won't call it a consensus because there were Members who had varying points of view on a variety of these issues, but let's say that at the conclusion of our discussions we had a working draft that had broad support as a whole. At the same time, as you will see in the discussions and in the amendments we are going to have today, some wish to ratchet it up a little bit, make it a little tougher; others thought it might be a little too tough. But in the areas of concern, there was broad agreement on what those areas of concern are, and suggestions of approaches on how to deal with it.

I wish to go through the areas that we agreed needed to be addressed and what the general idea was in how to proceed with a lot of the things that are up here, which were foundational in the sense that we started with the McCain-Lieberman bill that Senator MCCAIN and Senator LIEBERMAN introduced a couple of months ago, and there was some tinkering to that legislation. Overall, the disclosure requirements in that legislation were universally embraced and adopted for disclosure of lobbyist contributions to Member PACs, and lobbyist disclosure of executive and congressional employment. All of those things were included, as well as others we have heard talked about on the floor.

Several things were not included: disclosure of contracts with State sponsors of terrorism. That is something I happen to believe should be included in the legislation, but so far we have had objections to that being included. I am not too sure I understand why but, nevertheless, it has not been included.

We suggested 30 days, not 60 days, to comply with the rules. That has not been included.

Higher penalties. The penalties were increased from $50,000 to $100,000. Many of us believe that is not sufficient as a deterrent for some who make a lot more than $50,000 or $100,000 around here on transactions. So we think a higher penalty sends a stronger signal, and I will be offering an amendment on that to increase the penalties up to $200,000. Again, it is up to $200,000 for breaking these rules, lobbyists breaking these rules.

One of the important things we brought to the table that was not in the underlying bill was disclosure of rule enforcement by the Secretary of the Senate and the U.S. Attorney. In other words, one of the concerns Members have and that the public has is, What sort of oversight is being done? Are there any actions being taken? What this would require is that when there, in fact, is an action taken on the part of the committee, and it has been referred to a U.S. Attorney for prosecution—not that particular case, but at least the number of cases that have been referred is made public so we know the level of activity. Not the specific charge, because we don't know whether the U.S. Attorney will actually bring a charge, but we at least know the number.

There are several other things we did in our bipartisan discussions: ban registered lobbyists who are former Members from the Senate floor; no staff contact with lobbyists who are a member of the family, which is an amendment I successfully offered in committee, in the Rules Committee; and the earmark transparency, something Senator LOTT and Senator FEINSTEIN have worked with, and obviously Senator MCCAIN. There will be differences. We passed something out of the Rules Committee. There will be amendments to try to expand this provision, maybe contract this provision, modify it; but the idea was developed and supported by a bipartisan group.

Another thing Senator COLLINS and Senator LIEBERMAN put in their bill, which was very important that we brought to the table, was the idea of an SRO, a self-regulatory organization that many professional organizations use to police their own ranks. While we can pass laws and we can pass rules that try to govern the lobbyist profession, there are a lot of things within the profession that need to be upgraded, whether it is fees or whether it is professional ethics, and there is not a good body out there that does that. There certainly isn't any kind of self-regulatory body that does that. We think it is vitally important to send a message from the Congress to the folks who make a living petitioning their government to clean up their own house, and particularly in greater detail than what the Congress could or should do with respect to the practices, the internal practices of lobbying firms and lobbyists.

I think this is a very important suggestion, something I felt very strongly about, and I appreciate Senator LIEBERMAN and Senator COLLINS for including it in their legislation.

This is the final chart, which again shows the consensus. You can see the checkmarks here again, which are areas that are already included in the bill that were part of the bipartisan discussion, to extend the lobbying ban for Members and senior staff from 1 to 2 years for Members and included more senior staff of Members in a separate amendment. Both were discussed and supported broadly in our discussions.

This is something I also felt very strongly about: Members not being able to negotiate for private sector employment while they are a member of the Senate. Then we put in the date of the election of your successor as the date you can then freely discuss employment opportunities for after your life here in the Senate. We have an exception. There needs to be an exception. If something happens, a personal emergency in the family, or something comes up where you feel you have to leave the Senate for some reason, the opportunity to have those discussions simply must be disclosed within 3 days of having those discussions. Again, we think there needs to be an escape hatch for those kinds of contingencies.

Travel was a very big point of discussion and will be a point of discussion here on the floor of the Senate. Privately funded travel must be preapproved by Ethics, be of educational value, have little or no R and R—rest and recreational value, disclosure of the lobbyist's involvement in the trip, as well as all activities reported after the trip. In other words, you have to file a comprehensive report of what you did, not just what you planned to do.

The area that was not done and that I will be offering an amendment on with Senator MCCAIN and Senator FEINGOLD is having to do with the Members and Federal candidates paying a fair market value for the cost of corporate travel. I know this is very controversial, particularly for Members from larger States using a private aircraft in getting around. But as we will discuss later with Senator MCCAIN and Senator FEINGOLD on the floor, we believe this is an area that needs to be addressed. This is clearly a subsidy. I understand, and I think we all understand, this will probably require higher amounts of money in our accounts to be able to pay for these costs as we travel around our States that now are, in a sense, subsidized by the private sector. But I believe this is a very important transparency issue.

The final issue is the mandatory disclosure of travel on private charter flights by Members as well as Federal candidates, so this is something that we did.

The last thing that is on the agenda, and then I will turn it over to the Senator from Connecticut, Senator DODD, is the gift ban. Now we do have a gift ban in this bill having to do with lobbyists. Lobbyists are no longer allowed to give any gift of any value to Members. The one area that is excluded from that is meals. To be clear, what the Rules Committee did was make a change to current law which says, you are allowed to purchase a meal for a Member of Congress or his staff of up to almost $50. The Rules Committee said you have to now report it if it is above $10. That, I think, is worse than the current law, in my opinion, because it sets up a situation where Members—I can tell you if this is the law that would go into place, I would tell my staff, and certainly I would never have a meal with a Member, because it creates the impression first that you have to report it, and of course any activity that occurred with respect to that lobbyist and your office or legislation you voted on or campaign activities would be tied to this particular event which, of course, may or may not have had anything to do with that particular event, but it creates, I think, an untenable situation. I think the effect of Senator LOTT's suggestion would be, in fact, a ban on meals, so if that would be the effect of it, let's do it.

So I have offered an amendment. Senator DODD came to the floor with the same idea. We have spoken. We have decided to jointly offer an amendment that would ban all meals from registered lobbyists to Members of Congress and their staff. That is the amendment Senator DODD will be teeing up here in a moment. Again, we filed virtually identical amendments.

I am happy to yield to the Senator from Connecticut because of the fine work he has done to be the lead sponsor on this amendment. We need to work together and get this done because the current situation in this bill, in my opinion, is simply untenable and is a potential trap for the unsuspecting, which I would not like to see be visited on any Member of the Senate.

With that, again, I want to congratulate all of those who were involved. I think you see that the bipartisan process we worked on for several weeks yielded the basis—the basis of the bill we have before us has yielded a situation where I think most of the amendments that are going to be offered are going to be offered in a bipartisan fashion because discussions were actively underway that did have sincere collaboration. As a result of that, I think you are going to see a lot of the effort being put forward today in a bipartisan fashion. I am pleased to be able to kick that off with the Senator from Connecticut on the issue of not allowing lobbyists to buy meals for either Members or their staffs here in the Senate.

Mr. President, I yield the floor for the Senator from Connecticut.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

AMENDMENT NO. 2942

Mr. DODD. Mr. President, my colleague from Delaware has asked to be recognized. Before he does that, I am going to send a modification—an amendment on behalf of myself, Senator SANTORUM, and Senator OBAMA to the desk and ask for a modification to be accepted of that amendment.

I ask unanimous consent to temporarily lay aside the Reid amendment for purposes of considering this amendment and then we will go right back to the Reid amendment.

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

The amendment is as follows:

(Purpose: To strike the meals and refreshments exception for lobbyists)

On page 8, strike lines 8 through 16.

AMENDMENT NO. 2942, AS MODIFIED

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 2942), as modified, is as follows:

(Purpose: To strike the meals and refreshments exception for lobbyists)

On page 8, strike lines 6 through 16 and insert the following:

''(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.''

AMENDMENT NO. 2932

Mr. DODD. Mr. President, at conclusion of the vote on the Reid amendment, this would be the next item to be

considered. That is the purpose for offering it now. For the purposes of recognition, I am going back and forth, I believe.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, to clarify, we will need to go back to the Reid amendment or was that automatic under the agreement, so we are back on the Reid amendment?

The PRESIDING OFFICER. The Reid amendment is once again pending.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding there is a unanimous consent we are operating under, but my only request is if the Senator from Delaware goes next, I be recognized after the Senator from Delaware for my amendment.

Mr. LOTT. Mr. President, if I could respond to the parliamentary inquiry before the Chair comments on it, we did get an agreement that yours would be next in order. That was in the previous unanimous consent agreement.

Mr. INHOFE. So I will be following the Senator from Delaware. Thank you.

The PRESIDING OFFICER. Who yields time? The Senator from Delaware.

Mr. CARPER. Mr. President, my thanks to Senator DODD and Senator LOTT. My thanks to Senator LIEBERMAN and Senator COLLINS as well. By working together, they have speeded along reforms that I think most of us agree are badly needed. I am hopeful that the bipartisan approach that they have taken on this issue will rub off on the rest of us, not only with respect to this particular subject but with respect to others that are before us.

I am sure all of us have gone home and heard about how disappointed people are with what they see going on in parts of Washington these days. I think most Delawareans realize we are not all taking bribes and not all lobbyists are crooks. I certainly agree with them. I have met many more good people here during my time in the Senate than bad, and I am sure those sentiments are shared by my colleagues. But similar to those I have spoken to in recent months, news of the Abramoff scandal and of the bribing of Congressmen and their staffs have hit the papers and television news outside the beltway. I am gravely disappointed that our system can allow such excesses and disrespect for the people who sent us here.

The fact is, the American people have lost some of the trust they have placed in their leaders here in Washington. That is dangerous because, as we all know, a lot of the folks around our country did not have a whole lot of trust in us to begin with. That is why I am proud to support today the amendment offered by Senator REID. It would add several provisions from the Honest Leadership and Open Government Act to the bill that is before us today.

Senator REID's amendment would make a good bill even better. It would do so by ending certain practices that at the very least create among our constituents a perception of impropriety.

Along those lines, the Reid amendment would prohibit Members and staff from receiving gifts from registered lobbyists. Many offices, mine included, are already implementing this kind of reform. We will no longer accept meals, entertainment or any other gifts from lobbyists, and will abide by that standard until the Congress decides what the new standard should be.

The Reid amendment would also ban congressional travel funded by companies and other special interests that have business before the Senate. Senator REID's proposals to end the practice of receiving gifts and privately funded travel from lobbyists are, in my opinion, reason enough to vote for this amendment. Unfortunately, we find ourselves at a time and place where even truly significant reforms will be met with skepticism by the American people. While none of us could be bought with a $50 meal, the all too common assumption is that any reform, any new restriction, any new guideline or rule will be written in such a way that Members, staff, and lobbyists will still have loopholes through which to operate.

Bans close all loopholes. In this case, the bans proposed in the Reid amendment would go a long way toward disabusing people of the notion that nothing will change as a result of the reforms that we are debating today.

Let me add one quick comment before I close. However good our rules are in the Senate or House, however well intentioned our rules are, it is critical that the rules be enforced. When we look at what has gone on in the House of Representatives over the last several years, a major problem there was not so much the rules but the failure to enforce the rules that exist, the failure to enforce them with respect to lobbyists and apparently with respect to Members of the House and with members of their staffs.

I hope our work on lobbying reform sends the signal to the American people that we are serious about restoring their trust in us and in this institution. As we all know, that trust is absolutely essential to the good health of our democracy and of our country.

I will yield my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I call up amendment No. 2933. I ask the Senate to set aside the pending amendment.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, it is my understanding it was agreed to by both sides, that I was to be recognized for the purpose of setting aside the amendment and calling up amendment No. 2933.

Mr. LOTT. Mr. President, that was not what was agreed to, as I understand the question, from the Senator from Oklahoma. We have the Reid amendment, and then the next in order was going to be the Santorum-Dodd amendment. Then we were going to go to Senator WYDEN, and then the consent was that the Senator from Oklahoma would be next in order, to offer his amendment and have debate at that point.

Mr. INHOFE. If that is what you recall—that is certainly not the intention of this Senator.

Mr. LOTT. Was that the way it was agreed to?

The PRESIDING OFFICER. That is not what the Chair recalls, but that is what I have been told was agreed to. I will defer to someone who was here before me.

Mr. INHOFE. I ask if our leader would defer for a question. I appreciate very much the Senator's attention. I have been down here since before the bill came up with the intention of being the first one. I yielded to Senator SANTORUM. We wanted to go back and forth. It was my understanding Senator CARPER was recognized and I would be right after him and that time has arrived.

What is the problem?

Mr. LOTT. Mr. President, the Senator is correct. He came here early on, ready to go. But there had already been discussion with Senator SANTORUM about being able to offer his amendment. We try to go back and forth from one side of the aisle to the other.

Mr. INHOFE. Last I saw, Senator CARPER was a Democrat.

Mr. LOTT. He was just speaking. He didn't have an amendment.

Mr. INHOFE. I ask the Chair what his understanding was of the unanimous consent request?

Mr. LOTT. Mr. President, No. 1, we have an order of how amendments will go. On a separate track, we were debating the Reid amendment, and we were alternating back and forth, having speakers speak on the Reid amendment. That is where there seems be maybe a dichotomy. Senator CARPER was going to speak next. Then Senator INHOFE would be able to speak next. That was my understanding.

Mr. DODD. The two Senators from Illinois, I say to my colleague, want to be heard on the Reid amendment as well. We are losing some time. We might have some private conversations on other matters, but let's get through on the Reid amendment before the time expires.

Mr. LOTT. Was there a request pending?

Mr. DODD. It is an informal request.

Mr. LOTT. What is the Chair's impression?

The PRESIDING OFFICER. If the Chair can think for a minute, he will give it.

Mr. INHOFE. While the Chair is thinking——

The PRESIDING OFFICER. At 10:37 an agreement was reached to have a

vote on the Reid amendment at 11:30. At 11 o'clock, the following agreement was reached: Following the disposition the Reid amendment, which will be voted on at 11:30, the Senate will go to the Santorum-Dodd amendment; following that, the Wyden amendment, and following that, the Inhofe amendment. That was the agreement reached at 11 o'clock.

Mr. INHOFE. Will the leader yield for a request? If I do not take more than 2 minutes, may I go ahead and bring mine up, set the current amendment aside and bring it up so it will be in the mix?

Mr. DODD. I will have to object to that. We have to talk about this.

The PRESIDING OFFICER. Objection has been heard.

Mr. DODD. Let's sit down and talk about it.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield a couple of minutes to my friend, Senator OBAMA.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I rise briefly to support the amendment offered by Senator REID. I also support the amendment that was introduced by Senator DODD and Senator SANTORUM, of which I am a cosponsor. But let me focus on the particular provision in Senator REID's bill, the honest leadership bill, that I think all of us should pay attention to, and that is the provision which closes a loophole that would still allow Members and staff to receive free meals from lobbyists up to $50 in value.

On my way over to the floor, I passed a couple of security guards and Capitol police. I asked them how often lobbyists had bought them a meal. Surprisingly, they said none.

I talked to the young women who help us on the elevators on the way up. I asked them: Has a lobbyist ever bought you a meal? The answer was ''no.''

In cities and towns all across America, it turns out people pay for their own lunches and their own dinners, people who make far less than we do, people who cannot afford their medical bills or their mortgages or their kids' tuitions. If you ask them if they think that people they send to Congress should be able to rack up a $50 meal on a lobbyist's time, what do you think they are going to say? You ask them if they think we should be able to feast on a free steak dinner at a fancy restaurant while they are working two jobs to put food on the table. I don't think we need a poll to find out the answer to that one.

I want to be clear. In no way do I think that any of my colleagues or staffers would exchange votes for a meal. But that is not the point. It is not just the meal that is the problem, it is the perception, the access that the meals get you. In current Washington culture, lobbyists are expected to pick up the tab when they meet with Members or staff. It is understood by all sides that the best way to get face time with a Member is to buy them a meal. You don't see many Members eating $50 meals with constituents who come into town to talk about issues on their minds, or with policy experts who are discussing the latest economic theories. Most of these meals that are taken are with lobbyists who are advocating on behalf of special interests. It diminishes perceptions, and it is something that I think has to stop.

Let me close by saying this. If people are interested in meeting with lobbyists or having dinner with lobbyists, they can still do so. It is very simple. You pull out your wallet and pay for it.

I strongly urge we support the Reid amendment. In addition, I strongly support the Dodd-Santorum amendment, of which I am a cosponsor.

I yield my time.

Mr. DODD. Mr. President, Senator DURBIN from Illinois asked to be heard for 2 minutes as well. Senator DURBIN has time during the day to comment on this.

This is a very comprehensive amendment Senator REID has offered. It strengthens what is, in my view, already a very strong bill of the Rules Committee. But it does close some gaps that I think are critically important. I hope we can develop some bipartisan support. It will take some issues we would have to debate later in the day off the table because they would be included in this amendment.

So, again, I urge my colleagues to take a look at this. You may not agree with every single dotted ''i,'' as I said earlier, and crossed ''t.'' But if you agree with the thrust of this, I think it deserves your support and it is one that would strengthen this bill on lobbying reform and the transparency and accountability issues, which are the hallmarks of this joint legislative effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. 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 Reid amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—44

Akaka	Feinstein	Mikulski
Baucus	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Biden	Jeffords	Nelson (NE)
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Clinton	Landrieu	Rockefeller
Conrad	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
Dodd	Levin	Schumer
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Wyden
Feingold	Menendez	

NAYS—55

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—1

Byrd

The amendment (No. 2932) was rejected.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I believe we are ready to go to the Dodd-Santorum amendment.

Mr. DODD. That is true. I believe the Senator from Oklahoma has a unanimous consent request. I am prepared to yield to him.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Yes. My request would be in conjunction with the Wyden amendment but also to bring up my amendment and set it aside so I would be in the mix, if that would be all right. So a couple minutes would do it.

Mr. DODD. And you have asked unanimous consent to be a cosponsor of the Wyden amendment?

Mr. INHOFE. Let me go ahead and propound that.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, there is an amendment I had submitted on holds, and we have been trying to do this for quite some time. My good friends, Senator WYDEN and Senator GRASSLEY, have been trying to do the same thing, and I think Senator LOTT from Mississippi. So what I will do is not offer my amendment No. 2933 in favor of the Wyden-Grassley now Inhofe amendment that will be considered. That is my unanimous consent request.

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

Mr. INHOFE. Madam President, I ask unanimous consent that my amendment No. 2934 be called up for its immediate consideration.

Mr. DODD. Reserving the right to object, that, as I understand it, is in the order after the Dodd-Santorum amendment and the Wyden-Grassley-Inhofe amendment.

Mr. INHOFE. OK. We would be able to get it up and get it in without taking any time. If you want to go back to that order, that is fine.

Mr. DODD. Yes. I would like to do that, if we could, just to maintain the order here.

I believe what the Senator would do, Madam President, after the consideration of the Wyden-Grassley-Inhofe amendment, is then be next in line for his amendment. Is that the Senator's request?

Mr. INHOFE. Well, my request is to go ahead and bring it up now, but that is fine.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, has the Chair ruled on the request?

The PRESIDING OFFICER. The request is withdrawn.

Mr. LOTT. Madam President, let me just say to the Senator, I do not believe we will be able to get a recorded vote before lunchtime on the Wyden-Grassley-Inhofe issue.

We might be able to set that aside and take up yours and get it disposed of before lunch, if that would be convenient to the Senator. I am not asking that yet, but I believe we will probably do that.

Mr. DODD. Madam President, if we could see the amendment our colleague would like to offer, it would be helpful to us. Why don't we do that while I am talking about this amendment, and then before we break from this, we can agree to what the Senator wants. I need to see what the amendment is.

Mr. INHOFE. I would only say that the amendment has been at the desk as of 8 this morning. I assume you have already gone over the amendments.

Mr. DODD. But I understand there are five amendments. I want to know which amendment.

Mr. INHOFE. This would be an amendment having to do with COLAs.

Mr. DODD. Cost-of-living increases. If we could see the amendment, I will be glad—let me start and then he may offer that.

I ask unanimous consent that our colleague from Arizona, Senator MCCAIN, and Senator LIEBERMAN be added as cosponsors to the Santorum-Dodd-Obama amendment. I believe that is what my colleague was interested in being heard on.

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

AMENDMENT NO. 2942, AS MODIFIED

Mr. DODD. Madam President, I call up amendment No. 2942, as modified, on behalf of myself, Senator SANTORUM, Senator OBAMA, Senator MCCAIN, and Senator LIEBERMAN. This is to extend the ban on gifts from lobbyists to include meals from lobbyists as well.

The PRESIDING OFFICER. The amendment is pending.

Mr. DODD. Madam President, this amendment is simple and straightforward. It would ban meals from lobbyists in the same way that the current bill bans all other gifts. For purposes of the Senate gift rule, it would ban meals outright.

The Rules Committee has reported an amendment that bans all gifts. But in an effort to deal with the meal issue, the language of the underlying bill would allow for meals to be paid for by lobbyists but would require, within 15 days of receiving a meal from a lobbyist or a foreign agent, that the name of the person providing that meal and the value of the meal be disclosed on the Member's Web site. In effect, we are banning meals almost without language. The idea that every 15 days we would be reporting these meals probably would result in a ban outright anyway. But it is dangerous to leave language in there because Members could inadvertently forget to report, as well as staff members and the like. It seems to me the better course to follow is to ban these meals outright and to avoid any possible problems that may occur as a result of people having meals and failing to report these in an adequate way or to misreport the details. It unnecessarily creates a tripwire for staff who may attend meetings or events where food is served but where the value is difficult to determine. None of us want to do that.

What we are trying to do with this bill is not to play gotcha or to catch people but to set some very clear bright lines about what is permissible or impermissible behavior. Clearly, you can make a case—and Members have—that meals are very much a part of a culture where business is done. I know many Members and staff over the years have had meals where they discuss legislation or upcoming amendments. There is nothing inherently corrupt about it, but the meal is paid for. And the perception is that there is an undue advantage given to those who are able to take a Member or a senior staff member out for a meal, to then ask them to support a particular provision or oppose something. That creates the impression that Members are somehow being unduly influenced. I will not stand here and suggest that that is the case, but the perception could be that it is the case.

All of us who serve in public life understand that perceptions are more real than reality in many cases, and the average citizen doesn't have the opportunity to do that. Members of our constituency who would like to talk to us rarely get the opportunity that a lobbyist has to sit down. I happen to believe that lobbying is a right. I think it is included in the first amendment of the Constitution to be able to petition your Government. I don't want to be party to things that limit people's ability to come and petition their Government. That is what it is really about.

The word ''lobbyist'' has become a pejorative word associated with evil doing. The idea of petitioning your Government is a very important right, but I don't think it necessarily means that petitioning your Government gives you the right to then necessarily be able to give gifts or provide meals to the person whom you are petitioning. The average person can't do that. We don't think lobbyists should be able to do so as well.

Our language very simply takes it off the table. It is the cleanest way to do it. I know there are fact situations that our colleagues can identify that are probably going to be disadvantageous to them, but overall I think we are better off without this. It is cleaner. It is a bright line. Let there be no questions about it whatsoever; if you are a registered lobbyist, a foreign agent, then you cannot provide the meals or the gifts that you have in the past.

As a Member, it is simple. If you are having a meal with them, you pay for your own meal or set up a meeting where there is not a meal involved and listen to the petition that that lobbyist wants to bring to you, what cause he or she wants to make to you. But the idea that you are going to be able to sit down and break bread at their cost as a way of engaging in that first-amendment right is something we believe should be eliminated. We include it with the gifts, generally. The nexus between giving a gift, buying a meal, and petitioning your Government cannot be made, in my view, and, therefore, needs to be separated. Therefore, we have offered this amendment to create that bright line and to eliminate not only gifts but also clearly to eliminate the meals as well.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I echo the comments made by the Senator from Connecticut. He covered all the salient points. I did so earlier in a broader discussion on the bill. This really is a tripwire. The current language could cause all sorts of problems for Members and staff. The better policy is to simply ban this activity. That does not mean that you can't go out with people who aren't lobbyists, and if you have a constituent who has come into town and you can buy them dinner or lunch and they can buy you dinner or lunch, that is all well and good but subject to the gift limits that are in place right now. But when you are in the business of lobbying Members of Congress, as the Senator from Connecticut said, it does without question present the perception that there is some undue influence involved with the purchase of a meal.

I understand that we are talking about small meals as well as large. But the bottom line is, that perception is

not helpful to the image of this body. Perception and reality should be a concern of ours because public confidence in this institution and those of us in it is vitally important to the success of our democracy. This is an important measure. It is a small measure but it is important to get it accomplished. I hope we can do so by consent or by voice vote. I don't see anybody else on the floor. I don't know if the Senator from Mississippi wants to speak on this amendment, but I would like to suggest that we agree to this by voice vote and then have the Senator from Oklahoma, who has been incredibly patient in waiting to offer his amendment, be given the right to do so.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Pennsylvania for working with me on this amendment, and I thank my colleagues, Senator MCCAIN from Arizona and Senator OBAMA, who have been deeply interested in this subject matter as well as others. There is a colleague who is thinking about offering a second-degree amendment to our amendment, so we will unfortunately not be able to vote on this right now. We are going to be talking to him to work it out if we can. My hope would be that unless others want to speak against this, and there may be Members who would like to speak against it, in which case a recorded vote may be necessary, but if we no one is objecting to this amendment, my hope is we can deal with it on a voice vote and get to the next amendment.

I want to move this bill. I don't want to spend the next 2 or 3 weeks on it. We have major issues that have to be confronted by this body. This is an important one. I do not minimize it. But my hope is we can get this dealt with, done, and move on. We have issues that are very important to the people we represent. My hope is that we don't take too much time on that, and we can get to those questions.

Mr. LOTT. If I may inquire of the Senator from Connecticut, is he proposing that we go ahead and accept this on a voice vote?

Mr. DODD. We can't at this point. I have a colleague who wants to offer a second degree.

Mr. LOTT. Then while the Senator from Connecticut talks to his colleagues and determines how we can work on that issue, I will make a few brief remarks.

I want to say, again, to Senator SANTORUM how much I appreciate the work he has done. He didn't just try to find a way to give this issue a hit and miss; he got into great detail. I had a lot of questions as we went along on different aspects of his proposal. He was always able to give me thoughtful answers. I appreciate that very much. He worked in the Rules Committee, offered some amendments that were accepted. And in this case, he agreed to make it bipartisan, once again, by joining Senator DODD on the meals question. I emphasize how much I appreciate what he has done.

Frankly, I have no problem, personally, with banning lobbyists from paying for meals. Fine. Anybody around here who knows me at all knows that I probably do less of that than just about anybody. I have breakfast with my family: my kids, when they were still living at home before they went off to college, and my wife now. When the Sun goes down, I am ready to go home because I believe there is something called a life, family life. The Senate is not my only life. I think more of my wife than I do the Senate. I go home every night and eat with my wife. I recommend a lot of other people doing it instead of going to all these blame dinners.

I am a little offended at the whole concept that you can be bought by a meal. I don't get it. That is where I do get upset. I think there are some things we need to do, should do, can do to make the rules tighter, to have more clarity, disclosure, transparency with regard to lobbying reform. I am going to go along with this because, personally, it will give me a fine excuse just to say ''no.'' But I think we are creating some unintended problems. The Rules Committee bill says that you must disclose the cost of such meals that you go to 15 days after you share the meal. To me, that is better. Are we going to stop eating? It might be a good idea for some of us, but I have been going to meals where you talk about issues since I was in elementary school.

Again, I believe in being honest about it, disclose what you are doing, you have had a meal, whom it was with, and then let your constituents decide. They don't expect me to come up here and not go to a luncheon or a meal with school teachers or labor union members or executives from Northrop Grumman or lobbyists, somebody who represents a group, cable television. First of all, they are a source of information. I benefit from it. But I don't just go to lunch to meet with lobbyists from cable television. I also talk to telephone people. You talk to everybody. That is what our republican form of Government is all about. People are here to try to find out the details of issues and then try to cast an intelligent vote. The very idea that if I sit down with them or go to lunch with them or go to a dinner, which I generally don't, that is somehow questionable—no Senators are running up tabs of hundreds of thousands of dollars at the expense of lobbyists.

By the way, the rules now say that the maximum value of a meal we can receive from a lobbyist is less than $50. I don't know that that is a great meal, but you could have a pretty good meal. Being a guy who likes hamburgers and pizzas, I am very happy to get a meal of less than 50 bucks. But I do think if we call for a ban on all these meals, that we are going to have some unintended problems for ourselves and our staffs.

What happens if you go to a luncheon that is sponsored by a lobbyist organization, maybe it is under $50, maybe you get a box lunch. Are we going to be scurrying around saying, what is my pro rata share of this lunch? Maybe we shouldn't go to these policy luncheons. That is what is going to happen. Or you go and you don't eat. It is totally ludicrous that we are doing this.

But my attitude is, fine, if that is what the Senators want to do for themselves, no skin off my back. But I do think we are going to regret this, and we are going to look small. Not this amendment or the Senators involved, who are well intentioned, but I think we demean ourselves by inferring that we could be had for the price of a lunch or a dinner. That is not the case.

Having said that, it is clear that in a bipartisan way the Senate wants to do this. So be it. I will be eating with my wife and so will a lot more Senators after we pass this one.

Madam President, could I inquire, are we ready to deal with this amendment? Do we want to set it aside and go to another amendment?

Mr. DODD. If my colleague would withhold, maybe we can temporarily set this aside if Senator INHOFE wanted to go forward with his amendment. He can explain his amendment. If the Senator would withhold a minute, Madam President, I suggest the absence of a quorum.

Mr. LOTT. Will the Senator withhold on that?

Mr. DODD. Yes.

Mr. LOTT. Madam President, I suggest to the Senator that if the Senator wants to offer a second-degree amendment, it sounds like it could be offered to just about every other amendment pending.

Mr. DODD. And he could offer it as a first degree, also.

Mr. INHOFE. If he should come on the floor—he or she—with a second-degree amendment, I would be glad to suspend.

Mr. DODD. My colleague is on his way over to offer the second-degree amendment.

Mr. LOTT. Madam President, Senator INHOFE has been so helpful and understanding. We have kind of, because of the effort to go back and forth, pushed him aside. I ask that in view of the fact that we are waiting for a Senator to arrive—I think the amendment Senator INHOFE wants to offer can probably be accepted. Would it be possible to ask unanimous consent to set aside the pending amendment and go to the Inhofe amendment and be prepared to come back to the pending amendment?

Mr. DODD. That is fine.

Mr. LOTT. Madam President, I make that unanimous consent request.

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

AMENDMENT NO. 2934

Mr. INHOFE. Madam President, first of all, I ask to bring up my amendment, No. 2934.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2934.

Mr. INHOFE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To deny Members who oppose Congressional COLA's the increase)

At the appropriate place in the bill, insert the following:

SEC. ___. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading ''MEDICAL SERVICES'' under the heading ''VETERANS HEALTH ADMINISTRATION''.

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2007.

Mr. INHOFE. Madam President, this amendment is very simple. I have always felt that the greatest single hypocrisy every year is when Members come up and vote to exempt Members of Congress from a cost-of-living increase. The hypocrisy comes in when all the press releases hit the home State and they talk about how great this is, saying they are great reformers and then, of course, it is defeated and they end up taking the increase anyway.

Basically, what this does is say if you vote in favor of an increase by voting against an exemption of Congress, then you are not entitled to the increase. It is as simple as that. I say this, too: I love the Kennedys and the Rockefellers, but I don't think you should have to be a Kennedy or a Rockefeller to serve in this body. I can think of many people, such as Senator Dan Coats—Democrats and Republicans alike would hold him up and say there is a guy who was an outstanding Member and he had to quit because of his kids getting up to college age, and he knew he would be able to make enough money to send them to school outside of serving in the Senate.

If there is ever any transparency in stopping hypocrisy, that is what this would be. I am glad to have this in the mix, and when the appropriate time comes, I will call for a vote. It doesn't necessarily have to be a rollcall vote. I will leave that up to the leadership.

With that, I yield the floor.

Mr. LOTT. Madam President, I thank Senator INHOFE for being cooperative and bearing with us. I am glad we were able to get this amendment on the record. I voted for this before. I think Senator Pat Moynihan one time rose up in indignation and suggested an amendment of this type, and I voted for it.

I think it is well intentioned, something that we will need to think about and work on the exact language. I would propose, if Senator DODD wants to be heard on it, OK; but if we can accept it after that, I recommend that we do that.

Mr. DODD. Madam President, I thank my colleague for his patience this morning. He has been here a long time. He had several amendments he wanted to offer. Again, having been here as many years as I have been, I have voted for and against cost-of-living increases, depending on whether I thought they were appropriate. Many times I voted for them and other colleagues voted against them. To their credit, some of our affluent Members have voted for pay increases when they clearly could have avoided it. I mention my colleague from Massachusetts. I know in my experience here, on every occasion—there may be some exception—he has voted for them when he believed pay increases were warranted. Even though he may not have needed it himself, he understands that not everybody is equal when it comes to financial situations. I have had those feelings myself. I voted against these pay increases and then having blinked when it comes to taking the pay increase.

If you feel that strongly about it and you think it is the wrong thing to do, nothing prohibits you from turning in your pay increase. You can write a check to the Department of Treasury and they will accept your check. People leave in their wills their hard-earned dollars to the Federal Government. On several occasions I have read that people have actually done that. Nothing prohibits Members from doing that. So I am very moved by what my colleague from Oklahoma is saying, and we may want to wait until we have disposed of the Reid amendment so you can talk to colleagues as to how they feel about it.

Mr. INHOFE. If the Senator will yield, I want to get a vote. If I had a chance to make my full remarks, I would go into more detail. I am one of the fortunate ones who have other sources of income. As most of you know, I also do things that go to charity. I am probably a logical one to introduce this. I have heard several Members on your side of the aisle say they are supportive, and I anticipate they will be adding their names as cosponsors of this amendment before it comes up for a vote.

Mr. LOTT. Madam President, I believe there is objection to accepting it at this time. I hope we will be able to get that worked out. If not, the Senator can speak at length. I feel so strongly about it, I ask unanimous consent that my name be included as a cosponsor of this amendment.

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

Mr. LOTT. Madam President, I will soon ask unanimous consent to set aside the Inhofe amendment and return to the pending amendment, the Santorum/Dodd or the Dodd/Santorum amendment.

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. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Madam President, we have checked on both sides of the aisle and we are, I believe, clear now to accept the Inhofe amendment. I urge that the Inhofe amendment be accepted by a voice vote.

Mr. DODD. Madam President, I support that.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 2934) was agreed to.

Mr. DODD. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2942, AS MODIFIED

Mr. LOTT. Madam President, we are back to the Dodd-Santorum amendment.

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

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

Mr. LOTT. Mr. President, once again, let me thank my colleagues on both sides of the aisle, Senator DODD for his efforts, and Senator FEINGOLD for his cooperation in getting an agreement to move forward with the pending amendment. The pending issue is the Dodd-Santorum amendment, and I believe we are clear now to act on that amendment.

Mr. DODD. Mr. President, we are prepared to vote. Again, I thank my colleagues. I think this is a good amendment. I appreciate my colleague from

Pennsylvania as well as my colleague from Illinois, and my home State colleague, Senator LIEBERMAN, and Senator MCCAIN, who have joined as cosponsors. I think we have made a good case for it, the bright line to get rid of the tripwires. That is a word you will hear me use quite frequently during the course of this discussion. We need clear, bright lines. We are not trying to complicate or make life difficult for people, but we are trying to make sure we have some very clear understandings as to what is permissible or not permissible in the conduct of our official business. So I thank my colleagues for their support.

Mr. LOTT. Mr. President, I ask unanimous consent that before we move to the amendment at hand, Senator FEINGOLD have his amendment in order following the Santorum-McCain amendment, and we will put it in the queue at that point. If it turns out not to be, we will work with the Senator at a later time.

Mr. FEINGOLD. Mr. President, reserving the right to object, and I will not object, let me say I appreciate the work of the Senators on this. Clearly what Senator DODD did is an improvement. I, however, believe we need to do more. I don't see this as a question of tripwires. What I see this as is a question of whether certain often well-to-do individuals who work for companies, who are not themselves registered lobbyists, be able to take Members of Congress out to lunch without the Member paying his own way for dinner, and I want to offer an amendment on that. But I want to acknowledge that Senator DODD has achieved a significant step in the right direction.

I will offer my approach to this a bit later.

Mr. LOTT. Mr. President, if I could modify my request, since I understand we had not gotten an agreement formally locked in. But after we dispose of the Dodd-Santorum amendment and the Wyden-Grassley amendment, the next amendment to be in order is the Santorum-McCain amendment, to be followed by the Feingold amendment.

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

AMENDMENT NO. 2942, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Dodd amendment No. 2942, as modified.

The amendment (No. 2942), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today so that the parties can have their respective conference meetings.

There being no objection, the Senate, at 1:12 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe the Senate did clear the Dodd-Santorum amendment, so the pending issue is the Wyden-Grassley-Inhofe amendment.

The PRESIDING OFFICER. The amendment has not been submitted so it is not currently the pending question.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. LOTT. Mr. President, I believe, then, we would be ready to go with this amendment.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 2944

Mr. WYDEN. Mr. President, I propose the Wyden-Grassley-Inhofe amendment, No. 2944, which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. GRASSLEY, proposes an amendment numbered 2944.

Mr. WYDEN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter)

At the end of title I, add the following:

SEC. ___. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

''I, Senator ___, intend to object to proceeding to ___, dated ___.''.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notices of Intent to Object to Proceeding''. Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) REMOVAL.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

''I, Senator ___, do not object to proceeding to ___, dated ___.''.

Mr. WYDEN. Mr. President, if you walked down the Main Streets of this country and asked people what a hold was in the U.S. Senate, I think it is fair to say nobody would have any idea what it is you were talking about. In fact, they might hear the world ''hold,'' and they would think it was part of the wrestling championships that are going on across this country right now. But the reason I am on the floor of the Senate today with my distinguished colleague, Senator GRASSLEY, and Senator INHOFE, is that the hold in the Senate, which is the ability to object to a bill or nomination coming before the Senate, is an extraordinary power that a United States Senator has, and a power that can be exercised in secret.

At the end of a congressional session, legislation involving vast sums of money or the very freedoms on which our country relies can die just because of a secret hold in the Senate. At any point in the legislative process, an objection can delay or derail an issue to the point where it can't be effectively considered.

What is particularly unjust about all of this is that it prevents a Senator from being held accountable. I think Members would be incredulous to learn this afternoon that the Intelligence reauthorization bill, a piece of legislation which is vital to our national security, has now been held up for months as a result of a secret hold.

I am going to talk a little bit about the consequences of holding up an Intelligence authorization bill in a moment. But I want to first be clear on what the Wyden-Grassley-Inhofe amendment would do. It would force the Senate to do its business in public, and it would bring the secret holds out of the shadows of the Senate and into the sunshine. Our bipartisan amendment would make a permanent change to the procedures of the Senate to require openness and accountability. We want to emphasize that we are not going to bar Senators from exercising their power to put a hold on a bill or nomination. All we are saying is, a Senator who wants that right should also have a responsibility to the people he or she represents and to the country at large.

Now, to the hold on the Intelligence bill that has been in place for more than 3 months, I think every Member of the Senate would agree that authorizing the intelligence programs of this country is a critical priority for America. Striking the balance between fighting terrorism ferociously and protecting our civil liberties is one of the most important functions of this Senate. The bill that is now being held up as a result of a secret hold, the Intelligence reauthorization bill, has been

reviewed by a number of Senate committees. It was reported by the Intelligence Committee late last September, by the Armed Services Committee last October, and by the Homeland and Governmental Affairs Committee last November.

I particularly commend Chairman ROBERTS who worked with me on a number of amendments, amendments that I felt strongly about, because this legislation does ensure that there will be accountability and oversight in the Intelligence Committee by establishing a strong inspector general, by requiring that the committees get the documents they need to perform effective oversight over the intelligence community, and by making the heads of the key agencies subject to Senate confirmation.

I think the Senate would particularly want to know if this legislation, the Intelligence reauthorization bill that is held up by a secret hold, does not move forward, it will be the first time since the Senate Select Committee on Intelligence was established in 1978 that the Senate has failed to act on an Intelligence reauthorization bill.

What we have is a situation where a single, anonymous Senator has invoked a practice that cannot be found anywhere in the Senate rules and has lodged an objection to a piece of legislation that is critically important to the well-being of America. Senators have often asked Senator GRASSLEY and myself and Senator INHOFE: Where are the examples of these secret holds? Exactly why do you believe your legislation is important? We now have a textbook case of a secret hold that is injurious to America.

For all the talk about earmarks—we have been discussing that here on the Senate floor, as well as the scope of conference, line-item vetoes and the like—I would wager that no weapon is more important and more powerful to each Senator than the ability to stop amendments, legislation, and nominations through secret holds. I believe as U.S. Senators we occupy a position of public trust and that the exercise of the power that has been vested in each of us should be accompanied by public accountability.

I have no quarrel with the use of a hold. I have used them myself on several occasions. But what is offensive to the democratic process is the anonymity, the secrecy, the lack of accountability when a Senator tries to exercise this extraordinary power in secret.

Let me just wrap up, because I see the distinguished chairman of the Finance Committee is here, with a quick minute on the history of these efforts. Senator GRASSLEY and I have been at this for almost a decade. The Rules Committee held a hearing on our proposal in the summer of 2003. We worked with Chairman LOTT and with the ranking minority member, Senator DODD, extensively. This is a matter that has been considered at length by colleagues.

Senator LOTT knows firsthand about this issue because he has personally spent many hours with me as he has wrestled with it, and in fact tried to set in place some voluntary procedures that would curtail the abuses of the secret hold.

These secret holds have been an embarrassment to the Senate in my view, and they have been an embarrassment for a long time. But I cannot recall an instance where we had a hold, a secret hold on the Intelligence authorization bill at a time when our country is at war. This is a practice that needs to end.

I yield now for the distinguished chairman of the Finance Committee, Senator GRASSLEY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, today I put a hold on the President's nominee for the Export-Import Bank. I don't usually issue a press release when I do that, but I did that because it is in relationship to a problem we are having with the Export-Import Bank on an ethanol issue, and I want the people to know that it is broader than just some of the small reasons you do holds around here.

But I have had a practice, as this amendment would mandate—I have had a practice over the last 7 or 8 years of putting a statement in the CONGRESSIONAL RECORD when I use a hold. I believe I use a hold a little less often than some of my colleagues do, but I agree. A lot of people maybe use a hold because they do not want to put up with the fuss that goes on when you make public why you are holding up a bill and who you are. But I want to assure you, I have been in the Senate for 25 years, and I have not lost one ounce of blood. I have not had one black and blue mark. I don't believe I have had any fight with any colleague over the practice when they know who I am.

Of course, if they were secret and they never knew I was doing it, I wouldn't have to worry about any of these things. But I believe, as my colleague from Oregon does, that the people's business is the people's business, and the people's business ought to be public. I believe if you have guts enough to put a special hold on legislation, you ought to have guts enough to say who you are and why you are doing it. I think your constituents ought to know that. But more importantly, just to get things done around here, your colleagues ought to know who it is because if you have a gripe, let's get the gripe out in the open and let's talk about it.

What is wrong in America that we do not want to talk about some things? I don't know how often my constituents brag about: ''There are two things I never talk about, religion and politics.'' There are no things that you ought to talk about more than religion and politics because they have more influence on your life than anything else that we do in American society. But somehow you can't think that you can do it in a civil way when you ought to be able to do it in a civil way. In the U.S. Senate you ought to be able to do all this stuff in a civil way.

I hope my experiences of not having any harm done to me in any way for putting a hold on, that people will back this amendment and get the public's business out. There is nothing wrong with the word ''hold,'' but there is something wrong with the word ''secret.'' When you read it in the newspapers you never hear the word ''hold'' unless the word ''secret'' is connected with it.

The people around the countryside of America, at least in my State of Iowa, think what is wrong with American Government is that there is too much secrecy, too much behind-the-scenes dealing, too much money in politics—all those things that give us kind of a black eye with the public. This is not going to solve these problems, just taking the word ''secret'' out of the hold.

But at least the newspapers won't be able to use the word ''secret'' anymore. And maybe when bit by bit we do some of these things around here we will be able to elevate public service to be the honorable profession that it ought to be.

This is a small effort on the part of my colleague and myself and now Senator INHOFE to do that.

How do you eat 10,000 marshmallows? You eat one at a time. How are you going to raise public respect for the Senate? You are going to do it a little bit at a time. This may be too little for some people. But the way caucuses are being held around here on this very subject in the last hour, you know this is a big deal—and it should be a big deal.

This is the public's business. Having expressed those views, I would like to go to a statement I have that maybe will make more sense.

The time has come for the Senate as a body to rid itself of a serious blemish. And, of course, I am talking about the practice I just spoke about of placing anonymous holds on legislation or nominations.

The power of the hold is to stop a bill or a nomination in its tracks, which each Senator possesses. It was never authorized or even intended. It is just a practice. It is not in the books.

I do not object to the use of this powerful tool, so long as it is accompanied with some public accountability. However, the current lack of transparency in the process is an affront to the principle of open government, and I think it is an embarrassment to this body.

The amendment by Senator WYDEN and myself and Senator INHOFE which we proposed today would establish a standing order requiring that holds be made public. We believe it is time to have the Senate consider our proposed standing order and then decide as a body whether to end this secret process.

For my colleagues who might be apprehensive about this change in doing business, I ask you to just give it a try. I should point out that this measure is a standing order which, while binding on Senators, does not formally amend the Senate rules and can more easily be changed if it turns out to be unworkable.

I have no doubt that once instituted this reform will be found to be very sound and no reason will be found why it should not be continued for a long period of time. For years, I have made it my practice to publicly disclose in the CONGRESSIONAL RECORD any hold that I place along with a short explanation. It is quick, it is easy, and it is painless. I want to assure my colleagues of that.

Our proposed standing order would provide that a simple form be filled out, much like we do when we add cosponsors to a bill. Senators would have a full 3 session days from placing the hold to submit the form. The hold would then be published in the CONGRESSIONAL RECORD and the Senate Calendar. It is just as simple as that.

This amendment is essentially the same as S. Res. 216 in the 108th Congress, which was a collaborative effort between myself, the Senator from Iowa, Mr. WYDEN, Senator LOTT, and Senator BYRD.

In the last Congress, Chairman LOTT held a hearing in the Rules Committee on the issue that is before us. Since that time, I have worked with Senators WYDEN, LOTT, and BYRD to come up with what I think is a very well thought out proposal to require public disclosure of holds on legislation or nominations in the Senate.

It says a lot that this proposal was written with the help of such outstanding Senators as Senator LOTT and Senator BYRD. As chairman of the Rules Committee and as former majority leader, Senator LOTT brings valuable perspective and experience. It is also a great honor to be able to work on this issue with Senator BYRD, who is also a former majority leader and an expert on Senate rules and procedures.

I can think of no reason a single Senator should be able to kill a bill or a nomination in complete secrecy. Despite recent attempts by the leadership to curb abuses of holds, the secret hold remains a stain on the fabric of the Senate.

It is time for the whole Senate to consider our proposed standing order and speak as a body on this issue. If any Senator believes I am misguided in this, I welcome their discussion.

I have yet to hear a single good reason we should allow secrecy to creep into what ought to be a very public legislative process. In fact, public discussion on this matter is long overdue. If this practice that is in the shadows of legislation is to continue, let us at least say so publicly.

I can think of no better time to consider this long overdue measure than in the context of a bill titled the ''Legislative Transparency and Accountability Act.''

If we don't end this in a bill with this title, we are missing a chance that we have been waiting for for 10 years. I thank the chairman of the committee for that opportunity. That is why this measure is all about transparency and accountability.

The purpose of the underlying bill is to restore public confidence in Congress by making our actions transparent and accountable. Secret holds run contrary to both principles. They are done in complete secrecy and allow Senators to avoid public accountability for action. The underlying bill requires disclosure of earmarks in advance of conference negotiations and increased disclosure of trips and employment negotiations.

I ask my colleagues to support the Wyden-Grassley-Inhofe amendment so that we can use this one small step to restore confidence and have more public accountability.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin by commending the two sponsors of this proposal. I know that each of them has worked so hard and so long trying to end the practice of secret, indefinite holds being put on either nominees or placed on legislation. I believe this proposal is consistent with the goal of this legislation which is more accountability and more transparency. I commend both of them for their effort.

I would like to engage the sponsor of this amendment in a colloquy in order to clarify that his proposal is not intended to reach a very temporary hold that is placed on a bill in order to allow for review of that legislation.

Let me give a specific example. Occasionally, bills will be discharged from their authorizing committees. These are not necessarily on the calendar. They are discharged from the committee, and the bill will be hotlined on both of our sides to see if there is any objection.

Obviously, putting a temporary stay on the consideration of a discharged bill in order to allow a few hours for review or even a day for review is completely different from the practice of secretly killing a bill by putting an indefinite anonymous hold.

I wonder if, through the Chair, I could inquire of the sponsor if it is his intention to distinguish between those two situations. I would call one a ''consult hold'' perhaps, and one a ''killer hold.''

Mr. WYDEN. Mr. President, as usual, the distinguished Chair of the subcommittee has put her finger on an important distinction. I want to take a second to describe how the legislation addresses it. I think we are of like mind on it. Subsequently, a lot of time was spent by the distinguished chairman of the Rules Committee and Senator DODD and Senator BYRD on this matter.

What the distinguished Chair of the Homeland Security Committee is describing is essentially a consult. For example, a Senator wants to be notified about a bill that is headed for the floor. Very often that comes up, say, when a Senator is in his or her home State and frequently needs to be able to come back, and it takes a day, and they need to be able to review it.

Under the Wyden-Grassley-Inhofe amendment we make very clear it is not our intention to bar those consults. We like to use the word ''consult,'' which is a protected tool for a Senator as opposed to the question of a hold.

I think perhaps another way to clarify it is a consult is sort of like a yellow light. You put up a little bit of caution—that we need a bit of time to take a look at it. A hold is a red light when you are not supposed to go forward. We don't want people to be able to exercise those holds in secret. We think it is fine to have the kind of consult that the distinguished Chair of the Homeland Security Committee has described.

In fact, to ensure that we have this kind of procedure that the Senator seeks, we call for 3 days before an individual has to put in the CONGRESSIONAL RECORD that they have a hold on a matter.

I think we are clearly in agreement—that the consult is protected, but the secret hold and forcing the Senate to do its business in public is what is going to change.

Ms. COLLINS. Mr. President, I very much appreciate the explanation and clarification of the sponsor of the amendment. I am in complete agreement with the differences that he described. I believe his proposal would inject needed transparency and accountability into the process, not to mention that I would know who puts those holds on my bills.

I hope this proposal will be adopted. I intend to support it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support this amendment offered by the Senator from Oregon, the Senator from Iowa, and the Senator from Oklahoma. I thank them very much for doing it.

I must say, as I listened to the debate I thought back to the winter of 1988 after I was elected to the Senate.

Incidentally, a distinguished member of that cast was the honorable Senator from Mississippi, and we attended the orientation session together that winter for new Senators. I remember then Senator Wendell Ford from Kentucky came before us to give us instructions about Senate procedure.

He said: Look, I remember when I was just elected to the Senate. You are going to find a lot of things around here that don't make much sense to you, but they will over time.

Then Senator Ford stopped for a moment, and said: Take the seniority rule. The longer I am here, the more sense it makes to me.

I want to say the longer I am here, the less sense the secret hold procedure makes to me. Honestly, it has become increasingly outrageous when you think about it—that this body can be stopped by an action that is secret, and the source of the action is not known on a measure that is on the Senate floor because it came out of a committee. It is really outrageous.

I congratulate Senators WYDEN, GRASSLEY, and INHOFE for seizing this moment of reform brought about by the reports from the Rules Committee and our own Homeland Security and Governmental Affairs Committee to take this opportunity to get rid of this outdated but really outrageous part of Senate procedure.

If somebody cares enough to hold up a measure and hold up the rest of us from considering it on the floor, the least they can do is have the guts to reveal their identity.

That is all this change would bring about.

I thank my colleagues. I look forward to supporting this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I defer to the manager of the bill.

Mr. LOTT. Mr. President, is the Senator from Louisiana speaking on the same issue? If you would defer, Senator INHOFE has become one of the lead cosponsors of this amendment. I think you would probably like to be heard in sequence. Then the floor would be open for questions.

Mr. WYDEN. Mr. President, at this point, after the Senator from Oklahoma has spoken, it would be my intention to very briefly wrap up the case for the Wyden-Grassley-Inhofe amendment. We would yield our time at that point, and we are going to ask for a recorded vote.

The PRESIDING OFFICER. The Senate is not currently operating under a time agreement.

Without objection, the Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first, I was fascinated by the comment from the Senator from Connecticut that after a few years some of this stuff will make sense to us. I have only been here 20 years. I am a patient man; I will wait.

Let me put this in perspective, as far as my interest in this. Back in 1986 I was elected to the House of Representatives. There was a procedure that was used at that time called the discharge procedure whereby a person could discharge a bill out of the committee without having committee action, but it could be blocked by someone and we could not know the name of the person who blocked it.

Consequently, we found ourselves in this situation where there would be legislation that everyone at home is very excited about. We could go home and campaign and say, yes, I am for this. I remember several of the West Texas Democrats wanting to oppose gun control. Yet their caucus wanted them to support gun control. So they would tell the people at home that they were opposing it. Yet they were the very ones who kept it from coming up for a vote.

That is exactly the same thing we are dealing with here. In 1994 we were able to pass that reform. When we came over here in 1994, I was not even aware that you could put a hold on a bill without disclosing who you were or who was putting the hold on. This is a very similar thing. It is transparency, bringing it out in the open.

I agree with my good friend Senator WYDEN that if Members want to, they can put a hold on a bill. This does not affect that. Members just have to say who they are.

This morning I had my amendment on the floor and Senator WYDEN and Senator GRASSLEY showed me their amendment was essentially the same. I was very happy to fold mine in. I am happy to be part of this.

After a number of years now, this will become a reality. I applaud my fellow cosponsors for the fine work they have done.

Let me review how that means of obfuscation worked—this from the CONGRESSIONAL RECORD, page H1131, March 10, 1992:

A good example is the method Members from the House of Representatives used to hide their votes from the people concerning a balanced budget amendment to our Constitution. Shortly after it was discovered in a USA Today poll in 1987 that over 80 percent of the people in America want a balanced-budget amendment to the Constitution, House Joint Resolution 268 was introduced. House Joint Resolution 268 immediately gained 246 coauthors from over the Nation. I can just envision, at the town hall meetings back home, a liberal Democrat standing up and holding House Joint Resolution 268 in his hand saying, ''See here, ladies and gentlemen. This is my name as cosponsor of House Joint Resolution 268.'' What the Congressman didn't tell these people is that he has no intentions of allowing House Joint Resolution 268 to come up for a vote. How does this Congressman, who is trying to make the people back home believe that he is supporting a budget-balancing amendment to the Constitution, keep from having to vote on it?

It is very simple, the Speaker merely puts it in a committee and then makes a deal with the committee chairman not to bring it up for consideration. The only way that it can be brought up for consideration is for a discharge petition to be signed by 218 Members of Congress. The discharge petition is in the Speaker's desk and must be signed during the course of a legislative day. However, the names of those individuals who sign a discharge petition are kept secret and if a Member discloses the names of other Members who sign the discharge petition, he can be disciplined to the extent of expulsion from membership of the House of Representatives. So House Joint Resolution 268 had 240 cosponsors, but only 140 Members were willing to sign the discharge petition.

Pretty cozy, huh? The Congressman can falsely represent his position to the people at home and never have to vote on the issue. I might add that there is a happy ending to that House Joint Resolution 268 story. Several of us contacted a national publication. While the publication knew we couldn't divulge the names of those who signed the discharge petition, they agreed to print the names of the individuals who coauthored House Joint Resolution 268, but did not sign the discharge petition. We found a loophole in the corrupt institutional system that protects Congressmen from their electorate and as a result of that, we were able to immediately force it out onto the floor and we missed passing a balanced-budget amendment to the Constitution by only seven votes.

That situation disturbed me so much that in March of 1993 I filed a one-sentence bill on the House floor challenging the secrecy, ''Once a motion to discharge has been filed the Clerk shall make the signatures a matter of public record.''

I had 87 cosponsors, and it passed by a vote of 384 to 40.

In an article about my initiative, Reader's Digest in November of 1994 wrote, ''The success of this legislation is proof that when Congress is required to do the people's business in the open, the people—rather than special interests—win . . . the passage of this one bill is an important first step in the right direction. And it took a little-known Representative form Oklahoma to point the way.''

I ask unanimous consent to have printed in the RECORD the full text of this article.

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

[From the Reader's Digest, Nov. 1994]

A STORY OF DEMOCRACY AND CAPITOL HILL: HOW THE TRIAL LAWYERS FINALLY MET DEFEAT

(By Daniel R. Levine)

When a twin-engine Cessna airplane crashed near Fallon, Nev., four years ago, the National Transportation Safety Board (NTSB) ruled pilot error was the cause. But that didn't stop lawyers for two of the injured passengers from suing Cessna on the grounds that the seats on the 25-year old plan did not provide adequate support. The seats had been ripped out without Cessna's knowledge and rearranged to face each other. But the lawyers claimed that Cessna should have warned against removing the seats. A jury awarded the two plaintiffs more than $2 million.

In Compton, Calf., a single-engine airplane nearly stalled on the runway and sputtered loudly during take-off. Less than a minute into the air it crashed, killing two of the three people on board. On July 18, 1989, two days before the one-year statue of limitations would expire, the survivor and relatives of the deceased passengers filed a $2.5 million lawsuit naming the plane's manufacturer, Piper Aircraft Corp., as a defendant. Not mentioned in the suit was the fact that the plane, built in 1956, had been sitting at the airport unused and uninspected for 2½ years. The case, awaiting trial, has already cost Piper $50,000.

The NTSB found that 203 crashes of Beech aircraft between 1989 and 1992 were caused by weather, faulty maintenance, pilot error or air-control mishaps. But trial lawyers blamed the manufacturer and sued each time. Beech was forced to spend an average of $530,000 defending itself in each case and up to $200,000 simply preparing for those that were dismissed.

Such product-liability lawsuits have forced small-plane makers such as Cessna to carry $25 million a year in liability insurance. In fact, Cessna stopped producing piston-powered planes primarily because of high cost of defending liability lawsuits. Thus, an American industry that 15 years ago ruled the world's skies has lost more than 100,000 jobs and has seen the number of small planes it manufactured plummet from over 17,000 in 1978 to under 600 last year.

That may all change. Bucking years of intense lobbying by trial lawyers, Congress voted last summer to bar lawsuits against small-plane manufacturers after a plane and its parts have been in service 18 years. The legislation will create an estimated 25,000 aviation jobs within five years as manufacturers retool and increase production.

This was the first time that Congress has reformed a product-liability law against the wishes of the lawyers who make millions from these cases. And the dramatic victory was made possible because of the efforts of a little-known Congressman from Oklahoma who challenged Capital Hill's establishment.

On his first day in 1987 as a member of the U.S. House of Representatives, Jim Inhofe (R., Okla.) asked colleague Mike Synar (D., Okla.) how he had compiled such a liberal voting record while winning re-election in a conservative district. Overhearing the question, another longtime Democratic Congressman interjected: ''It's easy. Vote liberal, press-release conservative.''

This was a revealing lesson in Congressional ethics, the first of many that would open Inhofe's eyes to the way Congress really ran. He soon realized that an archaic set of rules enabled members to deceive constituents and avoid accountability.

When a Congressman introduced a bill, the Speaker of the House refers it to the appropriate committee. Once there, however, the bill is at the mercy of the committee chairman, who represents the views of the Congressional leadership. If he supports the legislation, he can speed it through hearings to the House floor for a vote. Or he can simply ''bury'' it beneath another committee business.

This arrangement is tailor-made for special-interest lobbies like the Association of Trial Lawyers of America (ATLA). For eight years, bills to limit the legal liability of small-aircraft manufacturers had been referred to the House Judiciary Committee, only to be buried. Little wonder. One of the ATLA's most reliable supporters on Capitol Hill has been Rep. Jack Brooks (D., Texas), powerful chairman of that committee and recipient of regular campaign contributions from ATLA.

The only way for Congressmen to free bills that chairmen such as Brooks wanted to kill was a procedure called the discharge petition. Under it, a Congressman could dislodge a buried bill if a House majority, 218 members, signed a petition bringing it directly to the floor for a vote. But discharge petitions virtually never succeeded because, since 1931, signatures were kept secret from the public. This allowed Congressmen to posture publicly in favor of an issue, then thwart passage of the bill by refusing to sign the discharge petition. At the same time, House leaders could view the petitions, enabling them to pressure signers to remove their names. Of 493 discharge petitions ever filed, only 45 got the numbers of signatures required for a House vote. And only two of those bills became law.

Inhofe saw the proposals overwhelmingly favored by the American people—the 1990 balanced-budget amendment, school prayer, Congressional term limits, the line-item veto—were bottled up in committee by the House leadership. When discharge petitions to free some of the bills were initiated, they were locked in a drawer in the Clerk's desk on the House floor. The official rules warned that disclosing names ''is strictly prohibited under the precedents of the House.''

In March 1993, Inhofe filed a one-sentence bill on the House floor challenging the secrecy: ''Once a motion to discharge has been filed the Clerk shall make the signatures a matter of public record.''

The bill was assigned to the Rules Committee, where it was buried. Three months later, on May 27, Inhofe started a discharge petition to bring the bill to a floor vote. Among those signing was Tim Penny (D., Minn.), a lawmaker who after ten years in the House had grown so disgusted that he had decided not to run for re-election. ''Discharge petitions procedures are symbolic of the manipulative and secretive way decisions are made here,'' said Penny. ''It's just one more example of how House leaders rig the rules to make sure they aren't challenged on the floor.''

Inhofe, though, was badly outnumbered. The Democrats82–seat majority controlled the flow of legislation. But he was not cowed. From his first years in politics Inhofe had shown an independent streak—and it had paid off. After initially losing elections for governor and Congress, He was elected to three consecutive terms as mayor of Tulsa, beginning in 1977. In 1986, he ran again for the Congress and won. Four years later, he bucked his own President, George Bush, by voting against a 1991 budget ''compromise'' that included a $156-billion tax hike.

By August 4, two months after filing his discharge petition, Inhofe had 200 signatures, just 18 shy of the 218 need to force his bill to the floor, but the House leadership was using all its muscle to thwart him. On the House floor, Inhofe announced: ''I am disclosing to The Wall Street Journal the names of all members who have not signed the discharge petition. People deserve to know what is going on in this place.''

It was a risk. House leaders could make him pay for this deed. But by making public the names of non-signers, he would avoid a direct violation of House rules. Inhofe collected the names by asking every member who signed the petition to memorize as many other signatures as possible.

The next day, The Wall Street Journal ran the first of six editorials on the subject. Titled ''Congress's Secret Drawer,'' it accused Congressional leaders of using discharge-petition secrecy to ''protect each other and keep constituents in the dark.''

On the morning of August 6, Inhofe was within a handful of the 218 signatures. As the day wore on, more members came forward to sign. With two hours to go before the August recess, the magic number of 218 was within his grasp.

What happened next stunned Inhofe. Two of the most powerful members of Congress—Energy and Commerce Committee Chairman John Dingell (D., Mich.) and Rules Committee Chairman Joseph Moakley (D., Mass.)—moved next to him at the discharge petition desk. In a display one witness described as political ''trench warfare,'' the two began ''convincing'' members to remove their names from the petition.

Standing near the desk was Rep. James Moran (D., Va.). Moakley warned him that if Inhofe succeeded, members would be forced to vote on controversial bills. ''Jim,'' he said sternly, ''I don't have to tell you how dangerous that would be.'' When the dust settled, Moran and five colleagues—Robert Borski (D., Pa.), Bill Brewster (D., Okla.), Bob Clement (D., Tenn.), Glenn English (D., Okla.) and Tony Hall (D., Ohio)—had erased their names.

Still refusing to quit, Inhofe faxed the first Wall Street Journal editorial to hundreds of radio stations. Before long, he found himself on call-in programs virtually every day of the week.

When The Wall Street Journal printed the names of the nonsigners on August 17, House members home for the summer recess could not avoid the public outcry Inhofe had generated. With scandals in the House bank, post office and restaurant still fresh in their minds, voters were demanding openness.

Feeling outgunned, Moakley allowed his Democratic colleagues to sign the discharge petition. When Rep. Marjorie Margolies-Mezvinsky (D., Pa.) affixed her name to the petition on September 8, she became the 218th Signatory.

Inhofe's bill won overwhelming approval on the final vote, 384–40. Even though most Democrats had not supported him, 209 now voted with Inhofe. Groused Dingell: ''I think the whole thing stinks.''

The first real test of Inhofe's change came last May when Representatives Dan Glickman (D., Kan.) and James Hansen (R., Utah) filed a discharge petition to free their bill limiting small-plane manufacturer liability. Even though it was co-sponsored by 305 members, the bill had been bottled up in the Judiciary Committee for nine months. But because members' signatures would now be public, voters would finally know who truly stood for product-liability reform and who did not.

Meanwhile, the Association of Trial Lawyers of America was pulling out all the stops to kill the bill. Members personally lobbied Congressmen and orchestrated a ''grassroots'' letter-writing campaign in which prominent trial attorneys urged their Representatives not to support the bill. ATLA even fired off a maximum-allowable contribution of $5,000 to Representative Hansen's opponent in the November election.

The pressure didn't work. Within two weeks 185 members had signed, and House leaders realized it would be impossible to stop the petition. Their only how was to offer a compromise version. In mid-June, Brooks reported out of committee a bill that differed only slightly from the original. On August 2, the Senate approved similar legislation. The next day the bill cleared the House without dissent. On August 17, President Clinton signed it into law.

Glickman, whose Wichita district is home to Cessna and Beech aircraft companies, said the procedural change spearheaded by Inhofe was crucial to victory. ''A lot of forces did not want this bill to go forward,'' he continued, ''and it would not have succeeded without the discharge petition.''

The success of this legislation is proof that when Congress is required to do the people's business in the open, the people—rather than special interests—win. The high cost of product-liability lawsuits, to manufacturers as well as consumer, will require far more sweeping reform of the tort system. But the passage of this one bill is an important first step in the right direction. And it took a little-known Representative from Oklahoma to point the way.

Mr. INHOFE. The situation is exactly the same here, Mr. President.

In fact, the very stated reason for this whole bill is to require Congress to do the people's business in the open.

A Senator may have a hold on a nomination or a bill or a unanimous consent agreement, and that hold is secret.

It is just as possible for a Senator to keep his constituents and Americans in general in the dark now about their holds as it was for House Members before I successfully led the charge for transparency in discharge petitions.

Indeed the Wall Street Journal was strongly in favor of my House efforts at that time.

Toward that end, I ask unanimous consent to have printed in the RECORD the Wall Street Journal's six editorials on the issue of discharge motions.

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

[From the Wall Street Journal, Sept. 30, 1993]

REAL HOUSE REFORM

On his first day in office in 1987, Rep. Jim Inhofe asked a fellow Oklahoma Member how he could be so liberal and keep getting elected in a conservative state. A third Congressman interrupted: ''It's easy. Vote liberal. Press release conservative.''

Rep. Inhofe took a big step toward ending such hypocrisy Tuesday, when Congress voted 384 to 40 for his proposal to end the secrecy of discharge petitions. Constituents will now know who's signed up for the procedures necessary to discharge a bill from committee and force a vote; Members will no longer be able to posture one way and act another on bills popular with the public but unpopular with fellow legislators. Rep. Inhofe's overwhelming majority, after the difficulty he had signing up 218 Members to discharge his own proposal, is itself testimony to the difference between smoke-filled rooms and the light of day.

At least the 40 opponents, whose names appear below, were willing to stand up and be counted in favor of secrecy. ''I think the whole thing stinks,'' declared Rep. John Dingell, much-feared chairman of the House Energy and Commerce Committee. General Dingell warned that reform ''means you lay the basis for the entire bypassing of the committee system.'' House Rules Committee Chairman Joe Moakley railed against an ''aroused and enraged'' public that is ''virtually impossible to engage in reasonable and thoughtful debate.''

Watching Jim Wright's departure, the Keating Five scandals, the House Bank and Post Office, much of the public doubts that such debate is what goes on in Capitol corridors. Indeed, it thinks it has some right to be aroused and enraged. And when Congress routinely exempts itself from rules it imposes on the rest of society, much of the public thinks that something needs to be bypassed. So it's entirely appropriate that this major reform of House rules be forced on Congress by popular outcry.

The ideological bent of this outcry is also noteworthy. As the 40 holdouts show, the drive to make Members accountable was certainly not led by the liberals who have long thought themselves the font of ''reform.'' We on this page were glad to have played our part, and are equally glad to credit Rush Limbaugh's broadcasts and the efforts of Ross Perot, whose supporters held all-night vigils in front of Congressional offices.

We would also note, though, the lack of interest from a press that holds itself devoted to ''the public's right to know.'' For a month after Rep. Inhofe's August 4 announcement that he would publicize the names of Members who refused to end secret discharge petitions, no network or other major newspaper mentioned his crusade. Only after public agitation forced a House majority to back Mr. Inhofe did our colleagues at the New York Times and the Washington Post address the issue. The Post noted that ''in a democracy, where elected officials have an obligation to be candid and accountable, there is no reasonable argument against this change.'' We're grateful for the support, but wonder if they'd have joined the battle before it was won had it been led by, say, Ralph Nader.

It's also intriguing that secrecy was supported by Beltway ''academics.'' Thomas Mann and Norman Ornstein complained we had created ''a wildly inaccurate portrayal of Congress as a closed, secretive institution dominated by committees and party barons and unresponsive to popular sentiment.'' We refer them to the respected Members now departing in disgust. Rep. Tim Penny, the retiring Minnesota Democrat, says it took him ''only six months in Congress to realize this place doesn't operate on the level.'' In particular, he says, many Democrats are themselves upset that House leaders ''rig the rules to make sure they aren't challenged on the floor.''

To the Members, the academics and the press we say this: Welcome to the age of instant communications. We doubt that the discharge petition reform will be the last reform. In particular, some 75% of the American people support limitations on Congressional terms. Last week, after it became clear that discharge petitions would be made public, five Members signed the petition to discharge term limit legislation. While defenders of Congressional secrecy predict untoward and chaotic results, we trust the public a lot more than we trust the Members.

In 1867, the British Parliament passed the Second Reform Act, sponsored not so incidentally by Disraeli's conservatives. It gave the vote to the likes of rent-payers, and upon passage the Viscount Sherbrooke advised fellow parliamentarians to ''prevail on our future masters to learn their letters.'' In the popularized version this became, ''We must educate our masters.'' If the John Dingells and Joe Moakleys are really worried not about their own prerogatives but the future of the republic, they would be well-advised to adopt the constructive attitude affirmed by Viscount Sherbrooke.

The 40 House Members who on Sept. 28 voted in favor of secrecy on discharge petitions:

Neil Abercrombie (D., Hawaii) Sanford Bishop (D., Ga.) Jack Brooks (D., Texas) Corrine Brown (D., Fla.) Bill Clay (D., Mo.) Eva Clayton (D., N.C.) B.R. Collins (D., Mich.) Cardiss Collins (D., Ill.) Buddy Darden (D., Ga.) John Dingell (D., Mich.) Don Edwards (D., Ca.) Vic Fazio (D., Ca.) Floyd Flake (D., N.Y.) William Ford (D., Mich.) Henry Gonzalez (D., Texas) Earl Hillard (D., Ala.) Ron Kink (D., Pa.) John Lewis (D., Ga.) Ron Mazzoli (D., Ky.) Cynthia McKinney (D., Ga.) Carrie Meek (D., Fla.) Joe Moakley (D., Mass.) Alan Mollohan (D., W. Va.) John Murtha (D., Pa.) Donald Payne (D., N.J.) Nancy Pelosi (D., Ca.) J.J. Pickle (D., Texas) Charles Rangel (D., N.Y.) Lucille Roybal-Allard (D., Ca.) Bobby Rush (D., Ill.) Martin Olav Sabo (D., Minn.) Neal Smith (D., Iowa) Pete Stark (D., Ca.) Esteban Torres (D., Ca.) Jolene Unsoeld (D., Wash.) Nydia Velazquez (D., N.Y.) Peter Visclosky (D., Ind.) Craig Washington (D., Texas) Mel Watt (D., N.C.) Sidney Yates (D., Ill.)

[From the Wall Street Journal, Sept. 20, 1993]

HANDS OFF INHOFE!

When Rep. Jim Inhofe mobilized public opinion and forced House leaders to allow a September 27 floor vote on his bill to end secret discharge petitions, he knew they might try to undermine him. Sure enough, there are signs that the leadership hopes to placate the public by accepting Mr. Inhofe's secrecy bill but then sneak through House-Rule changes that would gut his reform. Should they try this stunt, Members better be ready to take some real heat from voters.

Only hours after Mr. Inhofe's first-round victory on September 8, House Rules Committee Chairman Joe Moakley said he planned an ''alternative'' to Mr. Inhofe's bill. No doubt it would pay lip service to reform while it retains the system that lets Congressional barons make certain that popular bills never see the light of day.

House leaders may try to require that two-thirds of the Members sign any discharge petition to bring a bill to the floor, rather than a simple majority. Since less than 10% of discharge petitions now reach the House floor, such a ''reform'' would kill any chance of freeing popular bills bottled up in committee. Exhibit A: Even though 75% of voters and more than 100 Members favor term limits, Speaker Tom Foley hasn't even allowed a committee hearing on the issue.

The Rules Committee met last week to discuss altering the Inhofe reform. It was suggested that successful discharge petitions merely require a committee to hold hearings on a bill. A floor vote would be mandated only if a committee refused to take any action. But, according to the newspaper Roll Call, House leaders rejected even that move. They fear they'll lose iron control of the legislative process if a majority of Members have a realistic way of bringing bills to the floor.

The hearings then became a platform for Members to vent their frustration with Mr. Inhofe's success at exposing the gag rule that kept names on a discharge petition secret. Rep. James Oberstar of Minnesota came to denounce Mr. Inhofe, but ended up scoring points for him. He called Mr. Inhofe's sunshine law a ''gimmick.'' However, he conceded that if Democrats ''were in the minority, we'd probably be doing the same.'' He also admitted that many Members introduce bills only to get ''special interests off their backs.''

Mr. Inhofe says Mr. Oberstar's admission proves that secret discharge petitions allow Members to say one thing at home and then do something else in Washington. ''Standing up to special interests is part of the job,'' he says. ''If you can't, step aside and let someone who can serve.''

Rep. Inhofe says his battle to end secrecy has also demonstrated the stranglehold that committee chairmen now exercise over legislation. Before the August recess, Mr. Inhofe's antisecrecy petition was only one signature short of the needed majority. Then Chairman Moakley ''convinced'' six Members to remove their names, forcing Rep. Inhofe to take his case to the American people.

Virginia Democrat James Moran candidly explained why he dropped off: ''When the chairman of the Rules Committee asks me to do something and it's not in conflict with my conscience, I think my ability to serve my district is enhanced when I say yes.'' Mr. Moran then noted how powerful Chairman Moakley is.

Thomas Mann, a Congressional scholar at the Brookings Institution, opposes the Inhofe reform, but he advised the Rules Committee not to amend it. ''That will only inflame the public further,'' he told us. He noted that if problems develop, the majority party will then have a good reason to push for modifications. In short, the House should have cleaned up its act years ago. Now the voters are going to do it for them.

[From the Wall Street Journal, Aug. 25, 1993]

ASIDES: DISCHARGE RUMBLES

Some House Members have complained that we listed their names among the 223 Members who haven't joined Rep. Jim Inhofe's effort to end secret discharge petitions. Speaking for the non-signers in today's letters column, Rules Committee

Chairman Joe Moakley claims that ending secrecy would mean more power for lobbyists and special interests (see related letter: ''Letters to the Editor: Why Make It Easier For Special Interests?''—WSJ Aug. 25, 1993). We'd have thought that taking a stand against such forces came with the job. We suspect that Mr. Moakley is fundamentally worried that his Rules panel would lose its hammerlock on bills. Some Members aren't listening to him. Democrats David Mann of Ohio and Barney Frank of Massachusetts have told constituents recently that they favor ending the secrecy rule. Rep. Frank says the issue is simply about whether House Members support open government. Three more Members will give Rep. Inhofe the majority that he needs to let some sunshine into Congress.

[From the Wall Street Journal, Aug. 19, 1993]

ASIDES: DISCHARGE CHARGE

Rep. Jim Inhofe's effort to end secret discharge petitions, which allow Members to publicly claim support for a bill while privately working for its defeat, is attracting some big-name boosters. Rush Limbaugh alerted his listeners to our publication this week of the list of 223 Members who refused to join Mr. Inhofe's effort. The 50 state directors of Ross Perot's organization have been asked to make discharge petition reform ''a high priority.'' Mr. Perot himself will discuss the subject on C–SPAN tonight at 8 p.m., EDT. Outraged voters are already making an impact. Rep. Karen Thurman, a first-term Florida Democrat, faxed Mr. Inhofe yesterday to say she will now sign up. By the way, through a production error Rep. Dave McCurdy of Oklahoma was omitted from the list we published. His office confirms he is not supporting Rep. Inhofe.

[From the Wall Street Journal, Aug. 9, 1993]

ASIDES: HOUSE ENFORCERS

House leaders could scarcely miss the danger Rep. Jim Inhofe posed to them with his effort to end secret discharge petitions, described in our editorial last week. Why, making public the now-secret list of members calling for floor votes on bills held by the Rules Committee would let constituents check up on members. Leaders couldn't bottle up popular bills.

On Friday, Rep. Inhofe had 208 of the 218 signatures needed on a discharge petition for his own proposal to end this hypocrisy. Then C–SPAN viewers saw House Committee Chairmen Joe Moakley and John Dingell park themselves near the desk where the petition is kept, where they ''persuaded'' several Members to remove their names. We still plan to publish the names of those Members who favor secrecy over open government, and maybe constituents can do a little persuading of their own.

[From the Wall Street Journal, Aug. 5, 1993]

CONGRESS'S SECRET DRAWER

The ongoing drama in the Capitol makes it clearer than ever that Congress can't control either itself or its budget. A large part of the problem is procedure, an arcane set of rules evolved over the years to let Congresspersons protect each other and keep constituents in the dark. Rep. Jim Inhofe has launched a campaign against the keystone of these rules, the veil of secrecy covering a device called the discharge petition.

It works like this: The House conspires to bottle up in committee all the bills that are popular in the country but unpopular on Capitol Hill—balancing the budget or limiting terms, for example. The Rules Committee is particularly crucial, as it was in shelving civil rights bills in the 1950s. The Rules Committee simply sits on a bill, allowing members to posture in public in support while never having to vote on it, much less enact it.

The discharge petition is supposed to serve as a protection; a bill can be forced onto the floor if a majority of Members sign a petition. But that rarely succeeds, because until the required number of 218 is reached, the list of signers is kept strictly secret. So Members can still posture in public and effectively vote the other way in secret, even co-sponsoring a bill but refusing to sign its discharge petition. Worse, only House leaders know who has signed, and when a petition nears 218 they can pressure the most pliable members to drop off.

Discharge petition procedures have the flavor of a covert brotherhood rather than a representative body. Petitions are kept locked in a drawer at the clerk's desk. The drawer can only be opened during a House session and only a signing Member can see a petition. Members cannot take any notes, and can't even bring their own pens to the desk. They must read a statement signed by the Speaker noting that disclosing any names on the petition is ''strictly prohibited under the precedents of the House,'' a prohibition imposed in 1931 by Speaker John Nance Garner, but never made part of House Rules. Violators face disciplinary action, up to and including expulsion.

Rep. Inhofe was granted floor time last night to dare House leaders to carry out this threat. Mr. Inhofe filed a bill to require that signatures on a discharge petition be made public, and it was promptly assigned to the Rules Committee for burial. So he started a discharge petition to bring it to the floor, and quietly asked each signer to memorize other names on the list; by now he's painstakingly assembled a list of 200 signers, only 18 short of a majority. He revealed last night that he will disclose the names of all Members who have not signed the petition, and is ready to face any disciplinary action against him.

As a public service, we've agreed to print his list as Congress leaves Washington to visit its home constituencies. Watch this space to learn if your Congressperson wants secrecy or openness in government. Of course, Members not on Mr. Inhofe's petition can sign up for openness before leaving town. As he advised his colleagues last night: ''It's just one short trip to the secret drawer to sign discharge petition No. 2. Take a friend.''

After all was said and done, the Wall Street Journal noted, ''Members will no longer be able to posture one way and act another on bills popular with the public but unpopular with fellow legislators . . . While defenders of Congressional secrecy predict untoward and chaotic results, we trust the public a lot more than we trust the Members.''

Mr. President, that is again exactly what I am talking about here in this parallel instance.

I want to very strongly note that the Wall Street Journal is in favor of eliminating the secrecy of Senate holds at this time.

Toward that end, I ask unanimous consent to have printed in the RECORD this Wall Street Journal editorial that endorses the concept of eliminating secret holds, assuming no one puts an anonymous hold on this unanimous consent request:

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

[From the Wall Street Journal, Apr. 29, 2005]

ADVISE AND CONSIGN—THE FILIBUSTER ISN'T THE ONLY PROCEDURE SENATORS ARE ABUSING

With a showdown looming over the filibuster of judicial nominees, now is the time to point out another abuse of the Senate's ''advise and consent'' power. It's called the ''hold,'' whereby an individual Senator can delay indefinitely a Presidential nomination, and it is seriously interfering with the operation of the executive branch.

Call it every Senator's personal ''nuclear option.'' If he doesn't like a nominee or, more likely, doesn't like a policy of the agency to which the nominee is headed, all he has to do is inform his party leader that he is placing a hold on the nomination. Oh—and he can do so secretly, without releasing his name or a reason.

Like the filibuster, the hold appears nowhere in the Constitution but has evolved as Senators accrete more power to themselves. Senate rules say nothing about holds, which started out as a courtesy for Members who couldn't be present at votes. Oregon Democrat Ron Wyden has said holds are ''a lot like the seventh-inning stretch in baseball. There is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition.''

Also like the filibuster—which was never intended to block judicial nominees from getting a floor vote—the hold is being abused by a willful minority of Senators. This being a Republican Administration, Democrats in particular are using it now to hamstring or stop its ability to govern. There's no formal list of holds, but the current batch may well be unprecedented both in number and degree. Here's our unofficial list:

Rob Portman, U.S. Trade Representative. The Senate Finance Committee unanimously backed the former Congressman this week. But don't expect a floor vote soon. Indiana Democrat Evan Bayh has placed a hold on his nomination in hopes of forcing a vote on a protectionist bill he favors on trade with China. (Think AFL–CIO and the 2008 Presidential nomination.) Meanwhile, it looks like Mr. Portman will miss a high-level meeting next week in Paris to jump-start trade talks.

Stephen Johnson, head of the Environmental Protection Agency. Senator Tom Carper says Mr. Johnson ''is qualified to head the EPA and would serve the agency well.'' Yet the Delaware Democrat placed a hold on him over a dispute regarding the Administration's Clear Skies program, regulating pollutants in the air. Mr. Johnson dodged an earlier bullet when California Democrat Barbara Boxer threatened a hold unless the EPA canceled a study of infants' exposure to home pesticides. Mr. Johnson, who is acting EPA head, canceled the program.

Lester Crawford, Food and Drug Administration Commissioner. The sticking point here is Plan B, aka the morning-after pill. Democrats Hillary Clinton and Patty Murray want Plan B sold over the counter and say that the agency is stalling. They say they won't lift their hold until the FDA makes a decision.

Tim Adams, Undersecretary of the Treasury for International Affairs. The person in this position is responsible for, among other critical issues, the Chinese yuan and the World Bank. But Democrat Max Baucus has higher priorities—namely, trade with Cuba. He objects to a legal ruling by an obscure arm of the Treasury that requires advance payment by Havana for purchases of U.S. agricultural products such as grain from the Senator's home state of Montana. There are six more Treasury positions open—including those responsible for tax policy, Fannie Mae

and terrorist financing. Mr. Baucus promises holds on all of them. The Senator realizes he can't win a vote in Congress on his Cuba problem, so he's resorting to this nomination extortion.

Defense Department. Where to begin? With a war on, you'd think Senators would want to keep the Pentagon fully staffed. But John McCain, angry over the Air Force's tanker-leasing deal with Boeing, last year put holds on numerous Defense nominees, including two candidates for Army Secretary, the comptroller and the assistant secretary for public affairs, the long-serving Larry DiRita. Now that Mr. McCain's personal punching bag, Air Force Secretary Jim Roche, has left the Pentagon, the Arizona Republican has calmed down—though not enough to lift his hold on Michael Wynne as Undersecretary for Acquisition. President Bush gave Mr. Wynne a recess appointment last month.

Meanwhile, Democrat Carl Levin has a hold on Peter Flory, who was nominated almost a year ago as Assistant Secretary for International Security Policy. Mr. Flory has the misfortune to work for Undersecretary Douglas Feith, whom Senator Levin has pursued like Ahab chasing Moby Dick. So Mr. Flory gets harpooned, too.

Until Wednesday, John Paul Woodly was blocked as Assistant Secretary of the Army for Civil Works by Alabama's two Republican Senators. Jeff Sessions and Richard Shelby said Washington favored Georgia in a decade-long dispute over water rights. (We're not making this up.) And in March, Mississippi Republican Trent Lott placed a hold on the chairman of the Base Closing Commission, which he feared might shut a military facility in his home state. The President again had to use recess appointments to name all nine members in April.

Once upon a time in America, such policy disputes were settled in elections or with votes in Congress. But in today's permanent political combat, Senators wage guerrilla warfare against the executive. No wonder so few talented people want to work in Washington. Senator Wyden and Republican Charles Grassley plan to re-introduce legislation next month to kill holds that are secret. Better yet would be to get rid of all Senate holds.

Mr. INHOFE. As the Wall Street Journal mentions, neither the Constitution nor the Senate Rules mention holds. We need this legislation to correct the current situation.

One of the many times I personally have run into this problem of holds was in the case of the nomination of Governor Mike Leavitt of Utah to be administrator of the Environmental Protection Agency.

As chairman of the Senate Environment and Public Works Committee I was trying to shepherd the nomination of Governor Leavitt through my committee.

At that time in 2003, Governor Leavitt was being run through unprecedented hoops by the Democrats to obstruct his nomination even though we had an affirmative statement from my Ranking Member Senator JEFFORDS that he considered Governor Leavitt a friend and admission that he was going to receive the vote of Senator JEFFORDS.

Pursuant to this situation, Roll Call wrote the following piece that I ask unanimous consent to have printed in the RECORD.

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

[From Roll Call, Oct. 6, 2003]

INHOFE CONSIDERS RULES AMENDMENT

(By Mark Preston)

Environment and Public Works Chairman James Inhofe (R-Okla.) is considering asking his Senate colleagues to amend chamber rules to terminate the minority party's ability to block committees from reporting out legislation and nominations.

Such a measure would impose uniform guidelines on how the Senate's 19 standing committees and lone special panel operate.

''I am going to have to look to see what can be done, because the Democrats could effectively shut down the government altogether,'' Inhofe said.

The EPW chairman's contemplation of a new rule was sparked by committee Democrats' successful effort last week to delay a vote on Utah Gov. Mike Leavitt's (R) nomination to head the Environmental Protection Agency. Democrats charge that Leavitt has failed so far to adequately answer their written questions posed to him, and therefore boycotted the hearing.

Inhofe is likely to face stiff opposition if he pursues a change in the rules, which would require 67 votes on the Senate floor.

''I am not in favor of changing the rules much,'' said Sen. Robert Byrd (D-W.Va.), a staunch defender of Senate tradition. ''The rules have been here for a long time and they are the product of decades of experience.''

Currently, each committee adopts its own rules of procedure at the outset of every Congress. EPW rules require that at least two members from the minority party be present for a nominee to be reported out of committee. Democrats took advantage of that stipulation by not attending the Leavitt hearing and thereby preventing Inhofe from holding a vote on the nomination.

''I think we may have to change the rules in the Senate in terms of how committees operate because they say you can't conduct business unless you have members of both sides'' present, Inhofe said. ''What they did [Wednesday] is far worse than stopping a guy's confirmation. It goes to the whole heart of how the committee system works.''

Even though EPW requires at least two minority party representatives to be present to take action, other committees have less stringent rules. For example, the Finance Committee requires that a quorum include at least one member from each party to be present when the full committee votes on a bill or a nomination. And the Rules and Administration Committee requires that a majority of panel members be present to vote on legislation or a nominee, but does not stipulate that a member from either the majority or minority be present when such an action is taken.

Inhofe said he is also interested in amending the rule that allows committees to only meet for two hours after the Senate gavels into session unless both parties agree—on a daily basis—to waive it. In recent years, this unanimous consent agreement has been rejected by several Senators for various reasons.

''One party can stop government completely, and I don't think that was certainly the intent of those people who made the rules to start with,'' the Oklahoma Republican said.

Inhofe's proposals for adding to and altering the current rules are just two among a handful of reforms that Republicans have been championing since taking over the majority earlier this year.

''The Senate Republican majority is going to have to look at a number of them,'' Rules Chairman Trent Lott (R-Miss.) said of potential changes. ''I do think our rules have not been seriously considered in quite some time.

''We need to take a look at the way the Senate functions,'' Lott added.

One rules change is currently waiting action by the full Senate. Lott's panel approved a measure in June that would end the use of a filibuster to stop a nomination. All 10 Republicans on the panel voted to report the bill out of committee, but it still needs the backing of 67 Senators on the Senate floor for it to be enacted. Democrats on the Rules panel did not attend the June 24 hearing and have vowed to prevent the rule change from passing on the floor.

Republicans are seeking this change to stop Democrats from blocking President Bush's judicial nominees. Already, one of Bush's picks for a seat on the appellate court has withdrawn his name because Democrats refused to allow a vote on his nomination. Currently, Democrats are blocking two other judicial nominees and have pledged to block U.S. District Judge Charles Pickering's nomination to the appeals court.

The disagreement over judges has added to the partisanship in the traditionally collegial Senate.

''I think the judge issue is poisoning the well around here and it is unfortunate,'' said Sen. Judd Gregg (R–NH). ''It has never happened before this filibuster on the judges at this level, and that has created frustration.''

But Democrats contend Bush is to blame for the judicial filibusters, because he refuses to work with Democrats to pick candidates acceptable to both political parties.

''I would like to point out, when people are opposed to some of these nominees, don't look at the Senators, ask the guy who sent the nominees,'' said Judiciary ranking member Patrick Leahy (D–VT). ''That is part of the problem. The White House doesn't make an effort to really work with everybody.''

Another rules change advocated by several Senators is one ending the use of an anonymous ''hold.'' A hold is a tactic used by a Senator to stop a nomination or a bill the lawmaker opposes, or often to gain leverage on another issue.

It is a huge problem for the leaders,'' Lott said of the use of secret holds. And Lott, a former Majority Leader, warned that Majority Leader Bill Frist (R–TN) and Minority Leader Tom Daschle (D–SD) will experience the ''devastating'' consequences of this practice when the two leaders try to wrap up legislative business for the year.

They are fixing to find out the last week we are here they are going to say, 'The hold is a really bad creation,'" Lott said. ''I know it, but they have got to see it. That is when conferences are coming through, and that is when bills need to move.''

As for the Leavitt nomination, Inhofe has scheduled three consecutive meetings beginning Oct. 15 in which a vote on the Utah governor's nomination could occur. But it is unclear what action Democrats will take.

''He hasn't answered our questions,'' said Sen. Barbara Boxer (D–CA). ''So if we get the answers to our questions from Leavitt that is a different circumstance.''

''Let's see how he answers our questions,'' she added.

Inhofe could change his panel's rules to allow him to report Leavitt out of the committee, but he would still need two Democrats present to take a formal vote on the change.

Mr. INHOFE. You can see from rollcall's reporting that no matter what I achieved in my committee, an anonymous hold could always be placed on the President's nomination, and thus a

halt could be brought to operations of the Senate and in turn the administration.

The American people do not want obstruction; they want progress from us.

Obstruction was certainly practiced by Senator Daschle, and the people showed their lack of appreciation at the ballot box.

I ask that Members join me in this effort and do what our constituents want for the sake of transparency and honesty.

We ought to have the courage to stand up for our convictions, not hide in the shadows of darkness and anonymity.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, it is my intent at this point to wrap up.

I particularly thank the distinguished Senator from Oklahoma, who has had a longstanding interest in this subject, for working with Senator GRASSLEY and myself. We do have a bipartisan effort.

The Senator from Oklahoma has highlighted another problem with it, and a lot of Members who served in the other body bumped into this. A lot of these holds over the years have not even been placed by Senators themselves. They have been placed by staff, and Senators go up to each other and try to ask about a matter and it ends up a Senator may not even know about it.

I also see the Senator from Mississippi, the distinguished chairman of the Committee on Rules. He spent a lot of hours with me talking about this over the years. Senator LOTT, to show his commitment to the cause of openness, has tried repeatedly to get Senators to do this voluntarily. I recall on a number of instances Senator LOTT and Senator Daschle met with Senator GRASSLEY and me. We put together a variety of letters and directives to Senators. It still would not come together.

We think you have to make this a permanent change in the Senate procedures, put the burden on the objector rather than on the leadership, as we have done so often in the past, and the leaders would then have to make phone calls. Senator LOTT has a wonderful story that he has told me over the years about sitting in phone booths at airports calling Members, trying to figure out who in the world had a hold on something.

I say to colleagues, we have now reached that moment where the Senate has had it up to here with all of the secrecy and practice of doing business in the shadows.

To wrap this up, we are going to have a vote in a few minutes. The Intelligence Authorization bill, a bill that is vital to America's national security, is subject to a secret hold. I don't think anything could make the case for our bipartisan amendment more clearly than the need to move ahead with this country's vital business in intelligence. I have talked to Chairman ROBERTS about this. He wants that bill to move. It is a bipartisan bill. We have not had a situation since 1978 when we could not move forward on an intelligence bill.

I hope colleagues will finally bring the Senate into the sunshine. This enormous power that each Senator has is one that will continue, but if we can prevail on this vote, it will be one that will be exercised in the sunlight. Each Senator will be held accountable when they assert this particular power.

I urge my colleagues to vote yes on the Wyden-Grassley-Inhofe amendment.

I yield back the balance of my time and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The Senator from Mississippi.

Mr. LOTT. Let me clear up one point. I am not sure we are ready to go to a recorded vote at this moment. I thought maybe we could set it aside and go to other amendments and have stacked votes later in the afternoon, allowing Senators to continue committee meetings. However, I have been notified that maybe someone would object to a unanimous consent to set it aside so I sent a message back to that Senator: if you want to object, you better come over here. That is a problem around here. We send our surrogates over to object, but they are not here. If he comes, he can object. That is fine. We will try to work with everyone to try to accommodate everyone. There may be a need for further discussion.

Let me take a moment to commend the Senator from Oregon and the Senator from Iowa and now the Senator from Oklahoma for your tenacity. You have been pecking away at this for years.

Typical of the leadership, there was a time when I was saying, do we need to go that far; there is a misunderstanding about holds. In fact, that is a misnomer. There is no such thing. A hold is a request to be notified when an issue or a nominee will be brought up so we can come over and speak. The fact is, it ties the leadership's hands because quite often they say, wait a minute, I can't delay the business of the Senate to have this Senator come over here and talk at length—which is his or her right—on a nominee or a Member.

The point I am trying to make, I have tried to work to deal with this issue of fairness. Senator Daschle and I did work with Senator BIDEN to further clarify, what is this thing, a hold? How do I have to comply with it? We requested that it be put in writing, which, by the way, was never locked into place. That is one of the reasons I am for this.

We need to make it clearer about how Members do this and what the requirements are. We do not want to stop the practice of a Senator being able to file notice that he would like to be able to come over and discuss an issue.

What I have had a problem with, I do think it has been abused. We have anonymous hold, we have rolling hold, and it is harder and harder and harder to try to do the business of the Senate. But the anonymous part of it is the part that bothers me the most. That is the thrust of the Rules bill and particularly the bill by the Committee on Homeland Security and Governmental Affairs. Let's open things, disclose things, have transparency, make sure the people know what we are up to.

This is, in my opinion, very sinister, where Members can hold up a nomination, hold up a bill, and not even acknowledge they are doing it.

I point out that all this amendment does is to say the holds must be in writing and they have to be published in the RECORD in 3 days.

Is that the thrust of the Senator's amendment?

Mr. WYDEN. The Senator is absolutely right.

Mr. LOTT. What is the threat here? I do think there is a good cause for late at night, 6 o'clock, you are wrapping up, and all of a sudden the leadership hits us with, we want to clear 10 bills and a Senator can say, wait a minute, I want to make sure, What is the cost of this bill—as the Senator from New Hampshire has been inclined to do. He has that right. It is appropriate he be able to have time to look at that. But he ought to then have to put in writing that notice to the leader so the leader, if nothing else, will not forget it, and then acknowledge who he is. That is all this does.

I don't know what the vote of the Senate is going to be because some Members may say they are giving up some of their senatorial prerogatives. No, you are not; you just can't hide. That is all.

In the spirit of this legislation of openness and honesty, let me say, this is also an area where some Senators—no one has gotten in trouble with these holds or used the holds for a response or for some benefit personally, but the day will come, if we do not watch it, someone will get in trouble ethically with this procedure.

The leaders may have a different view and I will be very responsive to their views, but for now, it is time we quit talking about making things more open and honest and we do it. This amendment would do that. I plan to support it.

I am advised we do not have an objection to setting aside this amendment, unless others wish to speak on this amendment.

Does the Senator from New York have a comment on this issue or another issue?

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. LOTT. Mr. President, I yield to the Senator from Oregon for a question.

Mr. WYDEN. Mr. President, I thank my colleague from Mississippi. I particularly thank him for his extraordinarily supportive statement and for

all the help he has given me over this decade. It probably would be my preference to have a recorded vote at this time, particularly since I have had the good fortune to have had such a supportive statement from the distinguished chairman of the Committee on Rules.

Is there a problem with having a recorded vote on the Wyden-Grassley-Inhofe amendment at this time?

Mr. LOTT. There would be a problem having the vote at this time, just out of convenience for a number of Senators on both sides who have other commitments. We would like to perhaps stack votes a little later in the afternoon. I want to collaborate with the chairman of Homeland Security and Senator DODD and Senator LIEBERMAN about exactly what time we would do that. We could get more work done without interfering with Senators' schedules.

So, yes, there would be an objection to it right now. But it has already been locked in and we will have a recorded vote. It will be first in the sequence whenever we set it up.

Mr. WYDEN. Mr. President, just to wrap this up, that is a very fair procedure that the Senator from Mississippi has outlined and we will be happy to accept that.

Mr. LOTT. I ask unanimous consent we set aside the Wyden-Grassley-Inhofe amendment and go to the next pending amendment.

The PRESIDING OFFICER. Is there an objection?

Mr. SCHUMER. Reserving the right to object, could I speak, before we set it aside, on this amendment?

Mr. LOTT. I withhold my unanimous consent request at this time, Mr. President.

The PRESIDING OFFICER. The consent request is withdrawn without objection.

The Senator from New York is recognized.

Mr. SCHUMER. I commend my colleague from Oregon and my colleague from Oklahoma for their lone battle on this issue. It is an issue we all agree with and very much appreciate their hard work.

AMENDMENT NO. 2959 TO AMENDMENT NO. 2944

Second, I will say a word on another issue that is pending in the House of Representatives. At this point, I offer an amendment at the desk as a second degree to Mr. WYDEN's amendment.

The PRESIDING OFFICER. The clerk will report.

Mr. LOTT. Mr. President, parliamentary inquiry: Does he have to have consent? He just calls it up and it would not——

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

The PRESIDING OFFICER. The Senator does not need consent to offer a second-degree amendment.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2959 to the Wyden amendment numbered 2944.

The amendment is as follows:

In the interest of national security, effective immediately, notwithstanding any other provision of law and any prior action or decision by or on behalf of the President, no company, wholly owned or controlled by any foreign government that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996–2001, may own, lease, operate, or manage real property or facilities at a United States port.

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. My understanding was that the Santorum-Feingold-McCain-Lieberman amendment was by consent, next in line, is that not the case?

The PRESIDING OFFICER. Under the previous order, that is the next first-degree amendment that would be in order.

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

The PRESIDING OFFICER (Mr. MARTINEZ). Is there objection?

Mr. SCHUMER. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

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

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

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

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

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion on the bill to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2349: an original bill to provide greater transparency in the legislative process.

Bill Frist, Mitch McConnell, Rick Santorum, Mel Martinez, Jim Inhofe, Susan Collins, Trent Lott, John E. Sununu, John McCain, Judd Gregg, Norm Coleman, Michael B. Enzi, Wayne Allard, R.F. Bennett, Craig Thomas, Larry E. Craig, George V. Voinovich, C.S. Bond.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

LOBBYING REFORM

Mr. FRIST. Mr. President, both the Democratic leader and I will have a few comments, but what I have just done is filed a cloture motion, which I have done so reluctantly because I really have been very pleased over the past couple weeks as we addressed a very important issue on lobbying reform and ethics reform, an issue that is critical to restoring the faith the American people really deserve to have in their Government. We have been working together, as I said, in a bipartisan way. I thought until a few hours ago we had a very good chance of completing this bill this week.

At the leadership level, we worked together very well, and the four managers—we have four managers because we merged the two bills—have been working together effectively and lined up a number of amendments to vote on today and tomorrow as well. As I said, I thought we would be able to finish it.

Having said that, what happened today is an amendment came to the floor under circumstances that I am not going to go through right now, but it is such that it really would take us off the course of this bipartisan lobbying reform bill. We had discussions as to whether that amendment would be withdrawn, but it was made very clear after the discussions among us that the amendment would come back later tonight, tomorrow, or the next day.

Again, this amendment has nothing to do with lobbying reform or ethics reform of this body, something that is important, something that is the business of the Senate right now on the floor.

So what I have done is filed a cloture motion which will ensure we finish this bill. We have had reasonable time for people to offer amendments, and postcloture, once cloture is obtained, germane amendments can still be considered.

Let me also add that we still have the opportunity to get the bill done. What I would suggest is that with this cloture motion, since it will ripen on Friday unless we are able to work out some other agreement to have it ripen before that, we do have the opportunity tomorrow to work over the course of the morning, really through

the day, and address amendments—we have to do so by unanimous consent—but address amendments on the lobbying reform bill.

The managers were about to have us vote on some other amendments which we would be able to vote on. It will take unanimous consent. We could bring them up one at a time if that is the case.

Without going into all the details of what happened, that is where we are today. The cloture motion now has been filed, and it does give us a road to completing this bipartisan bill.

I will be happy to yield to the Democratic leader for a comment.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the one thing that I will do is work very hard over the next few hours to see if we can have the cloture vote tomorrow, sometime tomorrow. I will see if we can get that done. I think it would be to everyone's advantage if we could resolve this part of the situation we have on the floor.

I would say that the Leader and I have had many discussions during the day and in the weeks prior to this matter coming to the floor in an effort to move this lobbying reform bill along. I think we can get a lobby reform bill; it is now a question of when we will do that.

But in the morning, cooler heads will prevail, and we will see what we can do to move the country along on these things that need to be done.

HOLD ON LAMBRIGHT NOMINATION

Mr. GRASSLEY. Mr. President, today I am placing a hold on the nomination of James Lambright to serve as President of the Export-Import Bank of the United States.

I am placing this hold on Mr. Lambright's nomination as I have major concerns regarding the issuance of taxpayer-guaranteed credit insurance by the Export-Import Bank for an ethanol project in Trinidad and Tobago. Specifically, the approval of this credit insurance by the Export-Import Bank appeared to violate the Bank's authorizing statute.

Let me explain.

In March 2004, the Export-Import Bank approved the issuance of $9.87 million in taxpayer-guaranteed credit insurance to help Angostura Holdings Limited, of Trinidad and Tobago, finance the construction of an ethanol dehydration plant in Trinidad. The purpose of this credit insurance was to enable Angostura to purchase equipment to be used to dehydrate up to 100 million gallons of Brazilian ethanol annually. Angostura would then reexport the resulting dehydrated ethanol to the United States duty-free under the current Caribbean Basin Initiative trade preference program.

But section 635(e) of the Export-Import Bank's authorizing statute—the Export-Import Bank Act of 1945—states that the bank is not to provide credit or financial guarantees to expand production of commodities for export to the United States if the resulting production capacity is expected to compete with U.S. production of the same commodity and that the extension of such credit will cause substantial injury to U.S. producers of the same commodity. The statute goes on to provide that ''the extension of any credit or guarantee by the Bank will cause substantial injury if the amount of the capacity for production established, or the amount of the increase in such capacity expanded, by such credit or guarantee equals or exceeds 1 percent of United States production.''

As of 2004, when the credit guarantees for Angostura were approved, the total 100 million gallon capacity of the Angostura facility was nearly 4 percent of U.S. production. This amount clearly exceeded the 1-percent threshold for causing substantial injury to the U.S. ethanol industry as spelled out in the Export-Import Bank's authorizing statute.

So it appeared to me that the approval of credit guarantees for Angostura by the Export-Import Bank violated the Export-Import Bank's authorizing statute.

Moreover, as the amount financed by the Export-Import Bank was less than $10 million, no detailed economic impact analysis was conducted by the bank. I note that the amount approved by the Export-Import Bank $9.87 million was conveniently just below this $10 million threshold amount.

In the Consolidated Appropriations Act of 2005, Congress asked the Export-Import Bank for an explanation of the credit guarantees for Angostura. Specifically, the 2005 act required the Export-Import Bank to submit a report to the Committees on Appropriations of the Senate and the House containing an analysis of the economic impact on U.S. ethanol producers of the extension of credit and financial guarantees for the development of the ethanol dehydration plant in Trinidad and Tobago. Congress also required that this report determine whether such an extension would cause substantial injury to such producers, as defined in section 2(e)(4) of the Export-Import Bank Act of 1945.

In January of last year, the Export-Import Bank provided its report. In its report, the Export-Import Bank avoided the issue of whether its credit guarantees for Angostura caused substantial injury to U.S. producers, and thus whether the approval of these guarantees was in compliance with the Export-Import Bank's authorizing statute. The Export-Import Bank avoided the issue by claiming that the Angostura plant will not ''produce'' dehydrated ethanol. Rather, the Export-Import Bank stated that this plant will merely ''process'' dehydrated ethanol by removing water from wet ethanol produced in Brazil, thus merely ''adding value'' to the wet ethanol from Brazil.

However, despite the semantics of the Export-Import Bank, the Angostura plant will clearly be producing dehydrated ethanol. This is common sense. An ethanol dehydration plant—of course—produces dehydrated ethanol.

Moreover, the Customs Service recognizes that ethanol dehydration plants in Caribbean Basin Initiative countries produce dehydrated ethanol.

While the Export-Import Bank currently does not have an inspector general, the conference report for the Foreign Operations appropriations bill for fiscal year 2006 directs the Export-Import Bank's inspector general—once appointed to look into this credit insurance approval. Specifically, the conference report provides that the inspector general shall provide a written analysis to the Finance Committee and the Committee on Appropriations, within 90 days of appointment, as to whether the loan guarantees provided to the ethanol dehydration plant in Trinidad and Tobago met the provisions of the Export-Import Bank's charter. The analysis shall include whether ''value added'' methodology is routinely used by the bank to determine whether a proposed loan guarantee or export credit meets the statutory test regarding the definition of substantial injury found in the bank's authorizing statute. The inspector general shall also make recommendations as to whether it is appropriate to use such methodology in making a determination of substantial injury.

As the Export-Import Bank currently does not have an inspector general, I am placing a hold on Mr. Lambert's nomination until such time that I receive assurances from him that, first, the Export-Import Bank will act quickly to appoint an inspector general, and second, that Mr. Lambert will see that the inspector general will indeed provide a written analysis on the credit insurance approval within 90 days of appointment.

INTERNATIONAL WOMEN'S DAY

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate March 8, 2006, International Women's Day. It is an undeniable fact that as the world becomes more interconnected, societies which value women's rights and include them in the political, economic, and civic process have a greater chance of prospering and contributing to international peace and stability.

Nowhere is this more evident than in Iraq. We all know that in order for Iraq to succeed as a nation, women must play an integral role in the government and women's rights must be treated as fundamental human rights. While much work remains to be done in Iraq, I am pleased to see that women are playing a prominent and active role in the government.

As such, it is a great honor to not only commemorate, March 8, 2006, International Women's Day but also

welcome a distinguished guest, Dr. Jinan Jasim Ali Al Ubaidi, a newly elected member to Iraq's Council of Representatives, who will be my guest and accompany me throughout the day.

A member of the Supreme Council for Islamic Revolution party, Dr. Ubaidi is a graduate of Baghdad University and practiced medicine at Najaf Hospital prior to the fall of the Hussein regime.

Dr. Ubaidi and her female colleagues in the Council of Representatives are now confronting issues which will determine the future of women's rights in Iraq.

This is a critical juncture and one key question they face is. What will be the extent of sharia in Iraq and how will it affect women's rights in that country?

Article 14 of Iraq's Constitution states that ''Iraqis are equal before the law without discrimination based on gender.'' Article 2 of the Constitution maintains that ''no law that contradicts the established provisions of Islam may be established.''

Some people believe that it will be difficult to reconcile the two articles and still provide women with fundamental rights in Iraq. I, for one, believe that Islam and women's rights can go hand in hand and there is an opportunity to advance these rights in a new Iraq.

While the women in the Iraqi National Assembly will do their part, the United States and the international community need to play a vital role in advancing the role of women in Iraq.

Specifically, we should continue to promote democracy related training programs, female education programs, and assist with judicial reform and Islamic jurisprudence training so that women will become part of the social, political, and economic fabric of Iraq.

Gains for women's rights have been made in other Muslim countries such as Indonesia and Morocco, and we should look to them as examples.

In Morocco, successful efforts to raise the marriage age for women from 15 to 18, abolish polygamy, and equalize the right to divorce have been made. In Indonesia, Musdah Mulia, the chief researcher at the Ministry of Religious Affairs, has sparked considerable debate within that country by calling for changes in the areas of wearing a hijab and marriage based on Islamic jurisprudence. Although such rules have not been enacted, further debate on the issue is a positive step.

A nongovernmental organization in Indonesia, known as the Indonesian Society for Pesantren and Community Development, has also been using Islamic jurisprudence to promote women's reproductive rights and family planning education within religious schools there. These are all progressive steps toward promoting women's rights in the Islamic world.

In the near future, an Iraqi government will be formed that will make important decisions on the role of women and sharia. The United States must do everything within its power to ensure that women's rights are fully incorporated into every aspect of Iraqi life.

We must continue to support education and leadership initiatives, economic empowerment programs, and specifically judicial reform, all of which will seek to increase the role of women government and assist Iraq's transition to a stable and democratic state.

Let us also not forget about the women in Afghanistan. Under the Taliban regime, women were brutally oppressed and women's rights were virtually nonexistent.

Women in public were forced to cloak themselves head to toe while being accompanied by a male relative. If they failed to do so, they risked being beaten mercilessly.

Furthermore, most Afghan women were restricted by the Taliban from working, receiving an education, visiting doctors, or accepting humanitarian aid.

Now, women in Afghanistan have the opportunity to build a better life for themselves and their families. It is no longer illegal for women to work, and millions of Afghan girls now attend school.

The United States has provided grants to establish the Ministry of Women's Affairs, assisted Afghan nongovernmental organizations, created opportunities for income generation in the private sector, and supported opportunities for women in agriculture and rural environments.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006, included a $50 million earmark for programs directly addressing the needs of Afghan women and girls.

However, many challenges remain for women in Afghanistan.

Although women may legally work, many still face serious challenges to finding job opportunities. For them, it is extremely difficult to find jobs close to home, with tolerable hours, and reasonable pay.

Additionally, although education is currently on the rise, most Afghan women have had little or no formal job training, which prevents them from gaining meaningful employment.

Finally, women still face conservative attitudes about their political participation in many rural areas of the country.

The United States must not forget about these women. We must continue to advance women's rights in Afghanistan because if we do not, our tireless efforts there will have been in vain.

Therefore, I urge my colleagues to stay the course and support additional assistance for education, health care, and democracy training for women and girls in Afghanistan during the years ahead.

There are a great many challenges that face women today, and there are a great many challenges that faced women in the past. Issues such as the role of women in Iraq and Afghanistan are no less daunting than women's suffrage seemed in 1920. As such, there is cause for optimism on International Women's Day.

Yet we must remain vigilant in our fight for justice and gender equality around the world.

The United States must remain a leader by proactively addressing these women's issues. I am confident that if we tirelessly continue to fight for gender equality, we can find workable solutions to address the problems that women face around the world.

Mrs. CLINTON. Mr. President, today is International Women's Day, a chance for us to reflect upon the status of women around the globe, recognize their achievements, and recommit ourselves to ensuring that women can fully realize the rights with which all humans are endowed.

There is much for women to celebrate this year. Women in Kuwait were granted the right to vote and run for office, while women in Afghanistan exercised their right to vote in November's elections. In Tanzania, and Burundi, among other countries, the number of women serving in elected office increased to record levels. In all parts of the world, women are seizing opportunities to weigh in with their governments on the issues of greatest importance to their lives. But there is still so much work to be done to help women achieve equal rights and equal protection.

The culture of corruption apparent in far too many countries has a disproportionate impact upon women. In Latin America, women have disappeared or been killed without proper criminal investigations. In other countries, women who have endured rape or sexual abuse experience further stigmatization and punishment, including forced detainment and death threats. All across the globe, women and girls are trafficked across borders, often with the knowledge of local officials who tolerate the presence of their captors. We need to devote more energy to making our communities safer for women, ensure that crimes against women are given fair and full consideration by law enforcement, and that bribery and cronyism do not dilute the rule of law.

Women, the caregivers in families and communities around the world, must also have the opportunity to seek and receive appropriate health care. More than 500,000 women each year die of largely preventable pregnancy-related complications, while millions more suffer injuries, like obstetric fistulas, for which they cannot get treatment. In many countries in sub-Saharan Africa, where AIDS has had the greatest impact, the majority of young women still do not have adequate knowledge of the ways in which HIV is transmitted. Girls and women account for 70 percent of the world's hungry, and malnutrition in pregnant women

leads to deficiencies in their children's development. We need to recognize the way that gender inequality contributes to disease and address these disparities through increased education and outreach and equal access to medical treatment and support services.

As international trade transforms economies around the world, we must ensure that women have equal access to these opportunities. In one-third of the world, women are the breadwinners for their families. Female farmers account for 80 percent of the agricultural workforce in Africa, and 60 percent in Asia. Yet despite their contributions to the economy, women make up 60 percent of the world's working poor, struggling to survive on less than one dollar a day. They are too often placed in situations of informal employment—temporary or part-time positions that do not offer a formal salary or benefits. We must ensure that all girls and women have access to educational opportunities that can lead to employment at an adequate wage, and that women receive fair compensation for labor performed outside a traditional workplace setting.

It has been more than a decade since I traveled to Beijing for the Fourth World Conference on Women. This week, the Commission on the Status of Women at the United Nations is convening to evaluate the progress we have made in achieving the goals we set at that time. We must work to ensure that the commitments we made then become reality now. I will continue to work with my colleagues in Congress and counterparts in other governments to create a world in which every woman is treated with respect and dignity, every boy and girl is loved and cared for equally, and every family has the hope of a strong and stable future.

IRANIAN WOMEN

Mr. SANTORUM. Mr. President, I rise today to speak on an issue that resonates with all Americans, especially today—a day when the entire world celebrates International Women's Day, It is important to raise the issue of the oppression of women, in hope that public awareness will change these practices and this prejudice.

I would like to specifically raise awareness of the plight of women in the Islamic Republic of Iran. In Iran, women are considered to be worth a half of a man and have extremely limited rights. It is the policy of the Government of Iran to deny women the opportunities that men are afforded.

The current Iranian Government has rescinded laws that were implemented prior to the revolution regarding women's legal rights. This initiative against women's rights was justified by an edict that laws in conflict with Sharia Law had to be abolished. The edict resulted in a new set of restrictive laws for women.

Women in Iran are severely oppressed, and their ability to speak out against current conditions is limited. While they can speak out, they face certain punishment for doing so. There are many examples of Iranian women, young and old, who have spoken out against the lack of opportunity for women in Iran. For example, Elham Afroutan is a 19-year-old Iranian journalist who was arrested a few months ago because of an op-ed she wrote in a newspaper. She is now imprisoned in Tehran, and it has been reported that she has been brutally raped and tortured. Elham's parents have only heard from her a couple of times, and the Iranian Government has refused to give any updates on her condition.

Also of importance is the case of Zahra Kazemi, the 54-year-old Iranian and Canadian journalist, who was arrested for photographing a demonstration outside Tehran's Evin prison. It is reported that while imprisoned, Zahra was tortured, raped, and later murdered. The Iranian Government later claimed that she committed suicide. The doctor who examined Zahra's body later determined that she died as a result of the beating and torture that she endured while imprisoned. After Zahra's family demanded an autopsy of her body, it was later discovered that the Iranian Government had injected Zahra's body with various chemicals so as to destroy her body and any evidence against her attackers.

This oppression of Iranian women, and all women around the world, must end. Never should a woman feel afraid to walk out of her home, speak up, or voice her opinion. Never should a woman have less of an opportunity than a man.

People around the world today, on International Women's Day, must unite behind one cause—equality, justice, and opportunity for all women.

THE FIVE-SEVEN PISTOL

Mr. LEVIN. Mr. President, the Five-Seven handgun, manufactured by the Belgian firearms company FN Herstal, was reportedly designed to provide military and law enforcement personnel with a small, lightweight, and accurate pistol that was powerful enough to kill or seriously injure enemies wearing body armor. A January 2000 cover article in the popular American Handgunner magazine profiled the handgun and predicted that, for obvious reasons, ''neither the gun nor the ammunition will ever be sold to civilians.'' Unfortunately, the American Handgunner article was wrong and FN Herstal made the Five-Seven pistol available to private buyers in 2004. These high-powered firearms clearly have no sporting purpose and pose a great threat to the lives of our law enforcement officers.

According to the FN Herstal website, the Five-Seven weighs less than 2 pounds fully loaded and measures only 8.2 inches in length, making it easily concealable. A statement which previously appeared on the website boasted ''Enemy personnel, even wearing body armor can be effectively engaged up to 200 meters. Kevlar helmets and vests as well as the CRISAT protection will be penetrated.'' This statement has since been removed.

Ballistics tests conducted by the American Handgunner for their January 2000 article provided evidence of the armor-piercing capabilities of the Five-Seven pistol. In the tests, ammunition fired by the Five-Seven successfully pierced level IIA Kevlar body armor and penetrated 6 inches into ballistics testing gelatin behind it. According to the Brady Campaign to Prevent Gun Violence, level IIA Kevlar body armor is the kind commonly worn by law enforcement officers.

The already lethal nature of the Five-Seven handgun was amplified when Congress failed to renew the 1994 Assault Weapons Ban, allowing it to expire on September 14, 2004. Among other things, Congress's inaction resulted in the legalization of previously banned high-capacity magazines, including the 20 round clip currently sold with the Five-Seven.

The law enforcement community is rightfully concerned about the Five-Seven's ability to kill law enforcement personnel, even while they are wearing protective body armor. Last year, a coalition of law enforcement groups including the International Association of Chiefs of Police, the International Brotherhood of Police Officers, and the National Organization of Black Law Enforcement Executives issued a warning to their members about the threat posed by Five-Seven handguns.

Bernard Thompson, director of the National Organization of Black Law Enforcement Executives, warned regarding the Five-Seven:

> No one is safe from a weapon like this. Police body armor won't offer protection if a criminal has this pistol.

In addition, the legislative director of the International Brotherhood of Police Officers, Steve Lenkhart, called the Five-Seven ''an assault rifle that fits in your pocket.''

In response to concerns raised by law enforcement officials and others, Senator LAUTENBERG, introduced the Protect Law Enforcement Armor Act on March 3, 2005. Among other things, this legislation would prohibit the sale of the Five-Seven pistol and its ammunition to private buyers in the U.S. Unfortunately, despite the continuing threat posed by this high-powered pistol to our law enforcement officers, Senator LAUTENBERG's legislation has yet to receive any consideration by the Senate Judiciary Committee in the year since it was introduced.

We should not ignore the concerns of our law enforcement officers with regard to the Five-Seven pistol and other military-style firearms. Congress should take up and pass commonsense legislation banning the sale of these dangerous weapons because of the threat they pose to the safety of our communities and those who work so hard each day to protect them.

REPEAL OF MEDICAID VERIFICATION REQUIREMENT

Mr. AKAKA. Mr. President, we must enact my legislation, S. 2305, to repeal a provision in the Deficit Reduction Act that will require people applying or reapplying for Medicaid to verify their citizenship with a U.S. passport or birth certificate. Congress must act to repeal this shortsighted policy before it goes into effect July 1, 2006, because it will create barriers to health care, is unnecessary, and will be an administrative burden to implement.

Mr. President, I ask unanimous consent that additional letters of support for S. 2305 from the California Immigrant Welfare Collaborative, the Coalition for Humane Immigrant Rights of Los Angeles, the National Health Law Program, Families USA, the Children's Defense Fund, the National Association for the Advancement of Colored People, and the American Public Health Association, be printed in the RECORD.

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

CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE,
Sacramento, CA, February 16, 2006.

Senator DANIEL KAHIKINA AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The California Immigrant Welfare Collaborative (CIWC) is a statewide partnership of four immigrant rights organizations: Asian Pacific American Legal Center of Southern California, Coalition for Humane Immigrant Rights of Los Angeles, National Immigration Law Center and Services, Immigrant Rights and Education Network of San Jose. We work directly in communities as well as with policy makers in order to respond to changes in health and welfare laws and to advocate for low-income immigrants.

We are writing in support of your Senate bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program. This provision would apply to all current beneficiaries and future applicants, allowing no exceptions, even for those with serious mental or physical disabilities such as Alzheimer's disease or those who lack documents due to homelessness or a disaster such as Hurricane Katrina. About 49 million U.S.-born citizens (and two million naturalized citizens) who are covered by Medicaid over the course of a year would be required to submit these documents or forfeit their health insurance coverage. New Medicaid applicants also would have to meet this requirement.

According to a recent survey conducted by the Center on Budget and Policy Priorities and by the Opinion Research Corporation the new requirement could have large consequences on the health insurance coverage of millions of low-income U.S. citizens. Key findings from the survey include:

About one in every twelve (8 percent) U.S.-born adults age 18 or older who have incomes below $25,000 report they do not have a U.S. passport or U.S. birth certificate in their possession. Applying this percentage to the number of adult citizens covered by Medicaid over the course of a year indicates that approximately 1.7 million U.S.-born adults who are covered by Medicaid could lose their health insurance because of the new requirement or experience delays in obtaining coverage as they attempt to secure these documents.

More than one tenth of U.S.-born adults with children who have incomes below $25,000 reported they did not have a birth certificate or passport for at least one of their children. This indicates that between 1.4 and 2.9 million children enrolled in Medicaid appear not to have the paperwork required.

Taken together, the survey indicates that Medicaid coverage could be in jeopardy for 3.2 to 4.6 million U.S.-born citizens because they do not have a U.S. passport or birth certificate readily available.

Some types of citizens would shoulder a greater risk of losing Medicaid than others because they are less likely to have the required documents. While 5.7 percent of all adults in the survey (i.e., adults at all income levels) reported they lack these documents, the percentage was larger for certain groups: African American adults: 9 percent; Senior citizens 65 or older: 7 percent; Adults without a high school diploma: 9 percent; Adults living in rural areas: 9 percent.

These data and earlier research also suggest that elderly African Americans with low incomes may experience particular difficulties because a significant number of them were never issued birth certificates.

These results are conservative as many of those who would be most likely to experience difficulty in securing these documents—such as nursing-home residents, Katrina survivors living in temporary facilities, and homeless people—were not represented in the survey. Had the survey included such people, the percentage of people likely to be harmed by the requirement would almost certainly have been found to be higher.

In California, birth certificates cost $17 and require a notarized application, or sworn statement under penalty of perjury. In addition to the added expense of notarizing, an additional $25-$50 depending on the ability of often-unscrupulous notaries to charge, making people swear under penalty of perjury is intimidating and will discourage people from applying. It takes four to six months to obtain birth certificates for newborns and if obtained in person, require travel to a different office than for duplicate copies that might be needed for adults or other children who need them. We see no flexibility in the amendments as passed to allow for families with no disposable income to obtain the birth certificates timely.

We understand that the new requirement for documentation in Medicaid is intended to prevent undocumented immigrants from declaring they are citizens and obtaining Medicaid benefits. The HHS Inspector General however found no substantial evidence that this is occurring. Instead, the principal effect of the provision would likely be to endanger health-care coverage for millions of poor U.S. citizens, because substantial numbers of native-born citizens do not have a passport or birth certificate readily available. We also anticipate the provision will add yet another barrier and have a chilling effect on the many immigrants who are federally eligible for Medicaid but may get turned away due to confusion in the rules when this is implemented in all 50 states. We support your efforts to repeal this amendment as it could have terrible consequences for all Medicaid recipients.

Sincerely,

JEANETTE ZANIPATIN,
Statewide Policy Analyst/CIWC.

THE COALITION FOR HUMANE IMMIGRANT RIGHTS OF LOS ANGELES,
Los Angeles, CA.

Senator DANIEL KAHIKINA AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) is a multi-ethnic nonprofit coalition founded in 1986 to advance the human and civil rights of immigrants and refugees in Los Angeles; promotes harmonious multi-ethnic and multi-racial human relations; and through coalition-building, advocacy, community education and organizing, empower immigrants and their allies to build a more just society.

We are writing in support of your Senate bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program. This provision would apply to all current beneficiaries and future applicants, allowing no exceptions, even for those with serious mental or physical disabilities such as Alzheimer's disease or those who lack documents due to homelessness or a disaster such as Hurricane Katrina. About 49 million U.S.-born citizens (and two million naturalized citizens) who are covered by Medicaid over the course of a year would be required to submit these documents or forfeit their health insurance coverage. New Medicaid applicants also would have to meet this requirement.

According to a recent survey conducted by the Center on Budget and Policy Priorities and by the Opinion Research Corporation the new requirement could have large consequences on the health insurance coverage of millions of low-income U.S. citizens. Key findings from the survey include:

About one in every twelve (8 percent) U.S.-born adults age 18 or older who have incomes below $25,000 report they do not have a U.S. passport or U.S. birth certificate in their possession. Applying this percentage to the number of adult citizens covered by Medicaid over the course of a year indicates that approximately 1.7 million U.S.-born adults who are covered by Medicaid could lose their health insurance because of the new requirement or experience delays in obtaining coverage as they attempt to secure these documents.

More than one tenth of U.S.-born adults with children who have incomes below $25,000 reported they did not have a birth certificate or passport for at least one of their children. This indicates that between 1.4 and 2.9 million children enrolled in Medicaid appear not to have the paperwork required.

Taken together, the survey indicates that Medicaid coverage could be in jeopardy for 3.2 to 4.6 million U.S.-born citizens because they do not have a U.S. passport or birth certificate readily available.

Some types of citizens would shoulder a greater risk of losing Medicaid than others because they are less likely to have the required documents. While 5.7 percent of all adults in the survey (i.e., adults at all income levels) reported they lack these documents, the percentage was larger for certain groups: African American adults: 9 percent; senior citizens 65 or older: 7 percent; adults without a high school diploma: 9 percent; and adults living in rural areas: 9 percent.

These data and earlier research also suggest that elderly African Americans with low incomes may experience particular difficulties because a significant number of them were never issued birth certificates.

These results are conservative as many of those who would be most likely to experience difficulty in securing these documents—such as nursing-home residents,

Katrina survivors living in temporary facilities, and homeless people—were not represented in the survey. Had the survey included such people, the percentage of people likely to be harmed by the requirement would almost certainly have been found to be higher.

In California, birth certificates cost $17 and require a notarized application, or sworn statement under penalty of perjury. In addition to the added expense of notarizing, an additional $25-$50 depending on the ability of often-unscrupulous notaries to charge, making people swear under penalty of perjury is intimidating and will discourage people from applying. It takes four to six months to obtain birth certificates for newborns and if obtained in person, require travel to a different office than for duplicate copies that might be needed for adults or other children who need them. We see no flexibility in the amendments as passed to allow for families with no disposable income to obtain the birth certificates timely.

We understand that the new requirement for documentation in Medicaid is intended to prevent undocumented immigrants from declaring they are citizens and obtaining Medicaid benefits. The HHS Inspector General however found no substantial evidence that this is occurring.

Instead, the principal effect of the provision would likely be to endanger health-care coverage for millions of poor U.S. citizens, because substantial numbers of native-born citizens do not have a passport or birth certificate readily available. We also anticipate the provision will add yet another barrier and have a chilling effect on the many immigrants who are federally eligible for Medicaid but may get turned away due to confusion in the rules when this is implemented in all 50 states. We support your efforts to repeal this amendment as it could have terrible consequences for all Medicaid recipients.

Sincerely,

JOSEPH VILLELA,
State Policy Advocate.

NATIONAL HEALTH LAW PROGRAM,
Washington, DC, February 16, 2006.

Senator DANIEL K. AKAKA,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR AKAKA, The National Health Law Program (NHeLP) supports the repeal of Section 6036 of the Deficit Reduction Act. This section requires documentation evidencing citizenship or nationality as a condition of receipt of Medicaid. The arbitrary and unnecessary documentation requirements embedded in Section 6036 will adversely and disproportionately deny medical care to elderly, minority, and rural U.S. citizens.

Currently, citizens are allowed to self-declare their citizenship under penalty of perjury when they apply for Medicaid. Proponents of Section 6036 suggest the provision will prevent immigrants from falsely obtaining Medicaid by claiming they are citizens. Yet the Office of the Inspector General of the Department of Health and Human Services conducted a comprehensive review of this subject and did not recommend new documentation requirements such as those contained in Section 3145, and the Centers for Medicare & Medicaid Services concurred in that judgment.

Rather, to the extent that Section 6036 would produce cost savings, it would do so by denying desperately needed health care coverage to many of this country's neediest native-born citizens, especially those who are African American, Native American, elderly and/or born in rural areas. For example, a study by the Center on Budget and Policy Priorities noted that approximately 1.7 million adult citizens and 1.4 to 2.9 million citizen children on Medicaid do not have a passport or birth certificate available at home. Some of these individuals cannot get a birth certificate because they were not born in hospitals. For example, a 1950 study found that one out of five African Americans lacked a birth registration. And the difficultly of obtaining the documentation, especially for those with mental disabilities, will effectively preclude eligible individuals from enrolling in Medicaid.

Even without its likely discriminatory impact, Section 6036 represents bad policy. Adding new paperwork requirements imposes unnecessary delays at a time when many need prompt medical coverage. Individuals could face long delays in getting birth certificates due to the high volume of requests that state vital statistics offices will need to field. Further, Section 6036 effectively creates an application fee for Medicaid—a passport currently costs $97.00; copies of a birth certificate can cost $5 to $23. As a result, native-born citizens poor enough to qualify for Medicaid will often be too poor to prove that they qualify because they cannot afford the required documentation.

We applaud your introduction of a bill to repeal Section 6036. Please feel free to contact Mara Youdelman at 202–289–7661 if you would like to discuss this or any other issue about which we may be of assistance.

Sincerely,

LAURENCE M. LAVIN,
Director.

Washington, DC, Feb. 21, 2006.

Senator DANIEL K. AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA: Families USA thanks you for introducing S. 2305, a bill that would remove provisions requiring Medicaid recipients to prove their citizenship by producing a passport or birth certificate, and we hope to see your proposed bill enacted into law.

We are concerned that increasing documentation requirements to access Medicaid would wrongfully block many native-born American citizens and legal immigrants that qualify for Medicaid from enrolling. In fact, 5.7% of all adults at all income levels report that they lack birth certificates or passports, and that number is even higher for African-Americans, senior citizens, Americans residing in rural areas, and foster children. The Center on Budget and Policy Priorities estimates that more than 51 million individuals would be burdened by having to produce this additional documentation. If the documentation provisions are not repealed, then otherwise eligible beneficiaries would be unable to prove their own citizenship and therefore be forced to go without health care, adding to our nation's already burgeoning pool of 46 million uninsured.

The Office of the Inspector General of the Department of Health and Human Services concluded that no evidence exists that shows that immigrants are enrolling in Medicaid by claiming to be U.S. citizens. Since government officials investigating the matter concluded that there is no problem, and since enacting any provisions that would require beneficiaries to show more documents would cost millions of dollars in increased administrative expenses to a number of government agencies, Families USA believes policies calling for more documentation to be neither prudent nor responsible uses of taxpayers' dollars.

Denying Medicaid to some of our Nation's neediest citizens in order to chase the phantom problem of illegal immigrants dubiously enrolling in Medicaid is an unacceptable inefficiency that will increase the tax burden on hard-working Americans. We appreciate your insight in correcting such a deficient policy and support your proposed legislation.

Sincerely,

RONALD F. POLLACK,
Executive Director.

CHILDREN'S DEFENSE FUND,
March 3, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I am writing to offer the support of the Children's Defense Fund for your bill, S. 2305, to repeal one of the harmful amendments made to Title XIX of the Social Security Act by the Deficit Reduction Act of 2005. We support the elimination of the new requirement that U.S. citizens eligible for Medicaid must confirm their citizenship by submitting a birth certificate or passport (or other naturalization papers) to receive Medicaid.

This harmful and unnecessary provision will deny health care to millions of children and adults who need it to address their health and mental health needs and who are legally entitled to it. A recent survey conducted by the Opinion Research Corporation indicates that between 1.4 and 2.9 million children could lose their Medicaid coverage because their U.S. born parents do not have birth certificates or passports for them. In California and Texas, just two of the states where CDF has offices, it is estimated that as many as 11 million individuals could be denied health care because of this requirement.

While this provision was intended to prevent immigrants who are not eligible for Medicaid from receiving it illegally, the Centers for Medicare and Medicaid Services and the Office of the Inspector General agree that there is no substantial evidence that immigrants are attempting to obtain Medicaid by falsely attesting to their citizenship.

S. 2305 will help spare children and adults, who need health and mental health care, from having to navigate through additional red tape to receive benefits from the Medicaid program. We applaud your effort to take a step forward in making affordable health care available to those who need it.

The Children's Defense Fund looks forward to working with you to ensure that all children receive health care without the unwanted burden of producing unnecessary documentation.

Sincerely,

MARIAN WRIGHT EDELMAN.

WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, March, 3, 2006.

Re NAACP support for S. 1580, the Healthcare Equality and Accountability Act

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA. On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I am writing to let you know that at our recent Annual Meeting we passed a resolution expressing our strong support of S. 1580, the Healthcare Equality and Accountability Act.

The fact of the matter is that huge discrepancies remain in health care in the United States today. The quality and quantity of health care services you receive depends greatly upon your racial or ethnic background, the make-up and location of the

community in which you live, and your economic status. Currently, one seventh of all Americans, 42 million people, lack insurance and suffer unnecessary illness and premature death; a disparate number of these people are racial or ethnic minority Americans.

Despite being first in spending, the World Health Organization has ranked the United States 37th among all nations in terms of meeting the health care needs of its people. Furthermore, despite the numerous advances that have been made in health care over the decades, racial and ethnic minority Americans continue to suffer disproportionately from many severe health problems and have higher mortality rates than whites for many treatable health conditions. Diabetes strikes African Americans 70% more often than Caucasian Americans; Hispanic Americans twice as often as whites; the diabetes rate for Native Americans is even higher. striking members of this community 180% more often than Caucasian Americans. African Americans are 40% more likely to die from coronary heart disease and 35% more likely to die from cancer than Caucasian Americans.

It is because of these glaring disparities, the NAACP strongly supports the efforts of the Congressional Black Caucus, the Congressional Hispanic Caucus and the Congressional Asian/Pacific Islander Caucus to address these problems with the introduction of comprehensive legislation which expands health care access, improves health care quality, strengthens key academic institutions and research centers, and bolsters the health care infrastructure in underserved communities.

Given the importance of this legislation, and the NAACP's historic mission to eliminate racial disparities wherever they exist and to promote affordable, adequate health care among racial and ethnic minorities it is our honor, as well as our duty as some might argue, to support this legislation in the strongest terms possible. Thus the NAACP is committed to using all of our available resources to see this bill's quick enactment.

Thank you for your leadership in this area: I look forward to working with you toward our common goal. Should you have any questions, please feel free to contact us.

Sincerely,

HILARY O. SHELTON,
Director.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 7, 2006.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the American Public Health Association (APHA), the oldest, largest and most diverse organization of public health professionals in the world, dedicated to protecting all Americans and their communities from preventable, serious health threats and assuring community-based health promotion and disease prevention activities and preventive health services are universally accessible in the United States, I write in support of S. 2305. This legislation would repeal the provision of the Deficit Reduction Act of 2005 that would require documentation evidencing citizenship or nationality as a condition for being enrolled in the Medicaid program.

APHA strongly supports efforts to reverse the cuts and changes to the Medicaid program included in the Deficit Reduction Act of 2005 that jeopardize the health of our nation's most vulnerable, including Medicaid beneficiaries. Several Medicaid reforms included in the bill have unintended and severe consequences and will not result in the projected cost savings. Of note is the provision in the legislation that requires individuals to present citizenship or residency documentation in order to enroll in the Medicaid program. Although not its intent, this provision is expected to have a devastating impact on the health coverage and status of native-born citizens who are in every way eligible for the Medicaid program.

Citizenship and verification requirements in Medicaid and the State Children's Health Insurance Program have been proven to reduce enrollment in the programs among the eligible population. The provision included in the Deficit Reduction Act of 2005 that would require individuals to present documentation proving citizenship or nationality in order to enroll in the Medicaid program is expected to cause thousands of Medicaid beneficiaries who are native-born citizens but do not have a birth certificate or passport in their possession to join the country's uninsured ranks. This provision will likely exacerbate existing racial/ethnic and rural/urban health disparities, as it is expected to disproportionately affect elderly African Americans, individuals residing in rural areas and Katrina survivors, many of whom were not born in a hospital or lost such documentation during Hurricane Katrina or other life tragedies. Also, Medicaid beneficiaries and applicants with mental disorders will likely be adversely affected, as the provision did not include exceptions for any populations, including those with severe physical or mental impairments such as Alzheimer's disease.

Therefore, there is the need to now take a vital step to protect the public's health and repeal this harmful provision included in the Deficit Reduction Act of 2005. We thank you for taking a leadership role in doing so, and look forward to working with you as this legislation moves forward.

Sincerely,

GEORGES C. BENJAMIN,
Executive Director.

LIHEAP FUNDING

Mr. FEINGOLD. Mr. President, I am pleased that the Senate has finally passed legislation to help hard-working families that have been grappling with skyrocketing energy costs for far too long. My colleagues from Maine and Rhode Island, Senators SNOWE and REED, have worked diligently to get LIHEAP legislation to the Senate floor and I thank them for their commitment. I must note, however, that the funding approved by the Senate yesterday is too little, too late. As we move forward with the appropriations process for fiscal year 2007, I will be urging my colleagues to fund the LIHEAP program at its fully authorized level so that next year my constituents don't again find themselves struggling to pay record heating bills while Congress turns a blind eye.

I would also like to respond to some of the concerns that I have heard a handful of my colleagues make during debate on whether we should increase the amount of LIHEAP funding available. A few members have spoken about the problem of earmarks and the need for responsible Government spending. I share concerns over earmarking and welcome the opportunity to work together on this issue so that we can look the public in the face and say that their tax dollars are being spent on the most meritorious projects. Increasing LIHEAP funding is not about earmarks—it is about helping our citizens with immediate and urgent needs.

AVIAN INFLUENZA IN AFRICA

Mr. FEINGOLD. Mr. President, the avian influenza, H5N1, virus has recently been detected for the first time in Nigeria. International health officials have long warned about the potential danger of avian flu spreading throughout the African continent, and it appears we are now one step closer to this danger becoming a reality.

While the threat of avian influenza is global, and needs to be addressed here in the United States, it is of particular concern in Africa. Many governments in Africa are unequipped to effectively deal with an outbreak, which requires early detection, quarantining, and culling of affected bird populations. And although there are no reports yet of humans contracting the disease in Nigeria, recent cases in Turkey and Iraq underscore the danger for people who live in close proximity to poultry, as is the case throughout much of Africa. In areas where birds, livestock, and people are in close contact, the risk of the virus mutating into a strain that can be transmitted between humans is increased. Additionally, immunocompromised individuals may be more susceptible to the disease, and it is unclear what effect avian influenza could have on populations already ravaged by HIV/AIDS, malaria, and other diseases. Finally, the already overburdened or underdeveloped health infrastructure in much of Africa may find itself unable to cope with a pandemic.

Avian flu is an international danger to which no country in the world is immune. While much attention has been paid to the problem in Asia, I am concerned that the international community has not prepared sufficiently for an outbreak in Africa. Particularly worrisome is the amount of time it apparently took for the outbreak in Nigeria—a member of the recently formed West African Network on Avian Influenza, and presumably better prepared than many other African nations to deal with the threat of avian influenza—to be reported to international health authorities.

It is essential that the administration develop a plan for managing a wide-scale outbreak of avian influenza in Africa, as well as developing contingency plans relating to the impact that an outbreak of avian influenza may have diplomatically, economically, and security-wise in each major region of the continent. I also urge the administration to develop plans to support organizations like the African Union to develop information-sharing mechanisms and a clearinghouse of information related to initial reporting, initial impact, mitigation efforts, and management mechanisms to prevent the spread of the virus, beyond the initial efforts that have been made through

the International Partnership on Avian and Pandemic Influenza.

Additionally, the administration should identify particularly vulnerable regions or countries, and provide detailed plans for how the international community can support efforts in these regions or countries through both bilateral and multilateral mechanisms to help mitigate or alleviate the potential impact of avian flu.

Assisting the countries of Africa in preventing more widespread transmission of the deadly H5N1 virus should be a critical priority. It is in the interest of millions of the world most vulnerable populations in some of the poorest countries, and it is also in our interest that we help prepare regions like Africa to head off a humanitarian tragedy that could easily spread to our own backyards.

CHILDREN AND MEDIA RESEARCH ADVANCEMENT ACT

Mrs. CLINTON. Mr. President, I thank Chairman ENZI and Senator KENNEDY for placing S. 1902, the Children and Media Research Advancement Act CAMRA, on the calendar today. I appreciate their commitment to the health and welfare of children. I also want to thank the co-sponsors of this bill, Senators LIEBERMAN, BROWNBACK, SANTORUM, BAYH, and DURBIN for being such leaders on this issue, and my fellow Senators on the HELP Committee for their support for this legislation. In addition, I thank two groups, Common Sense Media and Children Now, for raising awareness of the effect media has on children's development. And finally, I express thanks to two researchers, Dr. Michael Rich of the Center for Media and Child Health at Harvard University Medical School, and Dr. Sandy Calvert of the Children's Digital Media Center at Georgetown University. Both Dr. Rich and Dr. Calvert have been great advocates for CAMRA. I thank them for sharing their expertise and support.

Last year the Kaiser Family Foundation released a report showing dramatic changes in the way young people consume media, and confirming that children use electronic media an extraordinary amount. On average, children are spending 45 hours a week—more than a full-time job—with media.

Young people today are not just watching television or playing video games, they are increasingly ''media multi-tasking,'' using more than one medium at a time and packing a growing volume of media content into each day. According to Kaiser, a full quarter of the time children are using media, they are using more than one type at once.

This new pattern of media consumption presents twin challenges. Parents face new obstacles to monitoring their children's media consumption. And children are exposed to a media environment with an unknown impact.

That is why the CAMRA Act—the Children and the Media Research Advancement Act—is so important. This bill will create a single, coordinated research program at the Center for Disease Control. It will study the impact of electronic media on children's—including very young children and infants'—cognitive, social and physical development.

The CAMRA Act will help answer critical questions about the myriad effects media has on childhood development. One area we need to look at particularly is the effect of exposure to media on infants. Research tells us that the earliest years of a child's life are among the most significant for his or her brain development. But we need to know what forms of media—if any—contribute to healthy brain development for babies. Is it OK to put a baby down in front of the TV? Are videos helpful or harmful when it comes to children's cognitive and emotional development? Today we don't know.

In December the Kaiser Foundation published a report finding ''no published studies on cognitive outcomes from any of the educational videos, computer software programs, or video game systems currently on the market for children ages 0–6.'' These products are more and more popular. You can see them marketed to new parents everywhere. We should know what their effect is on young children and infants.

The CAMRA Act will also spur research on the effect of media on children's physical development. Since 1980, the proportion of overweight children has doubled and the rate for adolescents has tripled. During that same time period, the number of advertisements for unhealthy food that children see annually has exploded.

In the 1970s, children saw 20,000 commercials a year. Today, they see 40,000. Is this a coincidence or is there a direct link? We need answers to these questions. In December, the Institute of Medicine called for ''sustained, multidisciplinary work on how marketing influences the food and beverage choices of children and youth.'' CAMRA will help get us there.

The bill I introduced with Senators LIEBERMAN, BROWNBACK, SANTORUM, BAYH, and DURBIN included pilot projects to look at the effect of media on young children, and to look at food marketing and obesity. Although those projects were not included in this manager's package, I continue to be very pleased with the bill. It's a step forward for children. And I look forward to working with my colleagues in other venues to ensure that the pilot projects get done.

But CAMRA is just one step. We need to do more so children grow up in a safe media environment. In December Senators LIEBERMAN, BAYH, and I introduced S. 2126, the Family Entertainment Protection Act, which would prevent children from buying and renting ultra violent and pornographic video games.

There is enough research out there now to show conclusively that playing violent video games has a negative effect on youth. We know that these games are damaging to children. We need to take the decision to buy them out of the hands of children and put that decision back in the hands of parents. That is what S. 2126 would do, and I look forward to working with my colleagues in the Senate to move that bill.

I am so pleased that we are taking this step forward today with CAMRA, and I am hopeful that it will be speedily approved by the full Senate. It is one step to ensure that children in America grow up safely.

INTERNATIONAL EDUCATION AND FOREIGN LANGUAGE STUDIES

Mr. SARBANES. Mr. President, I take this time to draw to the attention of my colleagues a significant report, released on February 9, 2006 in Washington, DC, by the Committee for Economic Development, CED, a group of some 200 business leaders and several university presidents.

The CED statement, ''Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security'', asserts that the United States will be less competitive in the global economy because of a shortage of strong foreign language and international studies programs in our colleges and high schools and warns, too, that the lack of Americans educated in foreign languages and cultures is hampering efforts to counter terrorist threats.

The cochairs of the CED subcommittee that produced the report are Charles E.M. Kolb, President of CED; Alfred T. Mockett, CED trustee, former chairman and CEO, CGI–AMS, Inc.; and another CED trustee, Dr. John Brademas, president emeritus of New York University and former Member—1959–1981—of the U.S. House of Representatives from Indiana.

Dr. Brademas brought long and distinguished experience to his responsibilities as cochair of the CED subcommittee. A member of the House of Representatives from 1959 to 1981, he served throughout those years on the House Committee on Education and Labor and for 10 years chaired its Select Subcommittee on Education. He played a major role in writing the landmark education legislation of that period, including the Elementary and Secondary School Act and the Higher Education Act, and he was the author of the International Education Act of 1966.

The recommendations in the CED Report include teaching international content across the curriculum and at all levels of learning, to expand American students' knowledge of other countries and cultures; expanding the training pipeline at every level of education to address the paucity of Americans fluent in strategic languages, especially critical, less commonly taught languages; national leaders—political

leaders as well as the business and philanthropic communities and the media—should educate the public about the importance of improving education in languages other than English and in international studies.

Mr. President, I ask unanimous consent to have printed in the RECORD the remarks of Dr. Brademas on the CED report, ''Education for Global Leadership.''

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

EDUCATION FOR GLOBAL LEADERSHIP: THE IMPORTANCE OF INTERNATIONAL STUDIES AND FOREIGN LANGUAGE EDUCATION FOR U.S. ECONOMIC AND NATIONAL SECURITY: OF CED, THE COMMITTEE FOR ECONOMIC DEVELOPMENT

The opportunity to serve as a co-chair of the Subcommittee of the Committee for Economic Development (CED) that produced a report entitled, Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security, has enabled me to champion anew what has been a passion of mine from childhood.

Son of a Greek immigrant father and a Scots-English-Irish mother, I read a book in elementary school in Indiana about the Mayas, decided I wanted to become a Mayan archaeologist, started learning Spanish, as a highschooler hitchhiked to Mexico, as a Harvard undergraduate spent a summer working with Aztec Indians in rural Mexico, wrote my college honors essay on a Mexican peasant movement and, four years later, at Oxford University, my Ph.D. dissertation on the anarchist movement in Spain.

Although I studied anarchism, I did not practice it! In 1958 I was first elected to Congress, and then ten times reelected, serving, therefore, for twenty-two years.

In 1961, as a member of the House Committee on Education and Labor, I visited Argentina to study how colleges and universities in Latin America could contribute to President Kennedy's ''Alliance for Progress''.

I made other trips to Latin America—Cuba, Peru, Panama, Colombia, Venezuela—honing my Spanish and learning more about the Spanish-speaking Americas.

In 1981 I became president of New York University, where, two years later, I awarded an honorary degree to King Juan Carlos I of Spain, announced a professorship in his name and in 1997, in the presence of Their Majesties, the King and Queen Sofía, and of the then First Lady of the United States, now Senator Hillary Rodham Clinton, dedicated the King Juan Carlos I of Spain Center at NYU for the study of the economics, history and politics of modern Spain.

All this was the result of my having, in South Bend, Indiana, read a book about the Mayas when I was a schoolboy!

So I know what early exposure to another culture, another country, another language has meant in my own life.

INTERNATIONAL EDUCATION ACT OF 1966

Indeed, while in Congress, I wrote the International Education Act of 1966, to provide grants to colleges and universities in the United States for the study of other countries and cultures. President Lyndon Johnson signed the bill into law but Congress failed to appropriate the funds to implement it.

And I believe that among the reasons—I do not say the only one—the United States suffered such loss of lives and treasure in Vietnam and does now in Iraq is ignorance—ignorance of the cultures, histories and languages of those societies.

I add that the tragedies of 9/11, Madrid, London, Bali and Baghdad must bring home to us as Americans the imperative, as a matter of our national security, of learning more about the world of Islam.

Here I note that only one year ago, the US Department of Defense, recalling the launch by the Soviet Union of Sputnik in 1957, brought together leaders from government, the academy and language associations to produce a ''call to action for national foreign language capabilities''. There was then—and still is—particular concern about our lack of Arabic speakers.

But it is not only for reasons of national security that we must learn more about countries and cultures other than our own. Such knowledge is indispensable, too, to America's economic strength and competitive position in the world.

The marketplace has now become global. Modern technology—the Internet, for example—has made communication and travel possible on a worldwide basis. In the last few years, I myself have visited Spain, England, Greece, Jordan, Morocco, Cuba, Kazakhstan, Japan, Turkey and Vietnam.

New York Times columnist Tom Friedman has eloquently spelled out the impact of globalization on culture, politics, science and history in his book, The World Is Flat.

GLOBAL STUDIES AT NYU

Reflecting on my commitment to international education, during my presidency of NYU, my colleagues and I established a Center for Japan-U.S. Business & Economic Studies, a Casa Italiana Zerilli-Marimò, Onassis Center for Hellenic Studies, the Eric Maria Remarque Institute for European studies, Skirball Department of Hebrew and Judaic Studies, and King Juan Carlos I of Spain Center, and we are now planning a Center for Dialogue with the Islamic world.

I add that NYU also has campuses abroad—in London, Paris, Florence, Madrid, Prague and now, Ghana. The Institute of International Education reported a few weeks ago that in 2003–04, NYU sent more students to study abroad than any other American college or university. And next fall, NYU will offer a study abroad site in Shanghai, the first for a large American university there.

I call your attention in this respect to the report issued last year, Global Competence and National Needs: One Million Americans Studying Abroad. Produced by the Commission on the Abraham Lincoln Study Abroad Fellowship Program.

The report calls for sending one million students from the United States to study abroad annually in a decade.

I add that New York University ranks fifth on the list for hosting students from other countries.

I continue to be deeply dedicated to international education at the college and university level.

But I do not think we should wait until students go to college to begin learning about other countries and learning languages other than English.

We should start in grade school and, where possible, even at the pre-school level.

Now if as a Member of Congress and as president of New York University, I pressed for more study of other countries, cultures and languages, I continued—and continue—to do so wearing other hats.

Appointed, by President Clinton, chairman of the President's Committee on the Arts and the Humanities, which in 1997 produced a report, Creative America, with recommendations for generating more support, public and private, for these two fields in American life, I was pleased that our Committee recommended that our ''schools and colleges . . . place greater emphasis on international studies and the history, languages and cultures of other nations.''

President Clinton and then First Lady Hillary Rodham Clinton accepted our Committee's recommendation to hold a White House Conference on ''Culture and Diplomacy''.

NATIONAL ENDOWMENT FOR DEMOCRACY

As for seven years, chairman of the National Endowment for Democracy, the federally financed agency that makes grants to private groups struggling to build democracy in countries where it does not exist, I had another exposure to the imperative of knowing about other countries and cultures.

I continue that interest through service on the US-Japan Foundation, US-Spain Council, World Conference of Religions for Peace, Center for Democracy and Reconciliation in Southeast Europe, Council for a Community of Democracies as well as on the Advisory Councils of Transparency International, the organization that combats corruption in international business transactions, and by chairing the American Ditchley Foundation, which helps plan meetings on all manner of subjects at Ditchley Park, a conference center outside Oxford, England.

I'm also vice chair of the Advisory Council of Americans for UNESCO, an organization that shares our concerns today, led by its president, Richard T. Arndt, veteran of the United States Information Agency and author of a recent book, The First Resort of Kings: American Cultural Diplomacy in the Twentieth Century.

Last Fall I spoke in Ottawa on the fifteen anniversary of the Canada-U.S. Fulbright program, and I have been asked to take part this year in conferences in the Czech Republic, Guatemala, Greece, Japan, Turkey and Rwanda.

So you will, with these words of personal background, understand my enthusiasm for this CED report, and I want to congratulate the other co-chairs of the Subcommittee, Charlie Kolb and Alfred Mockett, as well as the CED staff who did such outstanding work in preparing it—Daniel Schecter, Donna Desrochers and Rachel Dunsmoor.

MAJOR RECOMMENDATIONS OF THE CED REPORT

Here I want only to reiterate the major recommendations of our CED report:

1. That ''international content be taught across the curriculum and at all levels of learning, to expand American students' knowledge of other countries and cultures.''

2. That we expand ''the training pipeline at every level of education to address the paucity of Americans fluent in foreign languages, especially critical, less commonly taught ones such as Arabic, Chinese, Japanese, Korean, Persian/Farsi, Russian and Turkish.

3. That ''national leaders—political leaders, as well as the business and philanthropic communities and the media—educate the public about the importance of improving education in foreign languages and international studies.''

The report we release today contains concrete proposals for action, especially for programs financed by the Federal Government, with specific recommendations for appropriations to implement our proposals.

Here I want to make a crucial point. We must put our money where our recommendations are!

I reiterate that the failure of Congress forty years ago to vote the funds to carry out the provisions of the International Education Act, a measure to achieve many of the purposes articulated in this CED report, meant a loss to the nation we should not repeat.

FUNDS FOR INTERNATIONAL EDUCATION, FOREIGN LANGUAGE STUDIES

Accordingly, we should examine with care the budget recommendations of President

Bush for Fiscal 2007 for programs to strengthen international education and foreign language studies even as we must follow tenaciously the response of Congress.

I was very pleased in this respect that last month President Bush told a group of U.S. university presidents of his proposal to strengthen foreign language study, particularly Arabic and other critical languages.

The President spoke of a ''National Security Language Initiative'' and asked for $114 million in Fiscal 2007 as ''seed money'' to establish critical language instruction in grade schools, support college-level language courses and create a national corps of ''reserve'' linguists who could serve in times of need.

Although an encouraging sign, as The New Republic said last month (January 23, 2006), ''[I]t remains to be seen whether the lightly funded initiative will be anything more than symbolic.''

Now we must be sure that Congress votes even this modest amount of money to carry out this promise and, indeed, do much better!

For as the final sentence of our CED report declares, ''Our national security and our economic prosperity ultimately depend on how well we educate today's students to become tomorrow's global leaders.''

Amen!

ADDITIONAL STATEMENTS

TRIBUTE TO ELIZABETH AMERICO

• Mr. LIEBERMAN. Mr. President, I rise today to honor a truly extraordinary young student from Connecticut. Elizabeth Americo of Guilford has recently been selected as one of Connecticut's two honorees in the 2006 Prudential Spirit of Community Awards. This honor, is given to only one high school student and one junior high school student in each state as well as the District of Columbia. A quick look at Elizabeth's record of community service shows her to be truly deserving of such recognition.

Elizabeth, who is 17 years old and a junior at Guilford High School, is the founder and president of Students for Health and Social Justice, a club at her school that is dedicated to raising awareness and funds to assist needy people both in the United States and abroad.

Elizabeth was first inspired to become involved in volunteer work by her older brother's work with impoverished Haitians. Upon arriving at Guilford High School her freshman year, Elizabeth decided she wanted to share her passion for helping others with her fellow students. The result was Students for Health and Social Justice, which now boasts 21 members who meet regularly to discuss poverty and community health issues around the world and plan both awareness, and fundraising, events to address these issues. With hard work, creativity, and a deep commitment to helping others, the club has sponsored dances and other events to help raise money for health care programs in Haiti, relief aid for tsunami victims, UNICEF, and other causes. Elizabeth and her fellow club members have also not forgotten about the needy in their local community, organizing an impressive four-school-strong food drive for a local soup kitchen.

Elizabeth's extensive record of volunteer service, done at such a young age, serves as an inspiring example to all of us about the difference we can make in our communities if we are willing to put in the time and energy. It is young people such as Elizabeth that give me great hope for the future of our country.

In recognition of her achievements, Elizabeth will be invited to Washington in early May with the 101 other 2006 Spirit of Community honorees from across the country who were selected from a pool of several thousand nominees. While in Washington, 10 of the honorees will be selected as America's top youth volunteers of the year by a distinguished national selection committee cochaired by 2 of my distinguished colleagues, Senator TIM JOHNSON of South Dakota and Senator SAXBY CHAMBLISS of Georgia.

I wish Elizabeth the best of luck, both with this award and in all her future endeavors. I would like to end my remarks, Mr. President, by taking the time to thank Elizabeth Americo for the good work she has done and the work I am sure she will continue to do in the future.•

HONORING ELEANOR L. RICHARDSON

• Mr. ISAKSON. Mr. President, today I mourn the passing and pay tribute to a wonderful Georgian, a great leader, and a personal friend of mine. The Honorable Eleanor Richardson passed away on February 21, 2006, leaving a tremendous void in the hearts of all who knew and loved this extraordinary woman.

A long-time resident of Decatur, GA, she was involved in Civic Organizations such as the League of Women Voters, serving as the president of the Dekalb League and then the Georgia League. It was during this time that a friend urged her to run for a vacant seat in the Georgia General Assembly, thus beginning her memorable political career.

From 1975 until 1991, she served with great distinction as one of the first female members in the Georgia House of Representatives, and I was privileged to serve with her for many of those years. She gained an impeccable reputation as a faithful advocate for her district and a determined voice of the voiceless. Eleanor's legislative priorities included issues related to the welfare of children, women, the elderly and the homeless. She had an unwavering commitment to justice and equality.

Eleanor was respected by her colleagues on both sides of the aisle for her determined leadership. She served on several key House committees, including the Appropriations Committee, the Health and Ecology Committee and the State Planning and Community Affairs Committee, where she served as chair of the local legislation subcommittee.

After retiring from public office, Eleanor was appointed to the newly founded Georgia Commission on Women in 1992 and served as its first vice chair. She remained a tireless servant to her community and to the State through her work on countless other boards and advocacy organizations. For over 45 years, she was a faithful and beloved member of Glenn Memorial United Methodist Church, highly active both in the local church and in her denomination.

Eleanor leaves behind a loving and devoted family, including her husband, Merlyn Eldon Richardson; her daughter, Merlyn Richardson Nolan; her two grandsons, Gaillard Ravenel Nolan, Jr., and Merlyn Richardson Nolan; and her two great-grandchildren, Hadley Jane Nolan and Parker Richardson Nolan.

This strong-willed and generous woman devoted her entire life to serving others, and she will always be remembered for her compassion, integrity, fairness and unshakable commitment to creating a fair and just society. She touched the lives of many Georgians, including this Senator, through her efforts on behalf of our community.

It was an honor to know and to serve in the Georgia House with Eleanor Richardson, and it is a privilege to be in this Senate and pay tribute to her great life.•

TRIBUTE TO JACK APPLEBAUM

• Mr. LIEBERMAN. Mr. President, I rise today to honor a truly extraordinary young student from Connecticut. Jack Applebaum of Greenwich has recently been selected as one of Connecticut's two honorees in the 2006 Prudential Spirit of Community Awards. This honor is given to only one high school student and one junior high school student from each state as well as the District of Columbia. A quick look at Jack's record of community service shows him to be truly deserving of such recognition.

Jack, who is 13 and an eighth-grader at Central Middle School in Greenwich, is a founding member of his school's chapter of Building with Books, a national organization that raises money to build schools in developing countries. Jack learned about the organization and its mission in class and, in his own words, ''I was hooked right away.'' After learning that four-fifths of the world is illiterate, Jack decided ''I wanted to make this number smaller.''

Instead of just talking about the problem, Jack decided to do something about it. He played a leading role in forming the Building with Books chapter at Central Middle School, helping to attract members to the club, setting goals, and putting together fundraisers. During its first year, the club hosted school parties and ran an after-school snack cart that helped to raise over $4,000 to help build a school in Mali. The club also performed other good works, such as making blankets

for children in Africa and visiting nursing home residents during the holidays.

It is really impressive, how much community service Jack has performed at such a young age. I attribute this to the remarkable attitude he has demonstrated with his work. When Jack learned about the problem of widespread illiteracy in the world, his immediate response was to do something about it. He rolled up his sleeves and went to work. His hard work and willingness to sacrifice his time and effort for others serves as an inspiration for people of all ages. It is young people such as Jack that give me such great hope in the future of our country.

In recognition of his achievements, Jack will be invited to Washington in early May with 101 other 2006 Spirit of Community honorees from across the country who were selected from a pool of several thousand nominees. While in Washington, 10 of the honorees will be selected as America's top youth volunteers of the year by a distinguished national selection committee cochaired by 2 of my distinguished colleagues, Senator TIM JOHNSON of South Dakota and Senator SAXBY CHAMBLISS of Georgia.

I wish Jack the best of luck, both with this award and in all his future endeavors. I would like to end my remarks, Mr. President, by thanking Jack Applebaum for the all of his volunteer service and all of the volunteer service I am sure he will continue to perform in the future.●

TRIBUTE TO RONALD H. FRANCIS OF COBB COUNTY, GEORGIA

● Mr. ISAKSON. Mr. President, I rise today to honor in the RECORD of the Senate my friend Ron Francis, who is a great Georgian, a great American, and a great citizen of Cobb County. I honor Ron upon his retirement from the Bank of North Georgia after 37 remarkable years in the banking industry and for his many contributions to the quality of life in Cobb County, Georgia.

Ron received a bachelor of arts degree in sociology from Eckerd College and an MBA in finance from Georgia State University. He entered the field of banking in 1969 with Trust Company bank of Atlanta, now SunTrust. Following 5 years at SunTrust, he joined the former First Bank & Trust Co. as executive vice president, where he served for 9 years. In 1983, Ron was an organizing director, president and CEO of The Chattahoochee Bank, serving there for 6 years. In 1989, he joined Charter Bank & Trust Co. during its inaugural year and served as its president and CEO for 15 years. Charter Bank, along with Mountain National Bank, joined Bank of North Georgia in July 2004, where Ron now serves as vice chairman.

In addition to his impressive career in community banking, Ron has a long history of community involvement in my hometown of Marietta, GA, where he is a well-respected and dedicated leader. He currently serves on the board of directors of the Marietta Redevelopment Corporation and the Marietta Country Club. He is a trustee of the Kennesaw State University Foundation and an executive committee member of the Georgia Council on Economic Education. Ron is also a member of the Chairman's Club of the Cobb Chamber of Commerce and the Governor's Board of Leadership Cobb.

In 2004, Ron was named ''Marietta Citizen of the Year'' by the Cobb Chamber of Commerce, and in 1997–1998 he served his professional peers and industry as chairman of the Georgia Bankers Association. As a businessman, Ron Francis personifies the values of honesty and hard work.

Retirement may not be the appropriate announcement because Ron has not ''retired'' from his commitment to his community, and he hopefully never will. He also will continue to serve the Bank of North Georgia as a consultant.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the U.S. Senate the contributions of Ronald H. Francis to the city of Marietta, Cobb County, and the State of Georgia.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

H.R. 3199. An act to extend and modify authorities needed to combat terrorism, and for other purposes.

At 1:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the ''Hiram L. Fong Post Office Building''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3934. An act to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''.

H.R. 4054. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office''.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 32) to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks''.

At 4:23 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, in which it requests the concurrence of the Senate:

H.R. 1053. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

The message also announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of December 18, 2005, the Speaker appoints the following member of the House of Representatives to the Board of Visitors to the United States Naval Academy to fill the existing vacancy thereon: Mr. Kline of Minnesota.

ENROLLED BILLS SIGNED

At 4:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the ''Hiram L. Fong Post Office Building''.

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

H.R. 1287. An act to designate the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the ''Robert T. Ferguson Post Office Building''.

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building''.

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the ''John J. Hainkel Post Office Building''.

H.R. 2413. An act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the ''Lillian McKay Post Office Building''.

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex''.

H.R. 2894. An act to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the ''Abraham Lincoln Birthplace Post Office Building''.

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the ''Congressman James Grove Fulton Memorial Post Office Building''.

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the ''Gagetown Veterans Memorial Post Office''.

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the ''Ava Gardner Post Office''.

H.R. 3548. An act to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the ''Heinz Ahlmeyer, Jr. Post Office Building''.

H.R. 3703. An act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the ''Staff Sergeant Michael Schafer Post Office Building'' .

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building''.

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the ''Clayton J. Smith Memorial Post Office Building''.

H.R. 3830. An act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the ''U.S. Cleveland Post Office Building''.

H.R. 3989. An act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the ''Albert H. Quie Post Office''.

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office''.

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the ''Maryland State Delegate Lena K. Lee Post Office Building''.

H.R. 4152. An act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the ''Raymond J. Salmon Post Office''.

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the ''Mont and Mark Stephensen Veterans Memorial Post Office Building''.

H.R. 4515. An act to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the ''Corporal Jason L. Dunham Post Office''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3934. An act to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4054. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1053. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 8, 2006, she had presented to the President of the United States the following enrolled bill:

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, 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–5953. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to funding an additional project (enhanced blast tandem warhead) for the Foreign Comparative Testing (FCT) Program for Fiscal Year 2006; to the Committee on Armed Services.

EC–5954. A communication from the Acting Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, the annual report on entitlement transfers of basic educational assistance to eligible dependents under the Montgomery GI Bill; to the Committee on Armed Services.

EC–5955. A communication from the Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), transmitting, pursuant to law, a report relative to the open detonation of six munitions that were suspected of containing a chemical agent by Explosive Ordnance Disposal personnel assigned to the 22d Chemical Support Battalion; to the Committee on Armed Services.

EC–5956. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report on the quality of health care provided by the health care programs of the Department of Defense during Fiscal Year 2004; to the Committee on Armed Services.

EC–5957. A communication from the Assistant Secretary of the Navy (Financial Management and Comptroller), transmitting, pursuant to law, the report of advanced billing $197 million against customer orders commencing January 26, 2006; to the Committee on Armed Services.

EC–5958. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Warranty Claims Recovery Pilot Program—January 2006''; to the Committee on Armed Services.

EC–5959. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE; Revision of Participating Providers Reimbursement Rate; TRICARE Dental Program'' (RIN0720–AA92) received on March 7, 2006; to the Committee on Armed Services.

EC–5960. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Minimum Blowout Prevention System Requirements for Well-Workover Operations Performed Using Coiled Tubing with the Production Tree in Place'' (RIN1010–AC96) received on March 7, 2006; to the Committee on Energy and Natural Resources.

EC–5961. A communication from the Secretary of Energy, transmitting, pursuant to law, the U.S. Department of Energy Fleet Alternative Fuel Vehicle Acquisition Report, Compliance with EPAct and E.O. 13149 in Fiscal Year 2005; to the Committee on Energy and Natural Resources.

EC–5962. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the benefits of enhanced demand response in electricity markets; to the Committee on Energy and Natural Resources.

EC–5963. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report entitled ''The President's Emergency Plan for AIDS Relief: Report on Refugees and Internally Displaced Persons''; to the Committee on Foreign Relations.

EC–5964. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an annual review of programs and projects of the International Atomic Energy Agency (IAEA); to the Committee on Foreign Relations.

EC–5965. 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; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea'' (I.D. No. 020606A) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5966. 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; Sablefish Managed Under the Individual Fishing Quota Program'' (I.D. No. 020606B) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5967. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Yellowtail Flounder Landing Limit'' (I.D. No. 010606A) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5968. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Closure of Quarter IV Fishery for Loligo Squid'' (I.D. No . 020306B) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5969. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Continuation of the Current Prohibition on the Harvest of Certain Shellfish from Areas Contaminated by the Toxin that Causes Paralytic Shellfish Poisoning'' (RIN0648–AT48) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 5970. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the 2006 and 2007 Fishing Quotas for Ocean Quahogs'' (RIN0648–AT85) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 5971. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the 2006 Specifications for the Summer Flounder, Scup, and Black Sea Bass Fisheries and to Amend the Black Sea Bass Regulations'' (RIN0648–AT27) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 5972. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Clarification to the Export Administration Regulations; General Order to Implement the Syria Accountability and Lebanese Sovereignty Act'' (RIN0694–AD68) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 5973. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Change in Definition of Head of the Contracting Activity'' (RIN2700–AD21) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Kent D. Talbert, of Virginia, to be General Counsel, Department of Education.

*Michell C. Clark, of Virginia, to be Assistant Secretary for Management, Department of Education.

*Edwin G. Foulke, Jr., of South Carolina, to be an Assistant Secretary of Labor.

*Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

*Jean B. Elshtain, of Tennessee, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2010.

*Allen C. Guelzo, of Pennsylvania, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

*Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2010.

*George Perdue, of Georgia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 5, 2006.

*Anne-Imelda Radice, of Vermont, to be Director of the Institute of Museum and Library Services.

*Craig T. Ramey, of West Virginia, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Sarah M. Singleton, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2008.

*Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2011.

Mr. ENZI. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

*Public Health Service nomination of Leah Hill to be Senior Assistant Surgeon.

*Public Health Service nominations beginning with Gregory A. Abbott and ending with Carl A. Huffman III, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. LOTT (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. VITTER, Mr. SESSIONS, and Mr. SHELBY):

S. 2384. A bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing and provide a portion of the revenues from that leasing to producing States and coastal political subdivisions; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 2385. A bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 2386. A bill to suspend temporarily the duty on 1-Flouro-2-nitrobenzene; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2387. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak Region of Colorado; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH (for himself, Mr. CARPER, and Mrs. CLINTON):

S. 2388. A bill to establish a National Commission on the Infrastructure of the United States; to the Committee on Environment and Public Works.

By Mr. ALLEN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. BURNS, Mr. WARNER, Mr. SANTORUM, Mr. DORGAN, Mr. NELSON of Florida, Mr. VITTER, Mr. PRYOR, Mr. COLEMAN, Mr. TALENT, Mr. MARTINEZ, and Mr. THUNE):

S. 2389. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. BINGAMAN, Ms. STABENOW, Mr. KERRY, Mr. DEWINE, Mr. ALLEN, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. CHAMBLISS, and Mrs. CLINTON):

S. 2390. A bill to provide a national innovation initiative; to the Committee on Commerce, Science, and Transportation.

By Mr. Nelson of Florida:

S. 2391. A bill to improve the security of the United States borders and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 2392. A bill to promote the empowerment of women in Afghanistan; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR

S. Res. 392. A resolution deisgnating March 8, 2006, as ''International Women's Day''; to the Committee on the Judiciary.

By Mr. BIDEN:

S. Res. 393. A resolution designating March 8, 2006, as ''International Women's Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 239

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 239, a bill to reduce the costs of prescription drugs for medicare beneficiaries, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 654

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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. 828

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1860

At the request of Mr. DOMENICI, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1860, a bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the names of the Senator from California (Mrs. BOXER) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2253

At the request of Mr. DOMENICI, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oklahoma (Mr. COBURN) 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. 2302

At the request of Mr. LOTT, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2338

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2338, a bill to extend 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.

S. 2362

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2362, a bill to establish the National Commission on Surveillance Activities and the Rights of Americans.

S.J. RES. 28

At the request of Mr. STEVENS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S.J. Res. 28, a joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

S. RES. 383

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) 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.

AMENDMENT NO. 2932

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2932 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 2932 proposed to S. 2349, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 2385. A bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

Mr. REID. Mr. President, along with many of my colleagues, I have been fighting for sometime to end the ban on Concurrent Receipt, so disabled veterans can get the fair benefits they deserve. We have made some progress over the last few years, but as everyone knows, we still have work to do.

Let's remember what Concurrent Receipt is. It is an unfair and outdated policy that prevents disabled veterans from collecting both their military retirement pay and disability compensation. It requires a retired disabled veteran to deduct from his retirement pay, dollar for dollar, the amount of any disability compensation he receives.

Our veterans have given so much to our country. We owe it to them to get rid of this policy, and to make sure they get the full benefits they have earned and deserve.

I'm proud to say we have been able to chip away at this unfair practice in recent years.

In 2003, we passed my bill to allow—after a ten year waiting period—concurrent receipt for veterans with at least a 50 percent disability rating.

In 2004, I proposed legislation to eliminate that ten-year period and also to provide full concurrent receipt of military and disability pay to veterans with 100 percent service-related disability.

In November, 2005, we passed another amendment to expand concurrent receipt to cover America's most severely disabled veterans, and to implement the new policy immediately instead of phasing it in over a decade.

I was pleased with the passage of that amendment last year, but disappointed that the conference committee chose not to enact this valuable legislation for veterans rated as ''unemployable'' until 2009.

Today, concurrent receipt remains one of my highest priorities. We need to continue to chip away at this policy, and I am committed to that goal 100 percent.

With that in mind, today I am introducing the Combat-Related Special Compensation Act of 2006. This legislation will take care of soldiers who had hoped to make the military a career, but were discharged prematurely for an injury sustained in combat and forced to retire medically before attaining 20 years of service.

Right now, these soldiers receive combat-related disability benefits, but are not eligible to get retirement benefits because they cannot serve out the required 20 years. That is unfair, and this legislation will make sure they can get both.

This is the right thing to do. These veterans have been forced into retirement, and we need to take care of them.

I would note this legislation is especially important given the injuries we are seeing in Iraq. Improvised Explosive Devices have created numerous amputees and therefore, an increase in medically discharged veterans.

I have visited military hospitals on several occasions and have seen first hand the injuries sustained by military personnel. Many of the members have reached the 10, 12, 14-year marks of their military careers and have been forced to retire medically before the 20 year retirement norm. They'll get medical benefits, but they won't receive legitimate retirement compensation because they have been injured and are unable to serve until retirement, as they had planned.

That's wrong.

We shouldn't penalize veterans because they were injured serving their country. My legislation will fix this problem, and get them their prorated retirement pay, along with their disability pay.

Taking care of our veterans is the right thing to do. We must never forget the sacrifices they made to protect our freedom. Taking care of our veterans is also key to winning the war on terror. In our all-volunteer military, it is critical to attract and retain professional, dedicated soldiers.

These people serve because they love America. In turn, they expect that we will honor our commitments to provide health care and other primary benefits for them and their families.

By ending the ban on concurrent receipt, we have an opportunity to show our gratitude to our veterans. While our Nation is at war, there is no better honor we could bestow upon them than to pass this legislation.

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. 2385

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 ''Combat-Related Special Compensation Act of 2006''.

SEC. 2. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking ''entitled to retired pay who—'' and all that follows and inserting ''who—

''(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

''(2) has a combat-related disability.''.

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by designating the text of that paragraph as subparagraph (A), realigning that text so as to be indented 4 ems from the left margin, and inserting before ''In the case of'' the following heading: ''IN GENERAL.—''; and

(2) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2006, and shall apply to payments for months beginning on or after that date.

By Mr. ALLEN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. BURNS, Mr. WARNER, Mr. SANTORUM, Mr. DORGAN, Mr. NELSON of Florida, Mr. VITTER, Mr. PRYOR, Mr. COLEMAN, Mr. TALENT, Mr. MARTINEZ, and Mr. THUNE):

S. 2389. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today I rise to introduce and present to my colleagues the Protecting Consumers Phone Records Act. I am pleased to be the lead sponsor of this legislation and I want to thank my colleagues, including Senators STEVENS and INOUYE, for working with me on this important issue.

In recent months, a number of Web sites have been selling consumers' confidential phone records to anyone willing to pay a small fee. According to experts, these records are usually obtained by unscrupulous individuals who fraudulently pose as customers requesting their own records. This common fraud is no less harmful, and in some cases even more disconcerting, than when a third-party uses false pretenses to obtain an innocent person's confidential financial records. In some cases, even physical harm can result from one's private phone records becoming public. We cannot allow these reprehensible practices to continue.

The goal of the Protecting Consumers Phone Records Act is to prevent the unauthorized and intrusive third party access of American consumers' phone records. Specifically, our legislation makes it illegal to solicit, acquire or sell a person's confidential phone records without that person's consent. It also specifically prohibits the practice commonly referred to as ''pretexting,'' where individuals obtain records by fraudulently misrepresenting that they have the authorization to obtain the records.

Fully combating this problem requires a team effort. That is why our legislation requires telephone companies to comply with minimum security requirements, similar to those required of financial institutions. Companies must do their part to protect their customers' records.

In order to deter this bad behavior, our legislation increases the penalties for violators. Should someone fraudulently solicit, obtain or sell an individual's phone records, they will be subject to an $11,000 penalty for each record, up to $11 million. Phone companies are subject to a $30,000 penalty, up to $3 million if they do not sufficiently protect their customers' phone records.

Finally, the Protecting Consumers Phone Records Act recognizes the importance of enforcement. The legislation provides the Federal Communications Commission, the Federal Trade Commission and State Attorneys General with strengthened enforcement authority. Additionally, telephone companies are given the authority to take legal action against those entities or individuals who have illegally acquired confidential phone records.

This legislation will send a clear message to the unscrupulous individuals profiting from the invasion of an innocent individual's privacy, that this fraudulent and deceptive behavior will not be tolerated. We are prepared to use all of the appropriate tools to eliminate this harmful practice.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

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

S. 2389

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Consumer Phone Records Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Unauthorized acquisition, use, or sale of confidential customer proprietary network telephone information.
Sec. 3. Enhanced confidentiality procedures.
Sec. 4. Penalties; extension of confidentiality requirements to other entities.
Sec. 5. Enforcement by Federal Trade Commission.
Sec. 6. Concurrent enforcement by Federal Communications Commission.
Sec. 7. Enforcement by States.
Sec. 8. Preemption of State law.
Sec. 9. Consumer outreach and education.

SEC. 2. UNAUTHORIZED ACQUISITION, USE, OR SALE OF CONFIDENTIAL CUSTOMER PROPRIETARY NETWORK TELEPHONE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person—

(1) to acquire or use the customer proprietary network information of another person without that person's affirmative written consent;

(2) to misrepresent that another person has consented to the acquisition or use of such other person's customer proprietary network information in order to acquire such information;

(3) to obtain unauthorized access to the data processing system or records of a telecommunications carrier or an IP-enabled voice service provider in order to acquire the customer proprietary network information of 1 or more other persons;

(4) to sell, or offer for sale, customer proprietary network information; or

(5) to request that another person obtain customer proprietary network information from a telecommunications carrier or IP-enabled voice service provider, knowing that the other person will obtain the information from such carrier or provider in any manner that is unlawful under subsection (a).

(b) EXCEPTIONS.—

(1) EXISTING PRACTICES PERMITTED.—Nothing in subsection (a) prohibits any practice permitted by section 222 of the Communications Act of 1934 (47 U.S.C. 222), or otherwise authorized by law, as of the date of enactment of this Act.

(2) CALLER ID.—Nothing in subsection (a) prohibits the use of caller identification services by any person to identify the originator of telephone calls received by that person.

(c) PRIVATE RIGHT OF ACTION FOR PROVIDERS.—

(1) IN GENERAL.—A telecommunications carrier or IP-enabled voice service provider may bring a civil action in an appropriate State court, or in any United States district court that meets applicable requirements relating to venue under section 1391 of title 28, United States Code—

(A) based on a violation of this section or the regulations prescribed under this section to enjoin such violation;

(B) to recover for actual monetary loss from such a violation, or to receive $11,000 in damages for each such violation, whichever is greater; or

(C) both.

(2) TREBLE DAMAGES.—If the court finds that the defendant willfully or knowingly violated this section or the regulations prescribed under this section, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under paragraph (1) of this subsection.

(3) INFLATION ADJUSTMENT.—The $11,000 amount in paragraph (1)(B) shall be adjusted for inflation as if it were a civil monetary penalty, as defined in section 3(2) of the Federal Civil Penalties Inflation Adjustment Act of 1996 (28 U.S.C. 2461 note).

(d) CIVIL PENALTY.—

(1) IN GENERAL.—Any person who violates this section shall be subject to a civil penalty of not more than $11,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $11,000,000 for any single act or failure to act.

(2) SEPARATE VIOLATIONS.—A violation of this section with respect to the customer proprietary network information of 1 person shall be treated as a separate violation from a violation with respect to the customer proprietary network information of any other person.

(e) LIMITATION.—Nothing in this Act or section 222 of the Communications Act of 1934 (47 U.S.C. 222) authorizes a subscriber to bring a civil action against a telecommunications carrier or an IP-enabled voice service provider.

(f) DEFINITIONS.—In this section:

(1) CUSTOMER PROPRIETARY NETWORK INFORMATION.—The term ''customer proprietary network information'' has the meaning given that term by section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1)).

(2) IP-ENABLED VOICE SERVICE.—The term ''IP-enabled voice service'' has the meaning given that term by section 222(i)(8) of the Communications Act of 1934 (47 U.S.C. 222(i)(8)).

(3) TELECOMMUNICATIONS CARRIER.—The term ''telecommunications carrier'' has the meaning given it by section 3(44) of the Communications Act of 1934 (47 U.S.C. 3(44)).

SEC. 3. ENHANCED CONFIDENTIALITY PROCEDURES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Federal Communications Commission shall—

(1) revise or supplement its regulations, to the extent the Commission determines it is necessary, to require a telecommunications carrier or IP-enabled voice service provider—

(A) to ensure the security and confidentiality of customer proprietary network information (as defined in section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1))), and

(B) to protect such customer proprietary network information against threats or hazards to its security or confidentiality; and

(C) to protect customer proprietary network information from unauthorized access or use that could result in substantial harm or inconvenience to its customers, and

(2) ensure that any revised or supplemental regulations are similar in scope and structure to the Federal Trade Commission's regulations in part 314 of title 16, Code of Federal Regulations, taking into consideration the differences between financial information and customer proprietary network information.

(b) COMPLIANCE CERTIFICATION.—Each telecommunications carrier and IP-enabled voice service provider to which the regulations under subsection (a) and section 222 of the Communications Act of 1934 (47 U.S.C. 222) apply shall file with the Commission annually a certification that, for the period covered by the filing, it has been in compliance with those requirements.

SEC. 4. PENALTIES; EXTENSION OF CONFIDENTIALITY REQUIREMENTS TO OTHER ENTITIES.

(a) PENALTIES.—Title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.) is amended by inserting after section 508 the following:

''SEC. 509. PENALTIES FOR CONFIDENTIAL CUSTOMER PROPRIETARY NETWORK INFORMATION VIOLATIONS.

''(a) CIVIL FORFEITURE.—

''(1) IN GENERAL.—Any telecommunications carrier or IP-enabled voice service provider that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated section 222 of this Act shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this subsection shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this subsection shall not exceed $30,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act.

''(2) RECOVERY.—Any forfeiture penalty determined under paragraph (1) shall be recoverable pursuant to section 504(a) of this Act.

''(3) PROCEDURE.—No forfeiture liability shall be determined under paragraph (1) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4) of this Act.

''(4) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under paragraph (1) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

''(b) CRIMINAL FINE.—Any person who willfully and knowingly violates section 222 of this Act shall upon conviction thereof be fined not more than $30,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subsection does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.''.

(b) EXTENSION OF CONFIDENTIALITY REQUIREMENTS TO IP-ENABLED VOICE SERVICE PROVIDERS.—Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting ''or IP-enabled voice service provider'' after ''telecommunications carrier'' each place it appears except in subsections (e) and (g);

(2) by inserting ''or IP-enabled voice service provider'' after ''exchange service'' in subsection (g);

(3) by striking ''telecommunication carriers'' each place it appears in subsection (a) and inserting ''telecommunications carriers or IP-enabled voice service providers'';

(4) by inserting ''or provider'' after ''carrier'' in subsection (d)(2), paragraphs (1)(A) and (B) and (3)(A) and (B) of subsection (i) (as redesignated),

(5) by inserting ''or providers'' after ''carriers'' in subsection (d)(2); and

(6) by inserting ''AND IP-ENABLED VOICE SERVICE PROVIDER'' after ''CARRIER'' in the caption of subsection (c).

(c) DEFINITION.—Section 222(h) of the Communications Act of 1934 (47 U.S.C. 222(h)) is amended by adding at the end the following:

''(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network.''.

(d) TELECOMMUNICATIONS CARRIER AND IP-ENABLED VOICE SERVICE PROVIDER NOTIFICATION REQUIREMENT.—Section 222 of the Communications Act of 1934 (47 U.S.C. 222), is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

''(h) NOTICE OF VIOLATIONS.—The Commission shall by regulation require each telecommunications carrier or IP-enabled voice service provider to notify a customer within 14 calendar days of any incident of which such telecommunications carrier or IP-enabled voice service provider becomes or is made aware in which customer proprietary network information relating to such customer is disclosed to someone other than the customer in violation of this section or section 2 of the Protecting Consumer Phone Records Act.''.

SEC. 5. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) IN GENERAL.—Except as provided in sections 6 and 7 of this Act, section 2 of this Act shall be enforced by the Federal Trade Commission.

(b) VIOLATION TREATED AS AN UNFAIR OR DECEPTIVE ACT OR PRACTICE.—Violation of section 2 shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person that violates section 2 is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 6. CONCURRENT ENFORCEMENT BY FEDERAL COMMUNICATIONS COMMISSION.

(a) IN GENERAL.—The Federal Communications Commission shall have concurrent jurisdiction to enforce section 2.

(b) PENALTY; PROCEDURE.—For purposes of enforcement of that section by the Commission—

(1) a violation of section 2 of this Act is deemed to be a violation of a provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.) rather than a violation of the Federal Trade Commission Act; and

(2) the provisions of section 509(a)(2), (3), and (4) of the Communications Act of 1934 shall apply to the imposition and collection of the civil penalty imposed by section 2 of this Act as if it were the civil penalty imposed by section 509(a)(1) of that Act.

SEC. 7. ENFORCEMENT BY STATES.

(a) IN GENERAL.—The chief legal officer of a State may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce section 2 or to impose the civil penalties for violation of that section, whenever the chief legal officer of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this Act or a regulation under this Act.

(b) NOTICE.—The chief legal officer of a State shall serve written notice on the Federal Trade Commission and the Federal Communications Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), either Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the chief legal officer of a State from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—An action brought under subsection (a) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a)—

(A) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

(B) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If either Commission has instituted an enforcement action or proceeding for violation of section 2 of this Act, the chief legal officer of the State in which the violation occurred may not bring an action under this section during the pendency of the proceeding against any person with respect to whom the Commission has instituted the proceeding.

SEC. 8. PREEMPTION OF STATE LAW.

(a) PREEMPTION.—Section 2 and the regulations prescribed pursuant to section 3 of this Act and section 222 of the Communications Act of 1934 (47 U.S.C. 222) and the regulations prescribed thereunder preempt any—

(1) statute, regulation, or rule of any State or political subdivision thereof that requires a telecommunications carrier or provider of IP-enabled voice service to develop, implement, or maintain procedures for protecting the confidentiality of customer proprietary network information (as defined in section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1))) held by that telecommunications carrier or provider of IP-enabled voice service, or that restricts or regulates a carrier's or provider's ability to use, disclose, or permit access to such information; and

(2) any such statute, regulation, or rule, or judicial precedent of any State court under which liability is imposed on a telecommunications carrier or provider of IP-enabled voice service for failure to comply with any statute, regulation, or rule described in paragraph (1) or with the requirements of section 2 or the regulations prescribed pursuant to section 3 of this Act or with section 222 of the Communications Act of 1934 or the regulations prescribed thereunder.

(b) LIMITATION ON PREEMPTION.—This Act shall not be construed to preempt the applicability of—

(1) State laws that are not specific to the matters described in subsection (a), including State contract or tort law; or

(2) other State laws to the extent those laws relate to acts of fraud or computer crime.

SEC. 9. CONSUMER OUTREACH AND EDUCATION.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Federal Trade Commission and Federal Communications Commission shall jointly establish and implement a media and distribution campaign to teach the public about the protection afforded customer proprietary network information under this Act, the Federal Trade Commission Act and the Communications Act of 1934.

(b) CAMPAIGN REQUIREMENTS.—The campaign shall—

(1) promote understanding of—

(A) the problem concerning the theft and misuse of customer proprietary network information;

(B) available methods for consumers to protect their customer proprietary network information; and

(C) efforts undertaken by the Federal Trade Commission and the Federal Communications Commission to prevent the problem and seek redress where a breach of security involving customer proprietary network information has occurred; and

(2) explore various distribution platforms to accomplish the goal set forth in paragraph (1).

By Mr. NELSON of Florida:

S. 2391. A bill to improve the security of the United States borders and for other purposes; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today to introduce a critically important bill for our national security and our immigration system. My bill is called the Border Operations Reform and Development of Electronic Remote Surveillance Act of 2006—otherwise known as the BORDERS Act. Getting control over our Nation's borders is an indispensable part of comprehensive immigration reform.

The Government of the United States has the obligation to protect its citizens and to provide for homeland security by having control of its international borders. Yet, as we all know, our borders with Mexico and Canada are broken. Recognizing the dangerous situation that this presents, the bipartisan 9/11 Commission strongly recommended that the United States get operational control of its borders.

Because our Government has not succeeded in adequately securing our borders, millions of undocumented aliens have crossed into our country without our Government's permission. Despite our best efforts to have an orderly system of immigration and to control who enters the United States, it's simply not working.

Comprehensive immigration reform demands that we find aggressive, practical, and cost-effective methods to quickly secure our borders. The BORDERS Act of 2006 does exactly that, building on recent reports by the Inspector General of the Department of Homeland Security, as well as the Government Accountability Office.

Let me briefly summarize the BORDERS Act of 2006 and explain why this bill is so important to our national security.

First, and most importantly, this bill requires the Department of Homeland Security to implement state-of-the-art surveillance technology programs to build an integrated ''virtual fence'' at our borders. These programs would use unmanned aerial vehicles—like the type already used by our military in combat zones—to monitor remote border locations.

These surveillance programs also would use a host of other technologies—like cameras, sensors, satellites, and radar—to patrol every inch of our United States borders. Right now, our Government has the capability to use these technologies and has tried to build a virtual fence. But the one major problem is that the current surveillance program uses components that are not fully integrated and automated.

For example, as the Inspector General of the Department of Homeland Security recently recommended, a virtual fence must use sensors that automatically activate a corresponding camera to focus itself on the direction of the triggered sensor. If someone if sneaking across our border and trips a sensor, I want the closest camera to automatically focus on the person sneaking in. And then I want the camera to send images to multiple border personnel at different locations, who can immediately dispatch the closest Border Patrol agents to capture the person. That's what my bill does: provides for an integrated, automated virtual fence that will allow our Border Patrol agents to apprehend anyone trying to sneak into the United States.

The BORDERS Act also requires the Department of Homeland Security to greatly increase its detention facilities. Right now, the border patrol is sometimes able to capture illegal aliens sneaking into the country, but we simply lack enough facilities to detain them. In some border areas, up to 90 percent of captured aliens are released, and only 10 percent of them show up for their immigration court hearing. Does that make sense?

If our Government cannot detain illegal aliens who are caught, we lose our

ability to make them report to their immigration proceedings. We never hear from them again. Thus, this bill instructs the Department of Homeland Security to increase its detention space by 20,000 beds for the next 5 years. The bill also instructs the Department to devise other ways to monitor illegal aliens who are captured, such as using ankle bracelets that can remotely track aliens.

Moreover, the BORDERS Act recognizes that our Government simply lacks the personnel manpower to effectively enforce our immigration laws and secure our borders. Therefore, the bill authorizes the addition of thousands of critical Federal jobs, ranging from Border Patrol agents to investigators to detention officers. And the bill requires that these personnel receive crucial training in matters like detecting fraudulent documents.

Another important section of this bill recognizes that in order for our detention mechanisms to function effectively, we need uniform detention standards. The BORDERS Act requires the Department of Homeland Security to implement standard operating rules so that costs are minimized and all detained aliens are treated fairly and humanely. I want to note that this bill contains a section specifically designed to ensure that detained alien children are treated properly while in U.S. custody. Children are the most vulnerable of illegal aliens, and especially when they are separated from their parents, we must ensure their safety.

Finally, the BORDERS Act of 2006 authorizes the Federal Government to reimburse States that incur the financial burden of detaining illegal aliens. It is unfair of us to expect the States to shoulder this huge cost by themselves.

Again, let me stress that border security is just one aspect of comprehensive immigration reform. I also will support legislation to address the status of undocumented aliens currently in the United States, if—and only if—such legislation is fair, humane, and recognizes the role that undocumented workers currently play in our nation's economy.

But border security is a policy area that should find wide agreement—across both parties. By setting up a cutting-edge, integrated ''virtual fence,'' and by building more detention centers, I believe that the United States can take a giant step forward in its quest to get control of our borders. In this post–9/11 world, our national security simply demands it.

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. 2391

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Border Operations Reform and Development of Electronic Remote Surveillance Act of 2006'' or as the ''BORDERS Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Surveillance technologies programs.
Sec. 5. Secure communication.
Sec. 6. Expansion of detention capacity.
Sec. 7. Detention standards.
Sec. 8. Personnel of the Department of Homeland Security.
Sec. 9. Personnel of the Department of Justice and other attorneys.
Sec. 10. State Criminal Alien Assistance Program authorization of appropriations.
Sec. 11. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
Sec. 12. Reimbursement of States for preconviction costs relating to the incarceration of illegal aliens.
Sec. 13. Criminal gang activity.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of the United States has the duty to protect its citizens and to provide for homeland security by securing its international borders.

(2) The Government of the United States has failed to adequately secure its international borders, which has facilitated the illegal entry of millions of undocumented aliens into the United States.

(3) Illegal immigration poses national security concerns, burdens all levels of Government with extra costs, including imposing hundreds of millions of dollars on States and localities in uncompensated expenses for law enforcement, health care, and other essential services, allows some aliens to gain access to the United States before other aliens who have lawfully waited in line, creates an underclass of workers, and facilitates human trafficking, smuggling, and document fraud.

(4) One critical aspect of comprehensive immigration reform is to find aggressive, practical, and cost-effective methods to quickly secure the international borders of the United States. As the bipartisan National Commission on Terrorist Attacks Upon the United States concluded, ''the United States must be able to monitor and respond to entrances between our borders''.

(5) The Government of the United States should make full use of integrated and automated surveillance technology, including the use of unmanned aerial vehicles, to create a ''virtual fence'' around the Nation, which could be constructed much more quickly than a physical fence. The Inspector General of the Department recently suggested numerous ways to use integrated surveillance technologies to achieve this critical security goal.

(6) The Government of the United States should also increase detention facilities to detain aliens who are apprehended sneaking into the United States, as opposed to catching and releasing such aliens and trusting that they will report for immigration proceedings.

(7) In order to reduce costs of detention and to facilitate the process of removing aliens from the United States fairly, the Secretary should establish uniform detention standards and rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(3) STATE.—Except as otherwise provided, the term ''State'' has the meaning given that term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(36)).

SEC. 4. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 1 year after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to

achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall set develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 5. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure 2-way communication capabilities, including the specific use of satellite communications—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 6. EXPANSION OF DETENTION CAPACITY.

(a) INCREASING DETENTION BED SPACE.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''8,000'' and inserting ''20,000''.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(c) SECURE ALTERNATIVES TO DETENTION TO ENSURE COMPLIANCE WITH THE LAW.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(d) LEGAL REPRESENTATION.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(e) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7. DETENTION STANDARDS.

(a) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(c) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 8. PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) CUSTOMS AND BORDER PROTECTION OFFICERS.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,500 the number of positions for full-time active duty officers of the Bureau of Customs and Border Protection of the Department for such fiscal year.

(b) BORDER PATROL AGENTS.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 4,000 the number of border patrol agents for such fiscal year.

(c) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''800'' and inserting ''1600''.

(d) DETENTION AND REMOVAL OFFICERS.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility compliance with the standards and regulations set forth in section 7.

(e) INVESTIGATIVE PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subsection (c), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for

such purpose, increase by not less than 200 the number of positions for investigative personnel within the Department to investigate alien smuggling and immigration status violations for such fiscal year.

(f) LEGAL PERSONNEL.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters for such fiscal year.

(g) DIRECTORATE OF POLICY.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(h) TRAINING.—The Secretary shall provide appropriate training for the agents, officers, inspectors, and associated support staff of the Department on an ongoing basis to utilize new technologies and techniques, to identify and detect fraudulent travel documents, and to ensure that the proficiency levels of such personnel are acceptable to protect the international borders of the United States. Training to detect fraudulent travel documents shall be developed in consultation with the Forensic Document Laboratory of Immigration and Customs Enforcement.

(i) ENHANCED PROTECTIONS FOR VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—

(1) MANDATORY TRAINING.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) DELEGATION TO THE OFFICE OF REFUGEE RESETTLEMENT.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) OTHER POLICIES AND PROCEDURES.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this section, including the hiring of necessary support staff.

SEC. 9. PERSONNEL OF THE DEPARTMENT OF JUSTICE AND OTHER ATTORNEYS.

(a) LITIGATION ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice for such fiscal year.

(b) UNITED STATES ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of United States Attorneys to litigate immigration cases in the Federal courts for such fiscal year.

(c) UNITED STATES MARSHALS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of Deputy United States Marshals to investigate criminal immigration matters.

(d) IMMIGRATION JUDGES.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of immigration judges for such fiscal year.

(e) DEFENSE ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of attorneys in the Federal Defenders Program for such fiscal year. The Attorney General shall also take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section, including the hiring of necessary support staff.

SEC. 10. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM AUTHORIZATION OF APPROPRIATIONS.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection $950,000,000 for each of the fiscal years 2007 through 2011.

''(B) LIMITATION ON USE OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

SEC. 11. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking ''for the costs'' and inserting the following: ''for—

''(1) the costs''; and

(B) by striking ''such State.'' and inserting the following: ''such State; and

''(2) the indirect costs related to the imprisonment described in paragraph (1).''; and

(2) by striking subsections (d) through (e) and inserting the following:

''(d) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

''(1) shares a border with Mexico or Canada; or

''(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

''(e) DEFINITIONS.—As used in this section:

''(1) INDIRECT COSTS.—The term 'indirect costs' includes—

''(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

''(B) indigent defense costs; and

''(C) unsupervised probation costs.

''(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.''.

SEC. 12. REIMBURSEMENT OF STATES FOR PRECONVICTION COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(a)) is amended by inserting ''charged with or'' before ''convicted.''

SEC. 13. CRIMINAL GANG ACTIVITY.

Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) CRIMINAL GANG ACTIVITY.—

''(i) IN GENERAL.—Any alien who a consular officer or the Attorney General knows, or has reasonable grounds to believe, seeks to enter the United States to engage, solely, principally, or incidentally in a criminal street gang located in the United States is inadmissible.

''(ii) DEFINITION.—In this subparagraph, the term 'criminal street gang' means an ongoing group, club, organization, or association of 5 or more individuals that commits a violation of Federal or State law that is punishable by imprisonment of 1 year or more.''.

By Mrs. BOXER:

S. 2392. A bill to promote the empowerment of women in Afghanistan; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation today—as we celebrate international Women's Day—to strengthen and empower the women and girls of Afghanistan.

International Women's Day is an event celebrated world-wide to inspire women to achieve their full potential. But in so many places around the world, women continue to suffer from persecution and abuse, and many lack resources to become fully integrated

and equal members of society. Despite international intervention, Afghanistan is one such example. More than four years after the invasion of Afghanistan and the fall of the Taliban government, the women of Afghanistan still face significant hurdles as they seek to realize their full potential.

The maternal death rate for Afghan women remains tragically high—with an estimated 1,600 deaths for every 100,000 live births. The illiteracy rate for women continues to hover around 80 percent.

And perhaps most troubling, the security situation for women is getting worse—threatening to slow or even reverse the gains that Afghan women have made over the past four years.

Lieutenant General Michael D. Maples, director of the Defense Intelligence Agency, recently testified that violence by the Taliban and other insurgents in Afghanistan in 2005 increased by 20 percent 2004 levels, specifically noting that the insurgency in Afghanistan ''appears emboldened.''

Women and girls have felt the impact particularly hard. In recent months, attacks against schools in Afghanistan that educate girls have increased substantially. According to media reports, teachers and principals are being threatened and killed—the headmaster at a coed school was even beheaded in January—and eight schools have been burned in the Kandahar province during the current school year alone.

Just today, the President of Afghanistan, Hamid Karzai admitted that Afghan women and girls have much to overcome. ''We have achieved successes in various dimensions during the past four years,'' Karzai said. ''But this journey has not ended . . . women especially are being oppressed, there are still women and young girls who are being married to settle disputes in Afghanistan, young girls are married against their will.''

The legislation I am introducing today, the Afghan Women Empowerment Act of 2006, will provide resources where they are needed most in Afghanistan—to Afghan women-led nongovernmental organizations, empowering those who will continue to provide for the needs of the Afghan people long after the international community has left.

The legislation will provide $30 million to these women-led NGOs to specifically focus on providing direct services to Afghan women such as adult literacy education, technical and vocational training, and health care services, including mental health treatment. It also provides assistance to especially vulnerable populations, including widows and orphans.

In addition, the Afghan Women Empowerment Act authorizes the President to appropriate $5 million to the Afghan Ministry of Women's Affairs and $10 million to the Afghan Independent Human Rights Commission—two vitally important entities dedicated to advancing the cause of women and human rights within Afghanistan.

I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 392—DESIGNATING MARCH 8, 2006, AS ''INTERNATIONAL WOMEN'S DAY''

Mr. LUGAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 392

Whereas there continues to be discrimination against women and women are still denied full political and economic equality;

Whereas discrimination is often the basis for violating the basic human rights of women;

Whereas, worldwide, the lives and health of women and girls are endangered by violence that is directed at women and girls simply because they are female;

Whereas women bear a disproportionate burden of the poverty in the world and constitute an estimated 75 percent of the world's poor;

Whereas, of the estimated 600,000 to 800,000 people trafficked across international borders each year for forced labor, domestic servitude, and sexual exploitation, 80 percent of the victims are women and girls;

Whereas violence against women is one of the most widespread violations of human rights and it is estimated that 1 in 3 women will suffer some form of violence;

Whereas the majority of the estimated 121,000,000 children in the world who are denied a primary education are girls;

Whereas two-thirds of the estimated 875,000,000 illiterate adults in the world are women;

Whereas, worldwide, women now account for half of all HIV and AIDS cases, and in sub-Saharan Africa, young girls ages 15 to 24 are 3 times more likely to be infected with HIV than young men;

Whereas gender inequality and sexual violence are significant factors causing the rapid spread of HIV/AIDS among women and girls;

Whereas HIV/AIDS is having a devastating effect on women in the United States, and it is the leading cause of death among African American women ages 25 to 34;

Whereas two-thirds of the estimated 19,200,000 refugees in the world are women and children;

Whereas, in armed conflict, women are targets of rape when it is used as a tactic of war to humiliate the enemy and terrorize the population;

Whereas it is estimated that 515,000 women die every year as a result of pregnancy and childbirth, and more than 99 percent of these deaths occur in the developing world;

Whereas countries should take steps to ensure the full participation and representation of women in political processes, conflict prevention, and peacekeeping efforts;

Whereas, over the last century, March 8 has become known as ''International Women's Day'', a day on which people come together to recognize the accomplishments of women and to reaffirm their commitment to continue the struggle for equality, justice, and peace; and

Whereas the people of the United States should be encouraged to participate in International Women's Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 8, 2006, as ''International Women's Day'';

(2) reaffirms its commitment to—

(A) end discrimination and increase the participation of women in decision-making positions in government and in the private sector;

(B) end and prevent violence against women;

(C) pursue policies that guarantee the basic rights of women both in the United States and around the world;

(D) improve access to quality health care for women;

(E) protect the human rights of women and girls during and after conflict and to support the integration of gender perspectives in peacekeeping missions and post conflict processes; and

(F) end the trafficking of women and girls; and

(3) encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

Mr. LUGAR. Mr. President, I rise to submit a resolution declaring today International Women's Day 2006.

International Women's Day is a day on which we celebrate the progress of women and rededicate ourselves to overcoming the inequities that they face around the globe. Almost one hundred years ago, when the first International Women's Day was celebrated, women in this country and in Europe were fighting for the right to vote and to participate fully in the political process.

Today, nearly one hundred years later, we can celebrate the fact that, in the United States and Europe, many of these barriers have been broken down, and that women now not only vote, but participate in our government at its highest levels. In the past year, we have seen historic elections in Afghanistan and Iraq, where women were voters and candidates. In Kuwait, women are now able to vote and run for parliament. Voters in Liberia have elected the first female head of state in Africa, Ellen Johnson-Sirleaf, and Chile is just days away from the inauguration of Michele Bachelet, the country's first female president.

Despite these accomplishments, in many places around the world, women are still fighting for their basic rights. Often, especially in developing countries, women and girls lack full political, academic, and economic equality. Two-thirds of the estimated 875 million illiterate adults in the world are women. Girls frequently continue to be denied access to primary education, and constitute the majority of the estimated 121 million children around the globe who do not attend school.

The lives and health of women and girls continue to be particularly vulnerable to violence. Women are trafficked across international borders for forced labor, domestic servitude, and sexual exploitation. In armed conflict situations and other humanitarian emergencies, women and children risk a range of abuses including sexual exploitation, trafficking and gender-based violence.

The HIV/AIDS crisis is particularly devastating to women and girls. Women now account for one-half of all

HIV and AIDS cases, and in sub-Saharan Africa, young girls aged 15 through 24 are three times more likely to be infected with HIV than young men. Not only are women and girls more vulnerable to infection, they are also shouldering much of the burden of caring for sick and dying relatives and friends. In addition, in the vast majority of cases, they are the caretakers of the estimated 14 million children who have been orphaned by this pandemic. Often, widows and orphans have difficulties asserting their inheritance rights, even when those rights are spelled out in law. This often leaves the most vulnerable women and children impoverished and homeless.

The inequality that is devastating the lives of women around the world requires our commitment to ending it. Last year, I co-sponsored with Senator BIDEN the Protection of Vulnerable Populations During Humanitarian Emergencies Act of 2005, which the Committee on Foreign Relations supported as an amendment to our Foreign Affairs Authorization Act for Fiscal Years 2006 and 2007. Our bill seeks to ensure that U.S. foreign assistance programs are a force for protecting women, children, and other vulnerable populations in the wake of military conflict and natural disasters.

In addition, last year the President signed into law the Orphans and Vulnerable Children Act, which I authored and introduced in 2004. This law requires the Administration to develop a comprehensive strategy to assist the millions of orphans left behind by the AIDS pandemic. The strategy must include programs to remove barriers to education, such as school fees, that keep orphans, and especially girls, out of the classroom. The law also requires the Administration to support programs that protect the inheritance rights of orphans and widows with children, and to support programs that assist village-based organizations, the main infrastructure for the care of orphans and the millions of women taking care of them.

International Women's Day is a day for each of us to reflect upon the remarkable progress that women around the world have made, and to remember that much remains to be done. I am hopeful that Senators will join me in recognizing this important day.

SENATE RESOLUTION 393—DESIGNATING MARCH 8, 2006, AS ''INTERNATIONAL WOMEN'S DAY''

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 393

Whereas all over the world women are contributing to the growth of economies, participating in the fields of diplomacy and politics, and improving the quality of the lives of their families, communities, and nations;

Whereas discrimination continues to deny women full political and economic equality and is often the basis for violations of basic human rights against women;

Whereas the health and life of women and girls worldwide continues to be endangered by violence that is directed at them simply because they are women;

Whereas worldwide violence against women includes rape, genital mutilation, sexual assault, domestic violence, dating violence, honor killings, human trafficking, dowry-related violence, female infanticide, sex selection abortion, forced pregnancy, forced sterilization, and forced abortion;

Whereas at least 1 in 3 females worldwide has been beaten or sexually abused in her lifetime;

Whereas 1 in 4 women in the United States has been raped or physically assaulted by an intimate partner at some point in her life;

Whereas 20 percent to 50 percent of women worldwide experience some degree of domestic violence during marriage;

Whereas, on average, 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas it is estimated that 1 in 5 adolescent girls in the United States becomes a victim of physical or sexual abuse, or both, in a dating relationship;

Whereas an estimated 135,000,000 women and girls of the world have undergone genital mutilation, and 2,000,000 girls are at risk of mutilation each year;

Whereas worldwide, women account for ½ of all cases of the human immunodeficiency virus and acquired immune deficiency syndrome (referred to in this preamble as ''HIV/AIDS'');

Whereas young women in Africa are 3 times more likely to contract HIV/AIDS than men;

Whereas worldwide sexual violence, including marital rape, has been cited as a major cause of the rapid spread of HIV/AIDS among women;

Whereas between 75 percent and 80 percent of the 27,000,000 refugees and internally displaced persons of the world are women and children;

Whereas illegal trafficking for forced labor, domestic servitude, or sexual exploitation victimizes 2,000,000 to 4,000,000 women and girls throughout the world each year;

Whereas ⅔ of the nearly 1,000,000,000 illiterate individuals of the world are women;

Whereas ⅔ of children worldwide who are denied primary education are girls;

Whereas throughout the world, girls are less likely to complete school than boys;

Whereas that educational failure has real consequences for the global economy and the security of the United States, and especially for the millions of girls with limitless potential who continue to lose the chance to discover their worth and importance as global citizens;

Whereas girls who are educated are more likely to enjoy healthy and stable families, lower mortality rates, higher nutrition levels, delayed sexual activity, less chance of contracting HIV/AIDS, and less chance of having unwanted pregnancies;

Whereas it is estimated that women and girls make up more than 70 percent of the poorest people in the world;

Whereas in most nations, women work approximately twice the amount of unpaid time that men do;

Whereas women work ⅔ of the working hours of the world, and produce ½ of the food in the world, yet earn only 10 percent of the income in the world, and own less than 1 percent of the property in the world;

Whereas rural women produce more than 55 percent of all food grown in developing countries;

Whereas women worldwide still earn less, own less property, and have less access to education, employment, and health care than do men;

Whereas there are 82,500,000 mothers of all ages in the United States;

Whereas approximately 3 in 10 United States households are maintained by women with no husband present;

Whereas women comprise almost 15 percent of the active duty, reserve, and guard units of the Armed Forces;

Whereas it is not enough to say women deserve a voice in politics;

Whereas nations should take steps to ensure the full participation and representation of women in their conferences and committees, plenaries, and parliaments;

Whereas social investment, particularly investments in women and girls, should be an integral part of foreign policy;

Whereas the dedication and success of those working all over the world to end violence against women and girls and fighting for equality should be recognized;

Whereas special recognition is owed to 10 women fighting to make a difference in their communities and around the globe, including the following: Brigadier General Sheila R. Baxter, Commander, Madigan Army Medical Center, Western Regional Medical Command; Sheryl Cates, Executive Director of the National Domestic Violence Hotline and the Texas Council on Family Violence; Lora Jo Foo, Civil rights, labor activist, and Managing Attorney at the Asian Law Caucus; Salma Hayek, Actress and Domestic Violence Advocate; Asma Jehangir, Pakistani human rights activist, author, and lawyer; Liz Lerman, Founder and leader of the Liz Lerman Dance Exchange; Wangari Maathai, Nobel Peace Prize-winning environmentalist and founder of the Green Belt Movement; Kavita N. Ramdas, President and Chief Executive Officer of Global Women's Fund; Bernice Johnson Reagon, singer, scholar, activist, and founder of Sweet Honey in the Rock; and Ellen Johnson Sirleaf, newly-elected President of Liberia;

Whereas March 8 became known as ''International Women's Day'' during the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for equality, justice, and peace for women; and

Whereas the people of the United States should be encouraged to participate in ''International Women's Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates March 8, 2006, as ''International Women's Day'';

(2) reaffirms the commitment of the Senate to—

(A) improve access to quality health care;

(B) end and prevent violence against women, including the trafficking of women and girls worldwide, and ensure that the criminals who engage in those activities are brought to justice;

(C) end discrimination and increase participation of women in decision-making positions in the government and private sectors;

(D) extend full economic opportunities to women, including access to microfinance and microenterprise; and

(E) strengthen the role of women as agents of peace, because women are among the best emissaries when it comes to easing religious, racial, and ethnic tensions, crossing cultural divides, and reducing violence in areas of war and conflict; and

(3) encourages the people of the United States to observe ''International Women's Day'' with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution honoring 10

extraordinary women in celebration of International Women's Day.

There is no doubt that women have made tremendous strides towards equality and justice in the last century. International Women's Day provides an important moment to acknowledge the role that women have played in pioneering change and paving the way for millions of women and girls to access equal education, employment and opportunity.

The resolution I submit highlights the achievements of women from all over the world who have made strides as stateswomen, activists and advocates.

They are women who have overcome discrimination, abuse and political oppression to make a difference in the communities in which they live. Women like Kavita Ramdas, the President and Chief Executive Officer of the Global Women's Fund, the largest foundation in the world that exclusively centers on advocating women's rights. Her work has helped to improve women's economic independence and increased girls' access to education.

Salma Hayek plays a leading role in helping battered women in the United States and her native country, Mexico. Serving as chief spokeswoman for the Avon Foundations ''Speak Out Against Domestic Violence'' campaign, she continues to stay committed to helping educate and empower women to bring an end to this type of violence. She has donated her time and money to overcoming the horrifying statistic that one in three women worldwide has been raped, sexually abused or beaten in their lifetime, inspiring others to help spread awareness concerning domestic violence.

As Executive Director of the Texas Council on Family Violence and National Domestic Violence Hotline, Sheryl Cates is leading our country in empowering women by offering information and referrals to victims of domestic violence. Since the Hotline started 10 years ago, it has taken over 1.6 million calls in 140 languages and provide support for women across the United States, Puerto Rico and the U.S. Virgin Islands. Domestic violence is often unseen and unreported because the victims are often too scared to seek help. The Hotline provides a place for victims to turn for assistance, providing individualized support to ensure these women that they are not alone.

At age 11, Lora Jo Foo was a garment worker in San Francisco, California. She is now an accomplished civil rights and labor activist. Having dedicated her life to improving sweatshop conditions, she represents and advocates for low wage industry workers throughout the world. Many garment industry workers are denied public benefits because they do not speak English and government agencies fail to provide them with interpreters or translated documents. A large number of Asian women are pushed into dead-end workfare jobs where they learn no skills and are denied the option of English-language training. The result has been an increase in hunger and illness among Asian immigrant women and their families. Lora Jo Foo represents those women, giving them a voice to advocate for change.

Women like these are why we celebrate International Women's Day, commemorating their selfless achievements in advocating for equal rights and educating others. This past year, the global community has taken significant strides forward towards gender equality and the pursuit of human rights. On January 16, 2006, Ellen Johnson Sirleaf was elected as Prime Minister of Liberia, becoming the first elected female head of state in Africa. Germany elected its first female Chancellor, Angela Merkel. Chancellor Merkel overcame her childhood in North Berlin under communism and triumphed in her role as a leader. This past spring, Kuwait transformed the very structure of their country by amending their electoral laws and allowing women both to vote and to run in parliamentary elections. In Afghanistan, women are gaining equality in representation, overcoming years of severe gender discrimination and gender-based violence. There are now 68 female parliamentarians in the lower house of parliament, making up 27 percent of the representatives; women make up 15 percent of the representatives in the upper house.

Despite the achievements in women's rights during the past year, there is still more to be done, both domestically and internationally. In our own country, the wage gap between genders still exists. Although it has slightly decreased, women make an average of 76.5 percent as much as men do for identical jobs. Internationally, young women are three times more likely to be infected with HIV/AIDS than men because they know less about how to prevent infection and how to protect themselves from violence and discrimination. And while the laws of some countries in the Middle East have been changed to allow women the right to vote and hold office, much remains to be done to ensure they have equal access and opportunity to freely express their political will.

We value the progress that has been made in ending discrimination and advocating gender equality. On International Women's Day, we thank all those who have contributed to our successes. I urge my colleagues to support the immediate passage of the resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2933. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 2934. Mr. INHOFE (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2349, supra.

SA 2935. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2936. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2937. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2938. Mr. SANTORUM (for himself, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2939. Mr. SANTORUM (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2940. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2941. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2942. Mr. DODD (for himself, Mr. SANTORUM, Mr. OBAMA, Mr. MCCAIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra.

SA 2943. Mrs. BOXER (for herself, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2944. Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2349, supra.

SA 2945. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2946. Mr. MCCAIN (for himself, Mr. COBURN, Mr. ENSIGN, Mr. FEINGOLD, Mr. KYL, Mr. DEMINT, Mr. SUNUNU, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2947. Mr. NELSON of Florida (for himself and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2948. Mr. DORGAN (for himself, Mrs. BOXER, Mr. DAYTON, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2949. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2950. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2951. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2952. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2953. Mr. KYL (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the

bill S. 2349, supra; which was ordered to lie on the table.

SA 2955. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2956. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2957. Mr. MCCAIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2958. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2959. Mr. SCHUMER proposed an amendment to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, supra.

SA 2960. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2961. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2962. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2963. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2964. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2965. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2966. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 2938 submitted by Mr. SANTORUM (for himself, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) and intended to be proposed to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2967. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2933. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. MAKING SENATE HOLDS PUBLIC.

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

''7. Intent to object to (to hold) a motion or matter, including Legislative and Executive Calendar items and unanimous consent agreements, shall be printed in a distinct section of the Congressional Record not later than 2 session days after such intent has been communicated to party leadership.''.

SA 2934. Mr. INHOFE (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading ''MEDICAL SERVICES'' under the heading ''VETERANS HEALTH ADMINISTRATION''.

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2007.

SA 2935. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 221, strike line 7 and insert the following:

SEC. 221. CRIMINAL PENALTIES.

Section 18 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 16(1)) is amended by—

(1) striking ''An organization'' and inserting the following:

''(a) IN GENERAL.—An organization''; and

(2) adding at the end the following:

''(b) CRIMINAL PENALTY.—An officer of an organization described in section 501(c) of the Internal Revenue Code of 1986 who engages in lobbying activities with Federal funds as prohibited by this section shall be imprisoned for not more than 5 years and fined under title 18 of the United States Code, or both.''.

SEC. 222. EFFECTIVE DATE.

SA 2936. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 40, after line 2, insert the following:

(c) SENIOR EXECUTIVE PERSONNEL GENERALLY.—Section 207(a) of title 18, United States Code, is amended by adding at the end the following:

''(4) ONE-YEAR RESTRICTIONS ON CERTAIN EMPLOYEES OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—Any person who is an officer or employee in the Senior Executive Service, is employed in a position subject to section 5108 of title 5, is employed in a position subject to section 3104 of title 5, or is employed in a position equivalent to a level 14 position in the General Schedule (GS–14) (including any special Government employee) of the executive branch of the United States (including an independent agency) and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.''.

SA 2937. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 34, strike line 7 and insert the following:

SEC. 221. COVERAGE OF ALL EXECUTIVE BRANCH EMPLOYEES.

Section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; and'';

(3) by adding at the end the following:

''(6) any other employee of the executive branch.''.

SEC. 222. EFFECTIVE DATE.

SA 2938. Mr. SANTORUM (for himself, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Beginning on page 10, strike line 19 and all that follows through page 12, line 14, and insert the following:

(b) DISCLOSURE AND PAYMENT OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—

(A) DISCLOSURE AND PAYMENT.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

''(g) A Member, officer, or employee of the Senate shall—

''(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee;

''(2) reimburse the owner or lessee of the aircraft for the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of members, officers, or employees of the Congress on the flight);

''(3) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.''.

(B) FAIR MARKET VALUE OF NONCOMMERCIAL AIR TRAVEL.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended—

(i) by inserting (A) after (1); and

(ii) by adding at the end the following:

''(B) Fair market value for a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire shall be the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size.''.

(C) REIMBURSEMENT.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

''(c) Use of an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire shall be valued for purposes of reimbursement under this rule as provided in paragraph 2(g)(2) of rule XXXV.''.

(2) FECA.—

(A) DISCLOSURE.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(i) by striking ''and'' at the end of paragraph (7);

(ii) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

''(A) The date of the flight.

''(B) The destination of the flight.

''(C) The owner or lessee of the aircraft.

''(D) The purpose of the flight.

''(E) The persons on the flight, except for any person flying the aircraft.''.

(B) EXCLUSION OF PAID FLIGHT FROM DEFINITION OF CONTRIBUTION.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(i) in clause (xiii), by striking ''and'' at the end;

(ii) in clause (xiv), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(xv) any travel expense for a flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire: *Provided,* That the candidate (or the authorized committee of the candidate) pays to the owner, lessee, or other individual who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number candidates on the flight) by not later than 7 days after the date on which the flight is taken.''.

SA 2939. Mr. SANTORUM (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 8, strike lines 6 through 16 and insert the following:

''(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.''.

SA 2940. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 40, after line 24, insert the following:

SEC. 252. CONTACTS WITH REPRESENTATIVES, OFFICIALS, AND FOREIGN AGENTS OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.

The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following:

''SEC. 26. NOTIFICATION OF CONTACTS WITH REPRESENTATIVES AND OFFICIALS OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.

''(a) NOTIFICATION OF CONTACTS WITH REPRESENTATIVES AND OFFICIALS OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.—

''(1) IN GENERAL.—A Member of Congress and any legislative branch employee shall, on a quarterly basis, disclose and report to the Secretary of State any contact with a representative, official, or foreign agent of a government that has been designated as a state sponsor of terrorism by the Department of State.

''(2) SUBMISSION.—A report required by paragraph (1) shall be submitted to the Secretary of State, or a person that the Secretary designates as an appropriate recipient.

''(3) REPORT TO CONGRESSIONAL COMMITTEE.—The Secretary of State shall provide, on a quarterly basis, the Committee on Foreign Relations of the Senate, the Committee on International Affairs of the House of Representatives, the Appropriations Subcommittee on State, Foreign Operations, and Related Programs of the Senate, and the Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs of the House of Representatives with a report listing the names of those individuals who have notified the Secretary of contacts described in paragraph (1).

''(b) CONGRESSIONAL DISCLOSURE.—

''(1) IN GENERAL.—A Member of Congress and any legislative branch employee shall, on a quarterly basis, disclose and report to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, any contact with a representative, official, or foreign agent of a government that has been designated as a state sponsor of terrorism by the Department of State.

''(2) REPORT TO CONGRESSIONAL COMMITTEES.—The Secretary of the Senate and Clerk of the House of Representatives shall provide, on a quarterly basis, the Committee on Foreign Relations of the Senate, the Committee on International Affairs of the House of Representatives, the Appropriations Subcommittee on State, Foreign Operations, and Related Programs of the Senate, and the Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs of the House of Representatives with a report listing the names of those individuals who have notified the Secretary of contacts described in paragraph (1).''.

SA 2941. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 25, line 11, strike ''$100,000'' and insert ''$200,000''.

SA 2942. Mr. DODD (for himself, Mr. SANTORUM, Mr. OBAMA, Mr. MCCAIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 8, strike lines 8 through 16.

SA 2943. Mrs. BOXER (for herself, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DISCLOSURE OF WHITE HOUSE CONTACTS WITH JACK ABRAMOFF.

(a) FINDINGS.—The Senate finds the following:

(1) Public confidence in Government has been undermined by widespread reports of public corruption involving Jack Abramoff, including indictments and plea agreements that cite alleged wrongdoing by senior public officials.

(2) Public perception of a culture of corruption undermines the people's faith in their Government representatives and our system of Government.

(3) Due to the serious nature of Jack Abramoff's crimes and continuing allegations of corruption involving him, public confidence in the Government can be restored only if there is full disclosure of his contacts with the President, White House staff, and senior executive branch officials.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the White House should immediately and publicly disclose each visit and meeting between Jack Abramoff and the President, White House staff, or senior executive branch officials, which should include the date, list of attendees, purpose of the visit or meeting, any documentation associated with the visit or meeting, including any photographs, and any action taken or withheld by the Government as a result of the contact.

SA 2944. Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

At the end of title I, add the following:

SEC. ___. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

''I, Senator ___, intend to object to proceeding to ___, dated ___.''.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notices of Intent to Object to Proceeding''.

Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) REMOVAL.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

''I, Senator ___, do not object to proceeding to ___, dated ___.''.

SA 2945. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ESTABLISHMENT OF SENATE ETHICS AUDIT OFFICE.

(a) ESTABLISHMENT.—There is established in the Senate an independent, nonpartisan office to be known as the ''Senate Ethics Audit Office'' (referred to in this resolution as the ''Office'') which shall be an independent, investigative arm of the Select Committee on Ethics authorized to conduct audits each Member's personal offices as provided in this resolution.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Senate Ethics Audit Office Director (referred to in this resolution as the ''Director''). The Director shall be appointed by the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders of the Senate. Any appointment made under this subsection shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Director shall be learned in ethics law and audit process, a member of the bar of a State or the District of Columbia or a certified public accountant, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(2) TERMS OF SERVICE.—Any appointment made under paragraph (1) shall become effective upon approval by resolution of the Senate. The Director shall be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Director is appointed except that the Senate may, by resolution, remove the Director prior to the termination of any term of service. The Director may be reappointed at the termination of any term of service.

(3) COMPENSATION.—The Director shall receive compensation at a rate equal to the annual rate of basic pay for level III of the Executive Schedule under section 5314 of Title 5.

(4) STAFF.—The Director shall hire such additional staff as are required to carry out this section, including other attorneys, investigators, and accountants.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Office shall conduct annual audits of each Senator and his or her immediate family, each Senator's personal office, and the Senator's staff to ensure compliance with the rules of the Select Committee on Ethics and other related rules and guidelines as provided in paragraph (2).

(2) AUDITS AND TRAINING.—The Office shall—

(A) conduct unannounced, random audits of each Senator and his or her immediate family, each Senator's personal office, and the Senator's staff to ensure compliance with the rules of the Select Committee on Ethics and other related rules and guidelines;

(B) audit the appropriate filing, archiving, and retention of documents related to the compliance of established ethics rules and other related rules and guidelines for each Senator's personal office, including the mailing of 499's, the use of the Frank, gifts, any and all travel, and other such matters;

(C) examine, if applicable, any campaign related work as it relates to Senate ethics rules that has been performed in compliance with established guidelines (such as political fund designees, de minimis use of government equipment for non-related government work, and other appropriate guidelines);

(D) examine any contributions made to a Senator's office by any outside entity (foreign government, lobbyist, or otherwise) to ensure—

(i) proper compliance with established gift laws; and

(ii) that those gifts are properly documented in accordance with established ethics rules and guidelines;

(E) examine the Senator and the Senator's office to ensure proper financial disclosures regarding payroll, gifts, reimbursements, and other necessary financial disclosures with established ethics rules and guidelines;

(F) require that each Senator's office make available the report of findings of the Office to the public in appropriate venues for examination, including a publicly available website;

(G) ensure that no conflict of interest exists between the execution of the Senator's duties, the Senator's staff's duties, and any previous employment;

(H) require each Senator's office to detail on a proper form all current outside employment and submit the form every 6 months to the Office;

(I)(i) ensure that any travel and necessarily associated expenses are performed and reported appropriately under established rules and guidelines; and

(ii) require a new RE-4 for travel paid for by tribal entities and sovereign nations/foreign governments and an RE–5 for CODEL travel for filing and for compliance;

(J) examine any potential impropriety in payments, or other gifts to a Senator and his or her immediate family, each Senator's personal office, the Senator's senior staff, and the immediate family members of senior staff, with the Senator's senior staff being listed and disclosed with the independent audit report to avoid any confusion;

(K) provide training opportunities and work closely with relevant personnel inside the Senator's personal office to recognize and rectify any violations, enabling each office the ability to internally recognize and eliminate potential violations of established ethics rules and guidelines; and

(L) make recommendations to Senators concerning office ethics policy or practice improvement.

SA 2946. MR. MCCAIN (for himself, Mr. COBURN, Mr. ENSIGN, Mr. FEINGOLD, Mr. KYL, Mr. DEMINT, Mr. SUNUNU, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, line 21, strike ''24 hours'' and insert ''48 hours''.

On page 16, between lines 3 and 4, insert the following:

SEC. 114. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

(a) IN GENERAL.—Paragraph 1 of Rule XVI of the Standing Rules of the Senate is amended to read as follows:

''1. (a) On a point of order made by any Senator:

''(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

''(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

''(3) No new or general legislation nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

''(4) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

''(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill is sustained, then—

''(A) the new or general legislation or unauthorized appropriation shall be struck from the bill; and

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

''(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained, then an amendment to the House bill is deemed to have been adopted that—

''(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

''(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly.

''(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

''(d) If the point of order against a conference report under subparagraph (a)(3) is sustained, then—

''(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

''(2) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck shall be deemed to have been made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be deemed to be reduced accordingly;

''(3) when all other points of order under this paragraph have been disposed of—

''(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck (together with any modification of total amounts appropriated and reduction in the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) deemed to have been made);

''(B) the question shall be debatable; and

''(C) no further amendment shall be in order; and

''(4) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

''(e)(1) If a point of order under subparagraph (a)(4) against a Senate amendment is sustained, then—

''(A) the unauthorized appropriation shall be struck from the amendment;

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly; and

''(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

''(2) If a point of order under subparagraph (a)(4) against a House amendment is sustained, then—

''(A) an amendment to the House amendment is deemed to have been adopted that—

''(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

''(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly; and

''(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

''(f) The disposition of a point of order made under any other paragraph of this Rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

''(g) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

''(h) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill, a conference report on a general appropriation bill, or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (g), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

''(i) Notwithstanding any provision of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), no point of order provided for under that Act shall lie against the striking of any matter, the modification of total amounts to reflect the deletion of matter struck, or the reduction of an allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) to reflect the deletion of matter struck (or to the bill, amendment, or conference report as affected by such striking, modification, or reduction) pursuant to a point of order under this paragraph.

''(j) For purposes of this paragraph:

''(1)(A) The term 'unauthorized appropriation' means an appropriation—

''(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

''(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

''(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that—

''(i) discriminates against other persons, programs, projects, entities, or jurisdictions similarly situated that would be eligible, but for the restriction, direction, or authorization, for the amount appropriated; or

''(ii) is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

''(2) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this Rule.

''(3) The terms 'new matter' and 'nongermane matter' have the same meaning as when those terms are used in Rule XXVIII.''.

(b) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term ''assistance'' includes a grant, loan, loan guarantee, or contract.

(B) The term ''congressional report'' means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term ''earmark'' means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term ''entity'' includes a State or locality, but does not include any Federal agency.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2006.

(c) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

''SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(2) the amount of money paid as described in paragraph (1).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

SA 2947. Mr. NELSON (for himself and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—MEDICARE

SEC. 301. 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).

SA 2948. Mr. DORGAN (for himself, Mrs. BOXER, Mr. DAYTON, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2349, to provided greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—HONEST LEADERSHIP AND ACCOUNTABILITY IN CONTRACTING

SEC. 301. SHORT TITLE.

This title may be cited as the ''Honest Leadership and Accountability in Contracting Act of 2006''.

Subtitle A—Elimination of Fraud and Abuse

SEC. 311. PROHIBITION OF WAR PROFITEERING AND FRAUD.

(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

''(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 or military action knowingly and willfully—

''(A) executes or attempts to execute a scheme or artifice to defraud the United States or the entity having jurisdiction over the area in which such activities occur;

''(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

''(D) materially overvalues any good or service with the specific intent to excessively profit from the war or military action;

shall be fined under paragraph (2), imprisoned not more than 20 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) CLERICAL AMENDMENT.—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.''.

(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) TREATMENT UNDER MONEY LAUNDERING OFFENSE.—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)'' after ''liquidating agent of financial institution),''.

SEC. 312. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide that no prospective contractor shall be considered to have a satisfactory record of integrity and business ethics if it—

(1) has exhibited a pattern of overcharging the Government under Federal contracts; or

(2) has exhibited a pattern of failing to comply with the law, including tax, labor and employment, environmental, antitrust, and consumer protection laws.

(b) EFFECTIVE DATE.—The revised regulation required by this section shall apply with respect to all contracts for which solicitations are issued after the date that is 90 days after the date of the enactment of this Act.

SEC. 313. DISCLOSURE OF AUDIT REPORTS.

(a) DISCLOSURE OF INFORMATION TO CONGRESS.—

(1) IN GENERAL.—The head of each executive agency shall maintain a list of audit reports issued by the agency during the current and previous calendar years that—

(A) describe significant contractor costs that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract; or

(B) identify significant or substantial deficiencies in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) SUBMISSION OF INDIVIDUAL AUDITS.—The head of each executive agency shall provide, within 14 days of a request in writing by the chairman or ranking member of a committee of jurisdiction, a full and unredacted copy of—

(A) the current version of the list maintained pursuant to paragraph (1); or

(B) any audit or other report identified on such list.

(b) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR PENALTIES AND VIOLATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Procurement Data System shall be modified to include—

(A) information on instances in which any major contractor has been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against it in connection with allegations of improper conduct; and

(B) information on all sole source contract awards in excess of $2,000,000 entered into by an executive agency.

(2) PUBLICLY AVAILABLE WEBSITE.—The information required by paragraph (1) shall be made available through the publicly available website of the Federal Procurement Data System.

Subtitle B—Contract Matters

PART I—COMPETITION IN CONTRACTING

SEC. 321. PROHIBITION ON AWARD OF MONOPOLY CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

''(4)(A) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

''(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

''(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

''(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).''.

(b) DEFENSE CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

''(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

''(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

''(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).''.

SEC. 322. COMPETITION IN MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this section, the Federal Acquisition Regulation shall be revised to require competition in the purchase of goods and services by each executive agency pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—(1) The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of goods or services in excess of $1,000,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the executive agency—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) applies to such individual purchase; or

(ii) a statute expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) For purposes of this subsection, an individual purchase of goods or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such goods or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) Notwithstanding paragraph (2), notice may be provided to fewer than all contractors offering such goods or services under a multiple award contract described in subsection (c)(2)(A) if notice is provided to as many contractors as practicable.

(4) A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under paragraph (3) unless—

(A) offers were received from at least three qualified contractors; or

(B) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) DEFINITIONS.—In this section:

(1) The term ''individual purchase'' means a task order, delivery order, or other purchase.

(2) The term ''multiple award contract'' means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3));

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with two or more sources pursuant to the same solicitation.

(d) APPLICABILITY.—The revisions to the Federal Acquisition Regulation pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act, and shall apply to all individual purchases of goods or services that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

(e) CONFORMING AMENDMENTS TO DEFENSE CONTRACT PROVISION.—Section 803 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2304 note) is amended as follows:

(1) GOODS COVERED.—(A) The section heading is amended by inserting ''**GOODS OR**'' before ''**SERVICES**''.

(B) Subsection (a) is amended by inserting ''goods and'' before ''services''.

(C) The following provisions are amended by inserting ''goods or'' before ''services'' each place it appears:

(i) Paragraphs (1), (2), and (3) of subsection (b).

(ii) Subsection (d).

(D) Such section is amended by adding at the end the following new subsection:

''(e) APPLICABILITY TO GOODS.—The Secretary shall revise the regulations promulgated pursuant to subsection (a) to cover purchases of goods by the Department of Defense pursuant to multiple award contracts. The revised regulations shall take effect in final form not later than 180 days after the date of the enactment of this subsection and shall apply to all individual purchases of goods that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.''.

(f) PROTEST RIGHTS FOR CERTAIN AWARDS.—

(1) CIVILIAN AGENCY CONTRACTS.—Section 303J(d) of the Federal Property and Administrative Services Act (41 U.S.C. 253j(d)) is amended by inserting ''with a value of less than $500,000'' after ''task or delivery order''.

(2) DEFENSE CONTRACTS.—Section 2304c(d) of title 10, United States Code, is amended by inserting ''with a value of less than $500,000'' after ''task or delivery order''.

PART II—CONTRACT PERSONNEL MATTERS

SEC. 331. CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION ON CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—The head of an agency may not enter into a contract for the performance of any inherently governmental function.

(b) PROHIBITION ON CONTRACTS FOR CONTRACT OVERSIGHT.—

(1) PROHIBITION.—The head of an agency may not enter into a contract for the performance of acquisition functions closely associated with inherently governmental functions with any entity unless the head of the agency determines in writing that—

(A) neither that entity nor any related entity will be responsible for performing any of the work under a contract which the entity will help plan, evaluate, select a source, manage or oversee; and

(B) the agency has taken appropriate steps to prevent or mitigate any organizational conflict of interest that may arise because the entity—

(i) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(ii) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(iii) has a reverse role with the contractor to be overseen under one or more separate Government contracts; or

(iv) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(2) RELATED ENTITY DEFINED.—In this subsection, the term ''related entity'', with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) DEFINITIONS.—In this section:

(1) The term ''inherently governmental functions'' has the meaning given to such term in part 7.5 of the Federal Acquisition Regulation.

(2) The term ''functions closely associated with governmental functions'' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

(3) The term ''organizational conflict of interest'' has the meaning given such term in part 9.5 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after such date.

SEC. 332. ELIMINATION OF REVOLVING DOOR BETWEEN FEDERAL PERSONNEL AND CONTRACTORS.

(a) ELIMINATION OF LOOPHOLES ALLOWING FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSATION FROM CONTRACTORS OR RELATED ENTITIES.—

(1) IN GENERAL.—Paragraph (1) of subsection (d) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended—

(A) by striking ''or consultant'' and inserting ''consultant, lawyer, or lobbyist'';

(B) by striking ''one year'' and inserting ''two years''; and

(C) in subparagraph (C), by striking ''personally made for the Federal agency—'' and inserting ''participated personally and substantially in—''.

(2) DEFINITION.—Paragraph (2) of such subsection is amended to read as follows:

''(2) For purposes of paragraph (1), the term 'contractor' includes any division, affiliate, subsidiary, parent, joint venture, or other related entity of a contractor.''.

(b) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS TO FORMER EMPLOYERS.—Such section is further amended by adding at the end the following new subsection:

''(i) PROHIBITION ON INVOLVEMENT BY CERTAIN FORMER CONTRACTOR EMPLOYEES IN PROCUREMENTS.—A former employee of a contractor who becomes an employee of the Federal Government shall not be personally and substantially involved with any Federal agency procurement involving the employee's former employer, including any division, affiliate, subsidiary, parent, joint venture, or other related entity of the former employer, for a period of two years beginning on the date on which the employee leaves the employment of the contractor unless the designated agency ethics officer for the agency determines in writing that the government's interest in the former employee's participation in a particular procurement outweighs any appearance of impropriety.''.

(c) REQUIREMENT FOR FEDERAL PROCUREMENT OFFICERS TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Subsection (c)(1) of such section is amended by inserting after ''that official'' the following: '', or for a relative of that official (as defined in section 3110 of title 5, United States Code),''.

(d) ADDITIONAL CRIMINAL PENALTIES.—Paragraph (1) of subsection (e) of such section is amended to read as follows:

''(1) CRIMINAL PENALTIES.—Whoever engages in conduct constituting a violation of—

''(A) subsection (a) or (b) for the purpose of either—

''(i) exchanging the information covered by such subsection for anything of value, or

''(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

''(B) subsection (c) or (d);

shall be imprisoned for not more than 5 years, fined as provided under title 18, Untied States Code, or both.''.

(e) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

''(j) REGULATIONS.—The Director of the Office of Government Ethics, in consultation with the Administrator, shall—

''(1) promulgate regulations to carry out and ensure the enforcement of this section; and

''(2) monitor and investigate individual and agency compliance with this section.''.

Subtitle C—Other Personnel Matters

SEC. 341. MINIMUM REQUIREMENTS FOR POLITICAL APPOINTEES HOLDING PUBLIC CONTRACTING AND SAFETY POSITIONS.

(a) IN GENERAL.—A position specified in subsection (b) may not be held by any political appointee who does not meet the requirements of subsection (c).

(b) SPECIFIED POSITIONS.—A position specified in this subsection is any position as follows:

(1) A public contracting position.

(2) A public safety position.

(c) MINIMUM REQUIREMENTS.—An individual shall not, with respect to any position, be considered to meet the requirements of this subsection unless such individual—

(1) has academic, management, and leadership credentials in one or more areas relevant to such position;

(2) has a superior record of achievement in one or more areas relevant to such position; and

(3) has training and expertise in one or more areas relevant to such position.

(d) POLITICAL APPOINTEE.—For purposes of this section, the term ''political appointee'' means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service; or

(3) is employed in the executive branch of the Government in a position which has been excepted from the competitive service by reason of its policy-determining, policy-making, or policy-advocating character.

(e) PUBLIC CONTRACTING POSITION.—For purposes of this section, the term ''public contracting position'' means the following:

(1) The Administrator for Federal Procurement Policy.

(2) The Administrator of the General Services Administration.

(3) The Chief Acquisition Officer of any executive agency, as appointed or designated pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414).

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(5) Any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves government procurement and procurement policy, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

(f) PUBLIC SAFETY POSITION.—For purposes of this section, the term ''public safety position'' means the following:

(1) The Under Secretary for Emergency Preparedness and Response, Department of Homeland Security.

(2) The Director of the Federal Emergency Management Agency, Department of Homeland Security.

(3) Each regional director of the Federal Emergency Management Agency, Department of Homeland Security.

(4) The Recovery Division Director of the Federal Emergency Management Agency, Department of Homeland Security.

(5) The Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security.

(6) The Assistant Secretary for Public Health Emergency Preparedness, Department of Health and Human Services.

(7) The Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency.

(8) Any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves responding to a direct threat to life or property or a hazard to health, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

(g) PUBLICATION OF POSITIONS.—Beginning not later than 30 days after the date of the enactment of this Act, the head of each agency shall maintain on such agency's public website a current list of all public contracting positions and public safety positions within such agency.

(h) COORDINATION WITH OTHER REQUIREMENTS.—The requirements set forth in subsection (c) shall be in addition to, and not in lieu of, any requirements that might otherwise apply with respect to any particular position.

(i) DEFINITIONS.—In this section:

(1) The term ''agency'' means an Executive agency (as defined by section 105 of title 5, United States Code).

(2) The terms ''limited term appointee'', ''limited emergency appointee'', and ''noncareer appointee'' have the meanings given such terms in section 3132 of title 5, United States Code.

(3) The term ''Senior Executive Service'' has the meaning given such term by section 2101a of title 5, United States Code.

(4) The term ''competitive service'' has the meaning given such term by section 2102 of title 5, United States Code.

(5) The terms ''lobbyist'' and ''client'' have the respective meanings given them by section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

(j) CONFORMING AMENDMENT.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a)) is amended by striking ''non-career employee as''.

SEC. 342. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation'';

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(3) by adding at the end the following:

''(C) any disclosure that—

''(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

''(I) any violation of any law, rule, or regulation;

''(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(III) a false statement to Congress on an issue of material fact; and

''(ii) is made to—

''(I) a member of a committee of Congress;

''(II) any other Member of Congress; or

''(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.''.

(b) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross management, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(c) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee would reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

(d) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

''(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

''(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and''

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 (governing disclosures to Congress); section 1034 of title 10 (governing disclosure to Congress by members of the military); section 2302(b)(8) (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18 and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by

such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

''(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.''.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

''§ 7702a. Actions relating to security clearances

''(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

''(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

''(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

''(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

''(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

''(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance or access determination.

''(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

''(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

''7702a. Actions relating to security clearances.''.

(e) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, and the National Security Agency; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

(f) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party is employed or has applied for employment''.

(g) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

(h) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 77 and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).''.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of this subsection, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).''.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of this subsection, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(j) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50

U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(k) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

(l) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

(m) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(n) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect 30 days after the date of the enactment of this Act.

SA 2949. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON NAMING FEDERAL BUILDINGS OR PROPERTIES AFTER LIVING SERVING OR FORMER MEMBERS OF CONGRESS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill or resolution, or conference report thereon, or amendment that names a Federal building, property, program, project, or entity funded, in whole or in part, by the Federal Government after a living Member of Congress or a living former Member of Congress.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 2950. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, strike line 21 through page 6, line 19, and insert the following:

72 hours before its consideration.

SEC. 104. AVAILABILITY OF LEGISLATION ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XIV of the Standing Rules of the Senate is amended by adding at the end the following:

''11. (a) It shall not be in order to consider a bill or resolution, or conference report, thereon, or an amendment unless such measure is available to all Members and made available through a searchable electronic format to the general public by means of the Internet for at least 72 hours before its consideration.

''(b) This paragraph may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members, duly chosen and sworn. An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.''.

(2) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop and establish a website capable of complying with the requirements of paragraph 11 of rule XIV of the Standing Rules of the Senate, as added by subsection (a).

SA 2951. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

''SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) any lobbying activities engaged in by the recipient and the costs to the recipient of such activities; and

''(2)(A) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(B) the amount of money paid as described in subparagraph (A).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

SA 2952. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) IN GENERAL.—Effective beginning January 1, 2007, the Office of Management and Budget shall ensure the existence and operation of a single updated searchable database website accessible by the public that includes for each entity receiving Federal funding—

(1) the name of the entity;

(2) the amount of any Federal funds that the entity has received in each of the last 10 fiscal years;

(3) an itemized breakdown of that funding by agency and program source;

(4) the location of the entity including the city, State, and country; and

(5) a unique identifier for each such entity.

(b) DEFINITION OF ENTITY.—For purposes of this section, the term ''entity''—

(1) includes—

(A) a corporation;

(B) an association;

(C) a partnership;

(D) a limited liability company;

(E) a limited liability partnership;

(F) any other legal business entity;

(G) grantees, contractors, and, on and after October 1, 2007, subgrantees; and

(H) any State or locality; and

(2) does not include—

(A) an individual recipient of Federal assistance;

(B) a Federal employee; or

(C) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

SA 2953. Mr. KYL (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

SEC. _____. SHORT TITLE.

This title may be cited as the ''Unlawful Internet Gambling Enforcement Act of 2006''.

SEC. _____. PROHIBITION ON ACCEPTANCE OF ANY PAYMENT INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.

(a) IN GENERAL.—Chapter 53 of title 31, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

''§ 5361. Congressional findings and purpose

''(a) FINDINGS.—Congress finds the following:

''(1) Internet gambling is primarily funded through personal use of payment system instruments, credit cards, and wire transfers.

''(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers

to Internet gambling sites or the banks which represent such sites.

''(3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry.

''(4) New mechanisms for enforcing gambling laws on the Internet are necessary because traditional law enforcement mechanisms are often inadequate for enforcing gambling prohibitions or regulations on the Internet, especially where such gambling crosses State or national borders.

''(b) RULE OF CONSTRUCTION.—No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.

''§ 5362. Definitions

''In this subchapter, the following definitions shall apply:

''(1) BET OR WAGER.—The term 'bet or wager'—

''(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

''(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

''(C) includes any scheme of a type described in section 3702 of title 28;

''(D) includes any instructions or information pertaining to the establishment or movement of funds by the bettor or customer in, to, or from an account with the business of betting or wagering; and

''(E) does not include—

''(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of such Act);

''(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act;

''(iii) any over-the-counter derivative instrument;

''(iv) any other transaction that—

''(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

''(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

''(v) any contract of indemnity or guarantee;

''(vi) any contract for insurance;

''(vii) any deposit or other transaction with an insured depository institution; or

''(viii) any participation in a fantasy or simulation sports game, an educational game, or a contest, that—

''(I) is not dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

''(II) has an outcome that reflects the relative knowledge of the participants, or their skill at physical reaction or physical manipulation (but not chance), and, in the case of a fantasy or simulation sports game, has an outcome that is determined predominantly by accumulated statistical results of—

''(aa) sporting events; or

''(bb) nonparticipants' individual performances in sporting events; and

''(III) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fees paid by those participants.

''(2) BUSINESS OF BETTING OR WAGERING.—The term 'business of betting or wagering' does not include the activities of a financial transaction provider, or any interactive computer service or telecommunications service.

''(3) DESIGNATED PAYMENT SYSTEM.—The term 'designated payment system' means any system utilized by a financial transaction provider that the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, determines, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

''(4) FINANCIAL TRANSACTION PROVIDER.—The term 'financial transaction provider' means a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network, or other participant in a designated payment system.

''(5) INTERNET.—The term 'Internet' means the international computer network of interoperable packet switched data networks.

''(6) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' has the same meaning as in section 230(f) of the Communications Act of 1934.

''(7) RESTRICTED TRANSACTION.—The term 'restricted transaction' means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5363 which the recipient is prohibited from accepting under section 5363.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, or a commonwealth, territory, or possession of the United States.

''(10) UNLAWFUL INTERNET GAMBLING.—

''(A) IN GENERAL.—The term 'unlawful Internet gambling' means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made.

''(B) INTRASTATE TRANSACTIONS.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager where—

''(i) the bet or wager is initiated and received or otherwise made exclusively within a single State;

''(ii) the bet or wager, and the method by which the bet or wager is initiated and received or otherwise made, is expressly authorized by and placed in accordance with the laws of such State, and the State law or regulations include—

''(I) age and location verification requirements reasonably designed to block access to minors and persons located out of such State; and

''(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with such State's law or regulations; and

''(iii) the bet or wager does not violate any provision of the—

''(I) Interstate Horseracing Act of 1978;

''(II) Professional and Amateur Sports Protection Act;

''(III) Gambling Devices Transportation Act; or

''(IV) Indian Gaming Regulatory Act.

''(C) INTRATRIBAL TRANSACTIONS.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager where—

''(i) the bet or wager is initiated and received or otherwise made exclusively—

''(I) within the Indian lands of a single Indian tribe (as those terms are defined by the Indian Gaming Regulatory Act); or

''(II) between the Indian lands of 2 or more Indian tribes to the extent that intertribal gaming is authorized by the Indian Gaming Regulatory Act;

''(ii) the bet or wager, and the method by which the bet or wager is initiated and received or otherwise made, is expressly authorized by and complies with the requirements of—

''(I) the applicable tribal ordinance or resolution approved by the Chairman of the National Indian Gaming Commission; and

''(II) with respect to class III gaming, the applicable Tribal-State Compact;

''(iii) the applicable tribal ordinance or resolution or Tribal-State compact includes—

''(I) age and location verification requirements reasonably designed to block access to minors and persons located out of the applicable Tribal lands; and

''(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with the applicable tribal ordinance or resolution or Tribal-State Compact; and

''(iv) the bet or wager does not violate any provision of the—

''(I) Interstate Horseracing Act of 1978;

''(II) the Professional and Amateur Sports Protection Act;

''(III) the Gambling Devices Transportation Act; or

''(IV) the Indian Gaming Regulatory Act.

''(D) INTERSTATE HORSERACING.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager that is governed by and complies with the Interstate Horseracing Act of 1978.

''(E) INTERMEDIATE ROUTING.—The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

''(11) OTHER TERMS.—

''(A) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act.

''(B) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer'—

''(i) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

''(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

''(C) FINANCIAL INSTITUTION.—The term 'financial institution' has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

''(D) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution'—

''(i) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

''(ii) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

''(E) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined without regard to any regulations issued by the Secretary thereunder).

''§ 5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

''No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—

''(1) credit, or the proceeds of credit, extended to, or on behalf of, such other person (including credit extended through the use of a credit card);

''(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

''(3) any check, draft, or similar instrument which is drawn by, or on behalf of, such other person and is drawn on or payable at or through any financial institution; or

''(4) the proceeds of any other form of financial transaction, as the Secretary may prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of, or for the benefit of, such other person.

''§ 5364. Policies and procedures to identify and prevent restricted transactions

''(a) REGULATIONS.—Before the end of the 270-day period beginning on the date of enactment of this subchapter, the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring each designated payment system, and all participants therein, to identify and prevent restricted transactions through the establishment of policies and procedures reasonably designed to identify and prevent restricted transactions in any of the following ways:

''(1) The establishment of policies and procedures that—

''(A) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

''(B) block restricted transactions identified as a result of the policies and procedures developed pursuant to subparagraph (A).

''(2) The establishment of policies and procedures that prevent the acceptance of the products or services of the payment system in connection with a restricted transaction.

''(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations under subsection (a), the Secretary shall—

''(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed to identify, block, or prevent the acceptance of the products or services with respect to each type of restricted transaction;

''(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

''(3) consider exempting restricted transactions from any requirement imposed under such regulations, if the Secretary finds that it is not reasonably practical to identify and block, or otherwise prevent, such transactions.

''(c) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

''(1) such person relies on, and complies with, the policies and procedures of a designated payment system of which it is a member or participant to—

''(A) identify and block restricted transactions; or

''(B) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

''(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

''(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person shall not be liable to any party if such person —

''(1) is subject to a regulation prescribed or order issued under this subchapter; and

''(2) blocks, or otherwise refuses to honor a transaction—

''(A) that is a restricted transaction;

''(B) that such person reasonably believes to be a restricted transaction; or

''(C) as a designated payment system or a member of a designated payment system in reliance on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a).

''(e) REGULATORY ENFORCEMENT.—The requirements of this section shall be enforced exclusively by the Federal functional regulators and the Federal Trade Commission, in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act.

''§ 5365. Circumventions prohibited

''Notwithstanding section 5362(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

''(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

''(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

''5361. Congressional findings and purpose
''5362. Definitions
''5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling
''5364. Policies and procedures to identify and prevent restricted transactions
''5365. Circumventions prohibited''.

SEC. _____. INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.

(a) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(1) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(2) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

SA 2954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, strike line 1 and insert the following:

SEC. 113. PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.

(a) IN GENERAL.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. (a) A Member of the Senate shall not use for personal or political gain any organization—

''(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

''(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

''(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

''(1) a member of the family (within the meaning of section 4946(d) of the Internal Revenue Code of 1986) of the Member is employed by the organization;

''(2) any of the Member's staff is employed by the organization,

''(3) an individual or firm that receives money from the Member's campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

''(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

''(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

''(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

''(2) For purposes of this subparagraph, an applicable contribution is a contribution—

''(A) which is to an organization described in subparagraph (a);

''(B) which is over $200; and

''(C) of which such Member or employee, as the case may be, knows.

''(3) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

''(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

''(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

''(A) the independence of the Member from the organization;

''(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

''(C) the risk of abuse; and

''(D) whether the organization was formed prior to and separately from such spouse's involvement with the organization.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2007.

SEC. 114. EFFECTIVE DATE.

SA 2955. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ___. MODIFICATION OF DEFINITION OF PUBLIC COMMUNICATION.

(a) SHORT TITLE.—This section may be cited as the ''Online Freedom of Speech Act''.

(b) AMENDMENT.—Section 301(22) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following: ''Such term shall not include communications over the Internet.''.

SA 2956. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 15, after line 24, insert the following:

SEC. 112A. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 226. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS BY A MEMBER OF CONGRESS.

''(a) IN GENERAL.—Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

''(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

''(b) OFFICIAL ACT.—In this section, the term 'official act' shall have the same meaning as in section 201(a) of this title.''.

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.''.

SA 2957. Mr. MCCAIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—SENATE OFFICE OF PUBLIC INTEGRITY

SEC. 311. ESTABLISHMENT OF SENATE OFFICE OF PUBLIC INTEGRITY.

There is established, as an office within the Senate, the Senate Office of Public Integrity (referred to in this title as the ''Office'').

SEC. 312. DIRECTOR.

(a) APPOINTMENT OF DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director who shall be appointed by the President Pro Tempore of the Senate upon the joint recommendation of the majority leader of the Senate and the minority leader of the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(2) QUALIFICATIONS.—The Director shall possess demonstrated integrity, independence, and public credibility and shall have training or experience in law enforcement, the judiciary, civil or criminal litigation, or as a member of a Federal, State, or local ethics enforcement agency.

(b) VACANCY.—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) TERM OF OFFICE.—The Director shall serve for a term of 5 years and may be reappointed.

(d) REMOVAL.—

(1) AUTHORITY.—The Director may be removed by the President Pro Tempore of the Senate upon the joint recommendation of the Senate majority and minority leaders for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) STATEMENT OF REASONS.—In removing the Director, a statement of the reasons for removal shall be provided in writing to the Director.

(e) COMPENSATION.—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 313. DUTIES AND POWERS OF THE OFFICE.

(a) DUTIES.—The Office is authorized—

(1) to investigate any alleged violation by a Member, officer, or employee of the Senate, of any rule or other standard of conduct applicable to the conduct of such Member, officer, or employee under applicable Senate rules in the performance of his duties or the discharge of his responsibilities;

(2) to present a case of probable ethics violations to the Select Committee on Ethics of the Senate;

(3) to make recommendations to the Select Committee on Ethics of the Senate that it report to the appropriate Federal or State authorities any substantial evidence of a violation by a Member, officer, or employee of the Senate of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in an investigation by the Office; and

(4) subject to review by the Select Committee on Ethics to approve, or deny approval, of trips as provided for in paragraph 2(f) of rule XXXV of the Standing Rules of the Senate.

(b) POWERS.—

(1) OBTAINING INFORMATION.—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(2) REFERRALS TO THE DEPARTMENT OF JUSTICE.—Whenever the Director has reason to believe that a violation of law may have occurred, he shall refer that matter to the Select Committee on Ethics with a recommendation as to whether the matter should be referred to the Department of Justice or other appropriate authority for investigation or other action.

SEC. 314. INVESTIGATIONS AND INTERACTION WITH THE SENATE SELECT COMMITTEE ON ETHICS.

(a) INITIATION OF ENFORCEMENT MATTERS.—

(1) IN GENERAL.—An investigation may be initiated by the filing of a complaint with the Office by a Member of Congress or an outside complainant, or by the Office on its own initiative, based on any information in its possession. The Director shall not accept a complaint concerning a Member of Congress within 60 days of an election involving such Member.

(2) FILED COMPLAINT.—

(A) TIMING.—In the case of a complaint that is filed, the Director shall within 30 days make an initial determination as to whether the complaint should be dismissed or whether there are sufficient grounds to conduct an investigation. The subject of the complaint shall be provided by the Director with an opportunity during the 30-day period to challenge the complaint.

(B) DISMISSAL.—The Director may dismiss a complaint if the Director determines—

(i) the complaint fails to state a violation;

(ii) there is a lack of credible evidence of a violation; or

(iii) the violation is inadvertent, technical, or otherwise of a de minimis nature.

(C) REFERRAL.—In any case where the Director decides to dismiss a complaint, the Director may refer the case to the Select Committee on Ethics of the Senate under paragraph (3) to determine if the complaint is frivolous.

(3) FRIVOLOUS COMPLAINTS.—If the Select Committee on Ethics of the Senate determines that a complaint is frivolous, the committee may notify the Director not to accept any future complaint filed by that same person and the complainant may be required to pay for the costs of the Office resulting from such complaint. The Director may refer the matter to the Department of Justice to collect such costs.

(4) PRELIMINARY DETERMINATION.—For any investigation conducted by the Office at its own initiative, the Director shall make a preliminary determination of whether there are sufficient grounds to conduct an investigation. Before making that determination, the subject of the investigation shall be provided by the Director with an opportunity to submit information to the Director that there are not sufficient grounds to conduct an investigation.

(5) NOTICE TO COMMITTEE.—Whenever the Director determines that there are sufficient grounds to conduct an investigation—

(A) the Director shall notify the Select Committee on Ethics of the Senate of this determination; and

(B) the committee may overrule the determination of the Director if, within 10 legislative days—

(i) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(ii) the committee issues a public report on the matter; and

(iii) the vote of each member of the committee on such roll-call vote is included in the report.

(b) CONDUCTING INVESTIGATIONS.—

(1) IN GENERAL.—If the Director determines that there are sufficient grounds to conduct an investigation and his determination is not overruled under subsection (a)(5), the Director shall conduct an investigation to determine if probable cause exists that a violation occurred.

(2) AUTHORITY.—As part of an investigation, the Director may—

(A) administer oaths;

(B) issue subpoenas;

(C) compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; and

(D) himself, or by delegation to Office staff, take the deposition of witnesses.

(3) REFUSAL TO OBEY.—If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter, he may be held in contempt of Congress.

(4) ENFORCEMENT.—If the Director determines that the Director is limited in the Director's ability to obtain documents, testimony, and other information needed as part of an investigation because of potential constitutional, statutory, or rules restrictions, or due to lack of compliance, the Director may refer the matter to the Select Committee on Ethics of the Senate for consideration and appropriate action by the committee. The committee shall promptly act on a request under this paragraph.

(c) PRESENTATION OF CASE TO SENATE SELECT COMMITTEE ON ETHICS.—

(1) NOTICE TO COMMITTEES.—If the Director determines, upon conclusion of an investigation, that probable cause exists that an ethics violation has occurred, the Director shall notify the Select Committee on Ethics of the Senate of this determination.

(2) COMMITTEE DECISION.—The Select Committee on Ethics may overrule the determination of the Director if, within 30 legislative days—

(A) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(B) the committee issues a public report on the matter; and

(C) the vote of each member of the committee on such roll-call vote is included in the report.

(3) DETERMINATION AND RULING.—

(A) REFERRAL.—If the Director determines there is probable cause that an ethics violation has occurred and the Director's determination is not overruled, the Director shall present the case and evidence to the Select Committee on Ethics of the Senate to hear and make a determination pursuant to its rules.

(B) FINAL DECISION.—The Select Committee on Ethics shall vote upon whether the individual who is the subject of the investigation has violated any rules or other standards of conduct applicable to that individual in his official capacity. Such votes shall be a roll-call vote of the full committee, a quorum being present. The committee shall issue a public report which shall include the vote of each member of the committee on such roll-call vote.

(d) SANCTIONS.—Whenever the Select Committee on Ethics of the Senate finds that an ethics violation has occurred, the Director shall recommend appropriate sanctions to the committee and whether a matter should be referred to the Department of Justice for investigation.

SEC. 315. PROCEDURAL RULES.

(a) PROHIBITION OF CERTAIN INVESTIGATIONS.—No investigation shall be undertaken by the Office of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.

(b) DISCLOSURE.—Information or testimony received, or the contents of a complaint or the fact of its filing, or recommendations made by the Director to the committee, may be publicly disclosed by the Director or by the staff of the Office only if authorized by the Select Committee on Ethics of the Senate.

SEC. 316. SOPI EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking ''or'';

(B) in subparagraph (I), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(J) the Office of Public Integrity.''; and

(2) in paragraph (9), by striking ''and the Office of Technology Assessment'' and inserting ''the Office of Technology Assessment, and the Senate Office of Public Integrity''.

SEC. 317. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on January 1, 2007.

(b) EXCEPTION.—Section 312 shall take effect upon the date of enactment of this Act.

SA 2958. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—REFORM OF SECTION 527 ORGANIZATIONS

SEC. ____01. SHORT TITLE.

This title may be cited as the ''527 Reform Act of 2005''.

SEC. ____02. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(2) by adding at the end the following:

''(D) any applicable 527 organization.''.

(b) DEFINITION OF APPLICABLE 527 ORGANIZATION.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

''(27) APPLICABLE 527 ORGANIZATION.—

''(A) IN GENERAL.—For purposes of paragraph (4)(D), the term 'applicable 527 organization' means a committee, club, association, or group of persons that—

''(i) has given notice to the Secretary of the Treasury under section 527(i) of the Internal Revenue Code of 1986 that it is to be treated as an organization described in section 527 of such Code; and

''(ii) is not described in subparagraph (B).

''(B) EXCEPTED ORGANIZATIONS.—A committee, club, association, or other group of persons described in this subparagraph is—

''(i) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986;

''(ii) an organization which is a committee, club, association or other group of persons that is organized, operated, and makes disbursements exclusively for paying expenses described in the last sentence of section 527(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code;

''(iii) an organization which is a committee, club, association, or other group that consists solely of candidates for State or local office, individuals holding State or local office, or any combination of either, but only if the organization refers only to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to a Federal candidate or a political party in any of its voter drive activities; or

''(iv) an organization described in subparagraph (C).

''(C) APPLICABLE ORGANIZATION.—For purposes of subparagraph (B)(iv), an organization described in this subparagraph is a committee, club, association, or other group of persons whose election or nomination activities relate exclusively to—

''(i) elections where no candidate for Federal office appears on the ballot; or

''(ii) one or more of the following purposes:

''(I) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

''(II) Influencing one or more applicable State or local issues.

''(III) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

''(D) EXCLUSIVITY TEST.—A committee, club, association, or other group of persons shall not be treated as meeting the exclusivity requirement of subparagraph (C) if it makes disbursements aggregating more than $1,000 for any of the following:

''(i) A public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the 1-year period ending on the date of the general election for the office sought by the clearly identified candidate (or, if a runoff election is held with respect to such general election, on the date of the runoff election).

''(ii) Any voter drive activity during a calendar year, except that no disbursements for any voter drive activity shall be taken into account under this subparagraph if the committee, club, association, or other group of persons during such calendar year—

''(I) makes disbursements for voter drive activities with respect to elections in only 1 State and complies with all applicable election laws of that State, including laws related to registration and reporting requirements and contribution limitations;

''(II) refers to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to any Federal candidate or any political party in any of its voter drive activities;

''(III) does not have a candidate for Federal office, an individual who holds any Federal office, a national political party, or an agent of any of the foregoing, control or materially participate in the direction of the organization, solicit contributions to the organization (other than funds which are described under clauses (i) and (ii) of section 323(e)(1)(B)), or direct disbursements, in whole or in part, by the organization; and

''(IV) makes no contributions to Federal candidates.

''(E) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II),

a voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the activity is—

''(i) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

''(ii) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue, including a reference that constitutes the endorsement or position itself.

''(F) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a political party if the only reference to the party in the activity is—

''(i) a reference for the purpose of identifying a non-Federal candidate;

''(ii) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

''(iii) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

''(G) APPLICABLE STATE OR LOCAL ISSUE.—For purposes of this paragraph, the term 'applicable State or local issue' means any State or local ballot initiative, State or local referendum, State or local constitutional amendment, State or local bond issue, or other State or local ballot issue.''.

(c) DEFINITION OF VOTER DRIVE ACTIVITY.—Section 301 of such Act (2 U.S.C. 431), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

''(28) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot):

''(A) Voter registration activity.

''(B) Voter identification.

''(C) Get-out-the-vote activity.

''(D) Generic campaign activity.

''(E) Any public communication related to activities described in subparagraphs (A) through (D).

Such term shall not include any activity described in subparagraph (A) or (B) of section 316(b)(2).''.

(d) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement this section not later than 60 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 60 days after the date of enactment of this Act.

SEC. ___03. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''SEC. 325. ALLOCATION AND FUNDING RULES FOR CERTAIN EXPENSES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.

''(a) IN GENERAL.—In the case of any disbursements by any political committee that is a separate segregated fund or nonconnected committee for which allocation rules are provided under subsection (b)—

''(1) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with this section and regulations prescribed by the Commission; and

''(2) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

''(b) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—

''(1) IN GENERAL.—Disbursements by any separate segregated fund or nonconnected committee, other than an organization described in section 323(b)(1), for any of the following categories of activity shall be allocated as follows:

''(A) 100 percent of the expenses for public communications or voter drive activities that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

''(B) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and one or more clearly identified non-Federal candidates shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

''(C) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

''(D) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

''(E) Unless otherwise determined by the Commission in its regulations, at least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

''(F) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization. This paragraph shall not apply to any fundraising solicitations or any other activity that constitutes a public communication.

''(2) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the communication or activity is—

''(A) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

''(B) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue (as defined in section 301(27)(G)), including a reference that constitutes the endorsement or position itself.

''(3) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a political party if the only reference to the party in the communication or activity is—

''(A) a reference for the purpose of identifying a non-Federal candidate;

''(B) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

''(C) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

''(c) QUALIFIED NON-FEDERAL ACCOUNT.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified non-Federal account' means an account which consists solely of amounts—

''(A) that, subject to the limitations of paragraphs (2) and (3), are raised by the separate segregated fund or nonconnected committee only from individuals, and

''(B) with respect to which all requirements of Federal, State, or local law (including any law relating to contribution limits) are met.

''(2) LIMITATION ON INDIVIDUAL DONATIONS.—

''(A) IN GENERAL.—A separate segregated fund or nonconnected committee may not accept more than $25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

''(B) AFFILIATION.—For purposes of this paragraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, financed, maintained, or controlled by the same person or persons shall be treated as one account.

''(3) FUNDRAISING LIMITATION.—

''(A) IN GENERAL.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 323.

''(B) FUNDS NOT TREATED AS SUBJECT TO ACT.—Except as provided in subsection (a)(2) and this subsection, any funds raised for a qualified non-Federal account in accordance with the requirements of this section shall not be considered funds subject to the limitations, prohibitions, and reporting requirements of this Act for any purpose (including for purposes of subsection (a) or (e) of section 323 or subsection (d)(1) of this section).

''(d) DEFINITIONS.—

''(1) FEDERAL ACCOUNT.—The term 'Federal account' means an account which consists solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this section or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.

''(2) NONCONNECTED COMMITTEE.—The term 'nonconnected committee' shall not include a political committee of a political party.

''(3) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' has the meaning given such term in section 301(28).''.

(b) REPORTING REQUIREMENTS.—Section 304(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) RECEIPTS AND DISBURSEMENTS FROM QUALIFIED NON-FEDERAL ACCOUNTS.—In addition to any other reporting requirement applicable under this Act, a political committee to which section 325(a) applies shall report all receipts and disbursements from a qualified non-Federal account (as defined in section 325(c)).''.

(c) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement the amendments made by this section not later than 180 days after the date of enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 180 days after the date of enactment of this Act.

SEC. ___04. REPEAL OF LIMIT ON AMOUNT OF PARTY EXPENDITURES ON BEHALF OF CANDIDATES IN GENERAL ELECTIONS.

(a) REPEAL OF LIMIT.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1)—

(A) by striking ''(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee'' and inserting ''Notwithstanding any other provision of law with respect to limitations on amounts of expenditures or contributions, a national committee'',

(B) by striking ''the general'' and inserting ''any'', and

(C) by striking ''Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection'' and inserting ''Federal office in any amount''; and

(2) by striking paragraphs (2), (3), and (4).

(b) CONFORMING AMENDMENTS.—

(1) INDEXING.—Section 315(c) of such Act (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1)(B)(i), by striking ''(d),''; and

(B) in paragraph (2)(B)(i), by striking ''subsections (b) and (d)'' and inserting ''subsection (b)''.

(2) INCREASE IN LIMITS FOR SENATE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315(i) of such Act (2 U.S.C. 441a(i)(1)) is amended—

(A) in paragraph (1)(C)(iii)—

(i) by adding ''and'' at the end of subclause (I),

(ii) in subclause (II), by striking ''; and'' and inserting a period, and

(iii) by striking subclause (III);

(B) in paragraph (2)(A) in the matter preceding clause (i), by striking '', and a party committee shall not make any expenditure,'';

(C) in paragraph (2)(A)(ii), by striking ''and party expenditures previously made''; and

(D) in paragraph (2)(B), by striking ''and a party shall not make any expenditure''.

(3) INCREASE IN LIMITS FOR HOUSE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315A(a) of such Act (2 U.S.C. 441a—1(a)) is amended—

(A) in paragraph (1)—

(i) by adding ''and'' at the end of subparagraph (A),

(ii) in subparagraph (B), by striking ''; and'' and inserting a period, and

(iii) by striking subparagraph (C);

(B) in paragraph (3)(A) in the matter preceding clause (i), by striking '', and a party committee shall not make any expenditure,'';

(C) in paragraph (3)(A)(ii), by striking ''and party expenditures previously made''; and

(D) in paragraph (3)(B), by striking ''and a party shall not make any expenditure''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 2006.

SEC. ___05. CONSTRUCTION.

No provision of this title, or amendment made by this title, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission;

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986; or

(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee under section 301(4) of the Federal Election Campaign Act of 1971.

SEC. ___06. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this title or any amendment made by this title is raised (including but not limited to an action described in subsection (a)), any Member of the House of Representatives (including a Delegate or Resident Commissioner to Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title.

(d) APPLICABILITY.—

(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2008, the provisions of subsection (a) shall apply with respect to each action described in such subsection.

(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2008, the provisions of subsection (a) shall not apply to any action described in such subsection unless the person filing such action elects such provisions to apply to the action.

SEC. ___07. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

SA 2959. Mr. SCHUMER proposed an amendment to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

At the end of the amendment insert the following:

In the interest of national security, effective immediately, notwithstanding any other provision of law and any prior action or decision by or on behalf of the President, no company, wholly owned or controlled by any foreign government that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996–2001, may own, lease, operate, or manage real property or facilities at a United States port.

SA 2960. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. ___. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

''(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.''.

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

''(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

''(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registration statements and updates filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

''(2) ACCOUNTABILITY.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the internet not more than 48 hours after the registration statement or update is filed.''.

SA 2961. Mr. CORNYN submitted an amendment intended to be proposed by

him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 24, after line 22, insert the following:

''(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality of a State or local government, or a private entity.''.

SA 2962. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 8, after line 16, insert the following:

''(iii) For purposes of this subclause, the term 'registered lobbyist' means any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act, and any employee of such registrant as defined in section 3(5) of that Act.''.

SA 2963. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 9, after line 10, insert the following:

''(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent and

''(iv) registered lobbyists will not participate in or attend the trip;''.

SA 2964. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. __. SENATE CANDIDATES REQUIRED TO FILE ELECTION REPORTS IN ELECTRONIC FORM.

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

''(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement or report, respectively, which—

''(i) is required by this Act to be filed with the Commission, or

''(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of such Act (2 U.S.C. 432(g)(2)) is amended by inserting ''or 1 working day in the case of a designation, statement, or report filed electronically'' after ''2 working days''.

(2) Section 304(a)(11)(B) of such Act (2 U.S.C. 434(a)(11)(B)) is amended by inserting ''or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission'' after ''Act''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

SA 2965. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. BAN ON IN OFFICE EMPLOYMENT NEGOTIATIONS.

(a) SENATE.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. (a) A member of the Senate shall not negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist.

''(b) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall recuse himself or herself from working on legislation if a conflict of interest or an appearance of a conflict of interest might exist as a result of negotiations for prospective private employment.

''(c) The Select Committee on Ethics shall develop guidelines concerning conduct which is covered by this paragraph.''.

(b) CRIMINAL PROVISION.—Section 208 of title 18, United States Code, is amended by adding at the end the following:

''(e) PROHIBITION ON EMPLOYMENT NEGOTIATIONS WHILE IN OFFICE.—

''(1) IN GENERAL.—No officer or employee of the executive branch of the United States Government, an independent agency of the United States, or the Federal Reserve, who is compensated at a rate of Executive Schedule Level I, II, or III, shall negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist, as determined by the Office of Government Ethics.

''(2) PENALTY.—A violation of this subsection shall be punished as provided in section 216.''.

SA 2966. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 2938 submitted by Mr. SANTORUM) (for himself, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) and intended to be proposed to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike all after page 4, line 5, and insert the following:

''(9) in the case of a principal campaign committee of a candidate, any flight taken by the candidate during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

''(A) The date of the flight.

''(B) The destination of the flight.

''(C) The owner or lessee of the aircraft.

''(D) The purpose of the flight.

''(E) The persons on the flight, except for any person flying the aircraft.''.

(B) EXCLUSION OF PAID FLIGHT FROM DEFINITION OF CONTRIBUTION.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(i) in clause (xiii), by striking ''and'' at the end;

(ii) in clause (xiv), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(xv) any travel expense for a flight taken by the candidate or on behalf of the candidate on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire: *Provided*, That the candidate (or the authorized committee of the candidate) pays to the owner, lessee, or other individual who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number candidates on the flight) by not later than 7 days after the date on which the flight is taken.''.

(3) REIMBURSEMENT OF TRANSPORTATION PROVIDED BY FEDERAL GOVERNMENT.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SEC. 325. PROHIBITION ON UNREIMBURSED TRANSPORTATION PROVIDED BY THE FEDERAL GOVERNMENT.

''(a) IN GENERAL.—A candidate, any person performing services on behalf of a candidate or an authorized committee of a candidate, or any person performing services on behalf of a political committee established and maintained by a national political party, shall not use any property of the Federal government as a means of transportation for any purpose related (in whole or in part) to influencing the election of a candidate for Federal office unless such person reimburses the Federal government for the cost of such transportation.

''(b) COST OF TRANSPORTATION BY AIRPLANE.—For purposes of subsection (a), in the case of any transportation consisting of a flight on an aircraft, the cost of such transportation shall be the fair market value of such flight (as determined by dividing the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of people on board, not including any person flying the aircraft).''.

SA 2967. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTRICTIONS ON MEMBERS, OFFICERS, AND EMPLOYEES OF CONGRESS AND THE EXECUTIVE BRANCH TO GUARANTEE IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.

(a) DISCLOSURE.—A Member of Congress and an elected officer and senior employee of either House of Congress shall disclose to the appropriate ethics committee of the House of Representatives or the Senate their private-sector employment for the 6-year period prior to public service and this information shall be made available to the public.

(b) CONFLICT OF INTEREST IN THE SENATE.—Paragraph 4 of rule XXXVII of the Standing Rules of the Senate is amended to read as follows:

''4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further—

''(1) only his pecuniary interest;

''(2) only the pecuniary interest of his immediate family;

''(3) only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class;

''(4) only the pecuniary interest of a person with whom the Member, officer, or senior employee personally has or seeks a business,

contractual, or other financial relationship that involves other than a routine consumer transaction; or

''(5) only the pecuniary interest of any person for whom the Member, officer, or senior employee has, within the last 2 years, served as a paid officer, director, trustee, general partner, lobbyist, agent attorney, consultant, or contractor.''.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the House of Representatives should adopt rules relating to conflict of interest identical to the rule adopted in subsection (b).

(d) RESTRICTIONS ON OFFICERS AND SENIOR EMPLOYEES OF THE EXECUTIVE BRANCH TO GUARANTEE IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.—

(1) CRIMINAL PROHIBITION.—

(A) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding after section 207 the following:

''§ 207a. Restrictions on officers and senior employees of the executive branch to guarantee impartiality in performing official duties

''(a) IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.—No person who is officer or senior employee of the executive branch of the United States shall knowingly participate personally and substantially in an official capacity in any particular matter that directly and particularly benefits a person with whom the officer or senior employee has had a covered relationship.

''(b) PENALTY.—Violation of this section shall be subject to punishment as provided in section 216 of this title.

''(c) DEFINITIONS.—In this section:

''(1) ACTIVE PARTICIPANT.—The term 'active participant'—

''(A) means devoting significant time to promoting specific programs of the organization, including—

''(i) coordination of fundraising efforts;

''(ii) service as an official of the organization or in a capacity similar to that of a chairman of a committee or subcommittee or a spokesman; and

''(iii) participation in directing the activities of the organization; and

''(B) does not include the payment of dues or the donation or solicitation of financial support, without other participation.

''(2) COVERED RELATIONS.—The term 'covered relationship'—

''(A) means—

''(i) a person with whom the officer or senior employee personally has or seeks a business, contractual, or other financial relationship that involves other than a routine consumer transaction;

''(ii) a person who is a member of the household of the officer or senior employee, or who is a relative with whom the officer or senior employee has a close personal relationship;

''(iii) a person for whom the spouse, parent or dependent child of the officer or senior employee is, to the knowledge of the officer or senior employee, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;

''(iv) any person for whom the officer or senior employee has, within the last 2 years, served as a paid officer, director, trustee, general partner, lobbyist, agent, attorney, consultant, contractor, or employee; or

''(v) an organization, other than a political party described in section 527(e) of the Internal Revenue Code of 1986, in which the officer or senior employee is an active participant; and

''(3) SENIOR EMPLOYEE.—The term 'senior employee' means an employee paid at a rate of Executive Schedule V or higher.''.

(B) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 207 the following:

''207a. Restrictions on officers and senior employees of the executive branch to guarantee impartiality in performing official duties.''.

(2) PRIVATE-SECTOR EMPLOYMENT.—An officer and a senior employee of the executive branch of the United States shall disclose to the Office of Government Ethics, their private-sector employment for the 6-year period prior to public service and this information shall be made available to the public.

(3) REPORTING OF THE OFFICE OF GOVERNMENT ETHICS.—The Office of Government Ethics shall make available to the public, on the internet and in a public reading room, any waiver granted by an individual agency ethics officer designee under paragraph (c)(2) or (d) of section 2635.502 of title 5, Code of Federal Regulations (or any corresponding similar regulation or ruling).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 8, 2006, at 2:30 p.m., to receive testimony on the Department of Defense Quadrennial Defense Review.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. 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 Wednesday, March 8 at 10:00 a.m. to consider pending calender business.

Agenda

Agenda Item 3: S. 476—To authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act.

Agenda Item 8: S. 1131—To authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

Agenda Item 9: S. 1288—To authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System.

Agenda Item 10: S. 1346—To direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

Agenda Item 11: S. 1378—To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

Agenda Item 13: S. 1913—To authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

Agenda Item 14: S. 1970—To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

Agenda Item 15: S. 2197—To improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

Agenda Item 16: S. 2253—To require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

Agenda Item 17: S. Con. Res. 60—Designating the Negro Leagues Baseball Museum in Kansas City, MO, as America's National Negro Leagues Baseball Museum.

Agenda Item 18: S.J. Res. 28—Approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

Agenda Item 19: H.R. 318—To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

Agenda Item 20: H.R. 326 (S. 505)—To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area.

Agenda Item 21: H.R. 409 (S. 179)—To provide for the exchange of land within the Sierra National Forest, CA, and for other purposes.

Agenda Item 23: H.R. 1129 (S. 100)—To authorize the exchange of certain land in the State of Colorado.

Agenda Item 24: H.R. 1728 (S. 323)—To authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

Agenda Item 25: H.R. 2107—To amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

Agenda Item 26: H.R. 3443 (S. 1498)—To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

In addition, the Committee may turn to any other measures that are ready for consideration.

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

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on

Finance be authorized to meet during the session on Wednesday, March 8, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Taking a checkup on the nation's health care tax policy: a prognosis''.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 8, 2006, at 10 a.m. to hold a hearing on Nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2006, at 2:30 p.m. to hold a hearing on The Impact on Latin America of the American Servicemembers' Protection Act.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, March 8, 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. LOTT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 8, 2006, at 9:30 a.m. for a hearing titled, ''Hurricane Katrina: Recommendations for Reform.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 8, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2078, Indian Gaming Regulatory Act Amendments of 2005.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, March 8, 2006, at 9:30 a.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations: 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; Donald J. DeGabrielle, Jr. to be U.S. Attorney for the Southern District of Texas; John Charles Richter to be U.S. Attorney for the Western District of Oklahoma; Amul R. Thapar to be U.S. Attorney for the Eastern District of Kentucky; Mauricio J. Tamargo to be Chairman of the Foreign Claims Settlement Commission of the United States.

II. Bills: S. , Comprehensive Immigration Reform [Chairman's Mark]; 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. 489, Federal Consent Decree Fairness Act; ALEXANDER, KYL, CORNYN, GRAHAM, HATCH; S. 2039, Prosecutors and Defenders Incentive Act of 2005; DURBIN, SPECTER, DEWINE, LEAHY, KENNEDY, FEINSTEIN, FEINGOLD; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges; SPECTER, LEAHY, CORNYN, FEINSTEIN, BIDEN.

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.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 8, 2006 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Wednesday, March 8, 2006, at 2:30 p.m. for a hearing regarding ''Crime Victims Fund Rescission: Real Savings or Budget Gimmick?''

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

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance be authorized to meet during the session of the Senate on March 8, 2006, at 10 a.m., to conduct a hearing on ''Reauthorization of the Export-Import Bank of the United States.''

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

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Wednesday, March 8, 2006, at 2:30 p.m., on the ''Impact of Piracy and Counterfeiting of American Goods and Intellectual Property in China.''

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

TRADEMARK DILUTION REVISION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 366, H.R. 683.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 683) to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 683

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

[SECTION 1. SHORT TITLE.

[(a) SHORT TITLE.—This Act may be cited as the ''Trademark Dilution Revision Act of 2005''.

[(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

[SEC. 2. DILUTION BY BLURRING; DILUTION BY TARNISHMENT.

[Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended—

[(1) by striking subsection (c) and inserting the following:

[''(c) DILUTION BY BLURRING; DILUTION BY TARNISHMENT.—

[''(1) INJUNCTIVE RELIEF.—Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

[''(2) DEFINITIONS.—(A) For purposes of paragraph (1), a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

[''(i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.

[''(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

[''(iii) The extent of actual recognition of the mark.

[''(B) For purposes of paragraph (1), 'dilution by blurring' is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is

likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

[''(i) The degree of similarity between the mark or trade name and the famous mark.

[''(ii) The degree of inherent or acquired distinctiveness of the famous mark.

[''(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.

[''(iv) The degree of recognition of the famous mark.

[''(v) Whether the user of the mark or trade name intended to create an association with the famous mark.

[''(vi) Any actual association between the mark or trade name and the famous mark.

[''(C) For purposes of paragraph (1), 'dilution by tarnishment' is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

[''(3) EXCLUSIONS.—The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

[''(A) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.

[''(B) Fair use of a famous mark by another person, other than as a designation of source for the person's goods or services, including for purposes of identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

[''(C) All forms of news reporting and news commentary.

[''(4) ADDITIONAL REMEDIES.—In an action brought under this subsection, the owner of the famous mark shall be entitled only to injunctive relief as set forth in section 34, except that, if—

[''(A) the person against whom the injunction is sought did not use in commerce, prior to the date of the enactment of the Trademark Dilution Revision Act of 2005, the mark or trade name that is likely to cause dilution by blurring or dilution by tarnishment, and

[''(B) in a claim arising under this subsection—

[''(i) by reason of dilution by blurring, the person against whom the injunction is sought willfully intended to trade on the recognition of the famous mark, or

[''(ii) by reason of dilution by tarnishment, the person against whom the injunction is sought willfully intended to harm the reputation of the famous mark,

the owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity.

[''(5) OWNERSHIP OF VALID REGISTRATION A COMPLETE BAR TO ACTION.—The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this Act shall be a complete bar to an action against that person, with respect to that mark, that is brought by another person under the common law or a statute of a State and that seeks to prevent dilution by blurring or dilution by tarnishment, or that asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.''; and

[(2) in subsection (d)(1)(B)(i)(IX), by striking ''(c)(1) of section 43'' and inserting ''(c)''.

[SEC. 3. CONFORMING AMENDMENTS.

[(a) MARKS REGISTRABLE ON THE PRINCIPAL REGISTER.—Section 2(f) of the Trademark Act of 1946 (15 U.S.C. 1052(f)) is amended—

[(1) by striking the last two sentences; and

[(2) by adding at the end the following: ''A mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be canceled pursuant to a proceeding brought under either section 14 or section 24.''.

[(b) OPPOSITION.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by striking ''as a result of dilution'' and inserting ''the registration of any mark which would be likely to cause dilution by blurring or dilution by tarnishment''.

[(c) CANCELLATION.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended, in the matter preceding paragraph (1)—

[(1) by striking '', including as a result of dilution under section 43(c),''; and

[(2) by inserting ''(A) for which the constructive use date is after the date on which the petitioner's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), or (B) on grounds other than dilution by blurring or dilution by tarnishment'' after ''February 20, 1905''.

[(d) MARKS FOR THE SUPPLEMENTAL REGISTER.—The second sentence of section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended to read as follows: ''Whenever any person believes that such person is or will be damaged by the registration of a mark on the supplemental register—

[''(1) for which the effective filing date is after the date on which such person's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), or

[''(2) on grounds other than dilution by blurring or dilution by tarnishment,

such person may at any time, upon payment of the prescribed fee and the filing of a petition stating the ground therefor, apply to the Director to cancel such registration.''.

[(e) DEFINITIONS.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by striking the definition relating to ''dilution''.]

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Trademark Dilution Revision Act of 2006''.

(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. DILUTION BY BLURRING; DILUTION BY TARNISHMENT.

Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) DILUTION BY BLURRING; DILUTION BY TARNISHMENT.—

''(1) INJUNCTIVE RELIEF.—Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

''(2) DEFINITIONS.—(A) For purposes of paragraph (1), a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

''(i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.

''(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

''(iii) The extent of actual recognition of the mark.

''(iv) Whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

''(B) For purposes of paragraph (1), 'dilution by blurring' is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

''(i) The degree of similarity between the mark or trade name and the famous mark.

''(ii) The degree of inherent or acquired distinctiveness of the famous mark.

''(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.

''(iv) The degree of recognition of the famous mark.

''(v) Whether the user of the mark or trade name intended to create an association with the famous mark.

''(vi) Any actual association between the mark or trade name and the famous mark.

''(C) For purposes of paragraph (1), 'dilution by tarnishment' is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

''(3) EXCLUSIONS.—The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

''(A) Any fair use, including a nominative or descriptive fair use, or facilitation of such fair use, of a famous mark by another person other than as a designation of source for the person's own goods or services, including use in connection with—

''(i) advertising or promotion that permits consumers to compare goods or services; or

''(ii) identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

''(B) All forms of news reporting and news commentary.

''(C) Any noncommercial use of a mark.

''(4) BURDEN OF PROOF.—In a civil action for trade dress dilution under this Act for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that—

''(A) the claimed trade dress, taken as a whole, is not functional and is famous; and

''(B) if the claimed trade dress includes any mark or marks registered on the principal register, the unregistered matter, taken as a whole, is famous separate and apart from any fame of such registered marks.

''(5) ADDITIONAL REMEDIES.—In an action brought under this subsection, the owner of the famous mark shall be entitled to injunctive relief as set forth in section 34. The owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the

discretion of the court and the principles of equity if—

''(A) the mark or trade name that is likely to cause dilution by blurring or dilution by tarnishment was first used in commerce by the person against whom the injunction is sought after the date of enactment of the Trademark Dilution Revision Act of 2006; and

''(B) in a claim arising under this subsection—

''(i) by reason of dilution by blurring, the person against whom the injunction is sought willfully intended to trade on the recognition of the famous mark; or

''(ii) by reason of dilution by tarnishment, the person against whom the injunction is sought willfully intended to harm the reputation of the famous mark.

''(6) OWNERSHIP OF VALID REGISTRATION A COMPLETE BAR TO ACTION.—The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this Act shall be a complete bar to an action against that person, with respect to that mark, that—

''(A)(i) is brought by another person under the common law or a statute of a State; and

''(ii) seeks to prevent dilution by blurring or dilution by tarnishment; or

''(B) asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.

''(7) SAVINGS CLAUSE.—Nothing in this subsection shall be construed to impair, modify, or supersede the applicability of the patent laws of the United States.''; and

(2) in subsection (d)(1)(B)(i)(IX), by striking ''(c)(1) of section 43'' and inserting ''(c)''.

SEC. 3. CONFORMING AMENDMENTS.

(a) MARKS REGISTRABLE ON THE PRINCIPAL REGISTER.—Section 2(f) of the Trademark Act of 1946 (15 U.S.C. 1052(f)) is amended—

(1) by striking the last two sentences; and

(2) by adding at the end the following: ''A mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be canceled pursuant to a proceeding brought under either section 14 or section 24.''.

(b) OPPOSITION.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by striking ''as a result of dilution'' and inserting ''the registration of any mark which would be likely to cause dilution by blurring or dilution by tarnishment''.

(c) CANCELLATION.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended, in the matter preceding paragraph (1) by striking '', including as a result of dilution under section 43(c),'' and inserting '', including as a result of a likelihood of dilution by blurring or dilution by tarnishment under section 43(c),''.

(d) MARKS FOR THE SUPPLEMENTAL REGISTER.—The second sentence of section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended to read as follows:

''Whenever any person believes that such person is or will be damaged by the registration of a mark on the supplemental register—

''(1) for which the effective filing date is after the date on which such person's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c); or

''(2) on grounds other than dilution by blurring or dilution by tarnishment, such person may at any time, upon payment of the prescribed fee and the filing of a petition stating the ground therefor, apply to the Director to cancel such registration.''.

(e) DEFINITIONS.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by striking the definition relating to the term ''dilution''.

Mr. LEAHY. Mr. President, I am pleased that today the Senate is going to pass an important piece of legislation, the Trademark Dilution Revision Act, HR 683. The principal purpose of this law is to clarify Congress's intentions when it first passed the Federal Trademark Dilution Act over a decade ago.

In 2003, the Supreme Court decided the case of Moseley v. V Secret Catalogue, Inc. The Court held that trademark holders had to show actual harm, not the likelihood of harm, from dilution before they could seek injunctions. As an original author and sponsor of the act, I know firsthand that this is contrary to what Congress intended when it passed the dilution statue. What we did intend was to stop diluting before actual harm could be realized and the value of any reputable trademark debased.

H. R. 683 makes clear Congress's intent and corrects the law to provide that owners of famous trademarks can seek injunctions against anyone who attempts to use a mark that is likely to cause dilution. It also affords the court the ability to consider ''all relevant factors'' when determining whether a mark is ''famous.'' However, this legislation not intended to provide for injunctive or other relief against legitimate, third party trade in products manufactured under authority of the U.S. trademark owner of the distinctive, famous mark.

Furthermore, Senator HATCH and I were successful in including language that definitively shelters important constitutionally protected first amendment freedoms from being caught up in the liability net.

I thank Senators HATCH and SPECTER for their support in creating and passing this important bipartisan legislation.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, 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 committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 683), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, MARCH 9, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 9. 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 proceed to a period for the transaction of morning business with Senators being permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, as we just heard, we were forced to file cloture on the lobbying reform bill. Under regular order that vote will occur on Friday morning unless and we intend to work out some other agreement.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:01 p.m., adjourned until Thursday, March 9, 2006, at 9:30 a.m.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO LOUISE LORENZI FOUNTAIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Louise Lorenzi Fountain, a lifelong citizen of Las Vegas, who died on Sunday, January 29, 2005, at the age of 92.

Louise was a link to the past as the last remaining child of David Lorenzi, the namesake of Lorenzi Park. Louise was born on November 14, 1913, to David Lorenzi, a French immigrant, and Julia Travese Moore. Her younger years were devoted to helping her father develop and manage Lorenzi Lake Park, which was built by Lorenzi and is considered a primary landmark in the development and life of the citizens of Las Vegas. Louise's father has been noted as one of the 100 most influential citizens of Las Vegas. He opened the park in 1926 with a pair of man-made lakes, a swimming pool, a dance hall, a band shell, and other amenities that made it a recreational refuge in the desert.

Louise married Edgar Fountain in 1936. He had hitchhiked from Georgia in search of work on the construction of the Hoover Dam. The couple left Las Vegas for 10 years and lived in Grand Coulee, Washington, where Edgar helped build Grand Coulee Dam. After returning to Las Vegas, she became a full partner in several business ventures the couple started, including the Nevada Amusement Co., a Toyota dealership, and a television sales business.

Louise was active in two Methodist churches and was a member of the First Presbyterian Church. She was a charter member and regent of the Valley of Fire Chapter of The Daughters of the American Revolution. She enjoyed gardening, playing bridge, and entertaining friends. She was a loving, wonderful person and a dear mother who will be sorely missed. Louise's life exemplifies her service and contributions to the city she loved. With her passing, a small fragment of beauty and kindness has left us.

Mr. Speaker, I am honored to stand on the floor of the House to recognize Louise Lorenzi Fountain and the wonderful life that she lived.

HONORING ROCHELLE STEVENS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mrs. BLACKBURN. Mr. Speaker, I ask my colleagues to join me today in recognizing the achievements of 2-time Olympic medalist and 11-time NCAA All-American Rochelle Stevens.

A native Memphian, Rochelle has racked up accomplishments both on and off the track. She is a credit to our community, and her determination and commitment to helping others are an inspiration.

For the past 15 years, The Rochelle Stevens Foundation has hosted an invitational track meet in Memphis that has funded scholarships and new shoes for athletes across the southeast.

Rochelle has made a difference. She has inspired our community by her example and her spirit, and we know our state is a better place for her work.

On February 24, 2006, Rochelle was elected to the Tennessee Sports Hall of Fame in Nashville where she represents Memphis well.

We wish Rochelle all the best and thank her for giving back so much to our community.

MEDICARE PROGRAM NOT CONFUSING

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Ms. FOXX. Mr. Speaker, today I would like to discuss the Medicare Part D prescription drug plan, a historic program that renews our commitment to our Nation's seniors.

This plan gives seniors choices for prescription drug coverage that will cost less while offering more benefits. It has brought Medicare, a program created 40 years ago, into the 21st century. Millions of seniors who were without access to drugs are now getting them and many are saving thousands of dollars a year.

Clearly, people have liked what they have heard about this program as sign-ups for the third week of February amounted to 546,000 and the week before, numbered 543,000. All told, almost 26 million people have signed up so far.

The Democrats say that seniors are confused about this program. I'm feeling a little bit confused myself and here's why: Democrats are holding town halls for the sole purpose of criticizing this plan while at the same time telling seniors they should consider signing up. Well, I guess I can understand why they are confused.

Mr. Speaker, there is nothing confusing about a program that will help Medicare beneficiaries pay for their prescription drugs while at the same time saving them money.

PAYING TRIBUTE TO BOB BLUM

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Bob Blum who has broadcasted at over 1,000 sporting events for the University of Nevada Las Vegas.

A member of the American Football Foundation Hall of Fame for his work with the old AFL's Oakland Raiders and San Diego Chargers, it is hard to find anyone who has seen more games than Bob since he began his play-by-play career in 1948. Still going strong at 85, he has been behind the microphone for 190 Rebels men's basketball games, 80 football games, 75 baseball games, 20 softball games and over 635 women's basketball games. His current position is the announcer for the Lady Rebels Basketball team.

Bob began commentating for UNLV in 1973. One of his most memorable games was in 1977 when the Rebels made the Final Four and were playing at Atlanta in the midst of UNLV coach Jerry Tarkanian's first round of wrangling with the NCAA. At the last minute Congressman Jim Santini had come to Atlanta and didn't have a ticket, so Bob allowed the Congressman to sit with him. The Congressman began cheering, and at half time Wayne Duke, the commissioner of the Big Ten and the head of the tournament committee, came over and told Bob that his guest was not allowed to cheer on the press row. Bob informed the Commissioner that his guest was none other than Congressman Santini, who was the chairman of the committee investigating the NCAA. Commissioner Duke then asked Bob to "Have him quiet down a little."

Another favorite game that Bob Blum remembers announcing took place the previous year, in 1976. UNLV played Hawaii-Hilo and beat them 164–111. With a combined score of 275 points, it is still the highest-scoring game in NCAA history.

Mr. Speaker, I am grateful to honor Bill Blum and his extraordinary career. I wish him the best at announcing for another 1,000 games.

HONORING GORDON L. ZEINE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mrs. BLACKBURN. Mr. Speaker, it's not every day that I get the opportunity to recognize someone who has dedicated so many years of service to our country.

It's with thanks and appreciation that I ask my colleagues to join me today in recognizing Gordon L. Zeine for his service as a member of the U.S. Navy, and for his work supporting our country's defense efforts in the years that followed.

Gordon's 8 years in the Navy and his decades working on technology that has enhanced our security are wonderful achievements—achievements that will have a lasting impact on our country. It's an impressive thing to be able to say your work has made America safer.

We're grateful for Gordon and his contributions to America, and we know he has certainly earned his retirement. We'll miss his tremendous knowledge and dedication nonetheless, but we will build on his work.

We know his daughter, Tina, who joined the Navy and was the fourth generation to complete boot camp at Great Lakes, Illinois, is already building on her family's record of service. It's because of families like Gordon's that America is strong.

Tennessee and America are proud of Gordon and we're thankful for his service. God Bless.

IN COMMEMORATION OF THE 25TH ANNIVERSARY OF THE 1981 COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS HEARINGS—INTRODUCTION OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT OF 2006

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. BECERRA. Mr. Speaker, I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act of 2006. This bill would create a commission to review and determine facts and circumstances surrounding the relocation, internment, and deportation of Japanese Latin Americans, and subsequently recommend appropriate remedies.

This year marks the 25th anniversary of the 1981 Commission on Wartime Relocation and Internment of Civilians hearings. This commission concluded that the internment was the result of racism and wartime hysteria. Five years after publishing its findings, then President Ronald Reagan signed the Civil Liberties Act of 1988 that provided an official apology and financial redress to most of the Japanese Americans who were subjected to wrongdoing and confined in U.S. internment camps during World War II. Those loyal Americans were vindicated by the fact that not even a single documented case of sabotage or espionage was committed by a Japanese American during that time. This act was the culmination of a half century of struggle to bring justice to those to whom it was denied. I am proud that our nation did the right thing. But 18 years after the passage of the Civil Liberties Act, there still remains unfinished work to completely rectify and close this regrettable chapter in our nation's history.

Between December 1941 and February 1948, approximately 2,300 men, women, and children of Japanese ancestry became the victims of mass abduction and forcible deportation from 13 Latin American countries to the United States. The U.S. government orchestrated and financed the deportation of Japanese Latin Americans to be used as hostages in exchange for Americans held by Japan. Over 800 individuals were included in two prisoner of war exchanges between the U.S. and Japan. The remaining Japanese Latin Americans were imprisoned in internment camps without the benefit of due process rights until after the end of the war. Japanese Latin Americans not only were subjected to gross violations of civil rights in the U.S. by being forced into internment camps much like their Japanese American counterparts, but additionally, they were victims of human rights abuses merely because of their ethnic origin.

Further study of the events surrounding the deportation and incarceration of Japanese Latin Americans is both merited and necessary. While most Americans are aware of the internment of Japanese Americans, few know about our government's activities in other countries resulting from prejudice held against people of Japanese ancestry. Government files thoroughly recorded U.S. involvement in the expulsion and internment of an estimated 2,300 people of Japanese descent who lived in various Latin American countries. Uprooted from their homes and forcibly transported to the United States, these civilians were robbed of their freedom as they were kidnapped from nations not directly involved in World War II. The Commission of Wartime Relocation and Internment of Civilians acknowledged the federal actions in detaining and interning civilians of enemy or foreign nationality, particularly of Japanese ancestry, but the commission had not researched the historical documents that exist in distant archives.

That is why I am introducing the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act of 2006. We must review directives of the United States military forces and the State Department requiring the relocation, detention in internment camps, and in some cases, deportation of Japanese Latin Americans to Axis countries and recommend appropriate remedies, based upon preliminary findings by the original commission and new discoveries. It is the right thing to do to affirm our commitment to democracy and the rule of law.

I am proud that there are many Members of Congress and community activists who have come together in this continuous fight for justice. I especially thank Representatives DAN LUNGREN and MIKE HONDA for their commitment to this issue and joining me in this effort. The Campaign for Justice and Japanese American Citizens League have been the vanguard organizations driving this effort to ensure that injustice be rectified. Two weeks ago, I had the privilege of joining with citizens in Los Angeles at the Japanese American National Museum to commemorate the Day of Remembrance. First observed in 1978 in Seattle, the Day of Remembrance has become a significant tradition in the Japanese American community, rooted in recognition, education, and activism for redress and social justice. The Day of Remembrance is observed with educational events around the country on or around February 19 because on that day in 1942, President Franklin D. Roosevelt signed Executive Order 9066, a directive that allowed for the mass internment of persons of Japanese ancestry. As we remember and reflect on the tragedy that innocent people experienced during World War II, it is my hope that our government can do the same and right this egregious wrong. A necessary first step to achieving this altruistic goal is swift passage of the legislation being introduced today.

Mr. Speaker, let us renew our resolve to build a better future for our community by dedicating ourselves to remembering how we compromised liberty in the past. Doing so will help us guard it more closely in the future. As we remember the 25th anniversary of the first commission hearings and commemorate the Day of Remembrance, I look forward to working with my colleagues to pass the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act of 2006.

TRIBUTE TO THE COLTON CHAMBER OF COMMERCE

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. BACA. Mr. Speaker, it is with great pride that I rise to pay tribute to the Colton Chamber of Commerce on the occasion of its Centennial Anniversary.

This institution, located in the ''Hub'' of the Inland Empire, has been an economic engine and key player in the region's historical development since 1906, when one of its founding members, the California Portland Cement Company, laid the foundation for the first Colton Chamber of Commerce office building.

Throughout the past century, the Colton Chamber of Commerce has been a driving force, transforming a newly-created city into a vibrant center of employment, thriving neighborhoods, and diverse economy. The Chamber's innovative programs and services have successfully created a lifeline of economic activity which fuels the heart of the Inland Empire to this day.

The Colton Chamber of Commerce has more than 200 members who are committed to strengthening the City's prosperity while improving the quality of life of more than 48,000 residents. The Chamber's services have helped attract over 2,000 large and small businesses from a variety of industries to the region. These efforts have provided jobs for the area's diverse workforce, created economic opportunities for low- and moderate-income families, and expanded goods and services to people from all backgrounds and walks of life.

I have had the privilege of working with members of the Colton Chamber of Commerce and local leaders to enhance economic development in the region. For example, at the request of the Chamber and city leaders, I helped reopen the comment period on land restrictions posed by endangered species designations on the Delhi Sands Flower-Loving Fly. Providing the City of Colton with an opportunity to present information to support its case was an important first step to moving forward vital projects that will improve local schools, help grow small businesses, revitalize neighborhoods, create jobs, and preserve our environment.

Over the past 100 years, the Colton Chamber of Commerce's efforts have ultimately helped increase opportunity in the lives of the children, seniors, and low-income and middle-class families who call the Inland Empire ''home''. The Chamber's efforts will have a long-lasting impact in the region and will help chart the course of economic prosperity for Southern California over the next 100 years.

HONORING COLONEL JOAL EMERSON WOLF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to honor Colonel Joal Emerson Wolf of the U.S. Army Reserves for his dedicated service to the United States of America. Colonel Wolf's colleagues, family, and friends gathered on January 20, 2006 at Bolling Air Force Base to celebrate his promotion to the rank of Colonel.

Colonel Wolf has dutifully served our Nation's military since 1983. Most recently he distinguished himself as the Commander of the 3401st Military Intelligence Detachment, and Chief of Staff of the Iraq Intelligence Task Force and the Iraq Working Group of the Joint Staff at the Defense Intelligence Agency. Colonel Wolf honors his family's military legacy with his selfless commitment to the security of the American people. He comes from a distinguished family of military tradition: both his father, the late Dr. Alan Emerson Wolf, and his mother, Phyllis Marie Clairmont, served in military intelligence. I am honored to be married to Colonel Wolf's sister, Camille Spinello Andrews, and to say that he represents our family—as well as our Nation—with great honor and integrity.

Colonel Wolf is an inspiration to service members everywhere, and to all citizens of our great Nation. I commend and congratulate Colonel Wolf for his promotion to such an esteemed rank in the U.S. Army Reserves. We are all safer because of his service.

TRIBUTE TO HAROLD BRAKE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor Harold Brake, who has played a vital role in the development of the Charles E. Brake Company of St. Thomas, Pennsylvania, since he joined them in 1954. Started by his father, Charles, in 1924, Harold has carried on the company's excavating duties until this day.

I have had the privilege of watching the Charles E. Brake Company succeed in expanding their business operations into other areas of Pennsylvania, and even into Maryland. Today, the company has over 100 employees who have contributed to their community for over 75 years. Mr. Harold Brake saw the company develop through its most profitable years, as it grew from only six employees in 1954 to the 120 workers who are a part of the company today.

After serving for more than 50 years in the family-owned corporation, Harold Brake will soon retire from his duties as the Chairman. Although Harold will no longer be the official head of operations, his son, Randy Brake, is certain that Harold will always be involved in the family business. I owned a small business for years and I understand, along with many others across Pennsylvania, the day-in and day-out work it takes to succeed. I applaud Harold for his commitment to his community and his business.

As our economy continues to move in the right direction, our small businesses are the driving force. These businesses make up our communities, neighborhoods, and towns. The Pennsylvanians who have benefited from the efforts of the Charles E. Brake Company as a result of Harold's continued hard work would certainly join me in thanking Harold for his contributions to the community and the economy, as well as serving as an inspiration for the spirit of chivalrous virtue.

TRIBUTE TO COLONEL SHARON B. WRIGHT, UNITED STATES AIR FORCE NURSE CORPS, ON THE OCCASION OF HER RETIREMENT

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. BROWN of South Carolina. Mr. Speaker, I want to recognize a great American and a true military heroine who has honorably served our country for 26 years in the Air Force Nurse Corps: Colonel Sharon B. Wright. Colonel Wright has a long history with the Air Force. She was born at Travis Air Force Base, California, and graduated from Hillcrest High School, Sumter, South Carolina, when her father, Chief Master Sergeant Edward J. Wright, was stationed at Shaw Air Force Base, South Carolina. Colonel Wright followed the career path of her father, a 30-year Air Force Chief, and her mother, a licensed practical nurse, both natives and current residents of Charleston, South Carolina. In 1980, she was commissioned through ROTC, and she was then assigned to Mather Air Force Base, California. Experienced and desiring to make a difference, she next served at Kunsan Air Base, Korea, and Langley Air Force Base, Virginia, where she deployed to Honduras with the U.S. Army.

In each assignment she excelled and was rewarded with greater responsibilities and opportunities. In 1988, she became the Chief, Nurse Recruiting Branch, at Gunter Air Force Base, Alabama. A proven leader, she was the Top Recruiter in 1988 and 1991, and she received the Recruiting Standard of Excellence award in 1990. In 1991, she assumed duties as the Coordinator of Maternal Health Services at Dover Air Force Base, Delaware. In 1994, Colonel Wright was assigned to Randolph Air Force Base, Texas, as a Nurse Utilization Officer. During her tenure she completed over 2000 assignments, managed five commands, and maintained staff levels at an unprecedented 95 plus percent.

In 1998, Colonel Wright assumed her first command at Incirlik Air Base, Turkey. As the Squadron Commander, she also assumed the roles as the Chief Nurse Executive and Deputy Group Commander. Incirlik presented significant challenges. Three weeks after arrival, a devastating 6.3 earthquake hit. Colonel Wright took charge as the on-scene Medical Group Commander. After her stellar performance at Incirlik, she went on to her second assignment as Squadron Commander at Laughlin Air Force Base, Texas, in 1999. Her astute leadership led to her appointment as Deputy Program Executive Officer at the Joint Medical Information Systems Office and Force Development Program Manager at the Office of the Surgeon General, at Bolling Air Force Base, Washington, DC.

Colonel Wright's last assignment brought her back to Texas as the Chief, Nurse Utilization and Education Branch, Randolph Air Force Base, Texas. In this position, she was responsible for managing assignments, career progression, and sponsored educational opportunities for 3,700 Air Force nurses. Colonel Wright is a meritorious leader, administrator, clinician, educator, and mentor. Throughout her career she has served with valor and profoundly impacted the entire Air Force Medical Service. Her performance reflects exceptionally on herself, the United States Air Force, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful nation for her over 26 years of dedicated military service. Congratulations, Colonel Sharon B. Wright. I wish you Godspeed.

GULF COAST DISASTER RESPONSE, TRIBUTE AND THANKS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a great honor for me to rise today to commend the residents of the Seventh Congressional District and the people of southeastern Pennsylvania for their generosity and compassion toward the people of the gulf coast in the aftermath of Hurricanes Katrina and Rita.

As vice chairman of the House Committee on Homeland Security, I visited Louisiana 5 days after the storm hit, and witnessed the strength and resolve of the citizens and those working to save lives and restore order. This weekend I am pleased to host gulf coast first responders in my district to recognize their indomitable spirit and their great relief efforts. In the days and dark nights that followed the hurricane disasters, these first responders worked around the clock with remarkable resiliency in moving forward a person, a house, a building at a time.

More than 6 months have passed since the most devastating natural disaster in American history. In that time, as has been the case in every time of national crisis, the citizens of my region have opened their hearts to their fellow citizens.

Displaced residents were welcomed to our communities, schoolchildren held fundraisers, supplies were donated, prayers were said and communities sent their fire and EMS personnel to aid neighbors in towns hundreds of miles away, that were unknown to them weeks earlier. College students from my district are spending their spring break in Louisiana, Mississippi and Alabama assisting with the recovery and rebuilding effort.

To this day, our local citizens continue to donate money, time and effort to help rebuild this devastated part of our country. This spontaneous generosity—great and small, emotional and financial—of all of my constituents in the wake of this tragedy has been remarkable. I have never been more proud to represent the Seventh Congressional District. The extraordinary efforts of the residents of Delaware, Chester and Montgomery Counties are exemplary of the spirit of service that has made our Nation great.

I would like to take this opportunity to thank all those who have dedicated not only their time, but also their resources, to the recovery effort along the gulf coast. I am proud to recognize and commend the tremendous commitment, kindness and generosity of southeastern Pennsylvanians whose invaluable dedication to helping our Nation deserves our special recognition.

RECOGNIZING DAVID CRISSEY AS SANTA ROSA DISTRICT TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. MILLER of Florida. Mr. Speaker, on behalf of the U.S. Congress, it is an honor for me to rise today to recognize David Crissey as Teacher of the Year for the 2005–2006 school year.

On January 30, 2006, David Crissey was announced Teacher of the Year in the Santa Rosa County School District, a district he has proudly served since 1995. Mr. Crissey is an alternative education teacher with the Exceptional Student Education Department's Students Achieving Independent Learning, SAIL, Program at the Berryhill Administrative Complex in Milton, FL.

The SAIL program serves students who have been removed from their home schools due to a zero tolerance offense or for a long pattern of chronic disruptive behaviors. It takes a special person with an abundance of patience to teach these students not only academics, but also how to succeed socially in society. Stemming from his love for helping children to become successful, over the past 10 years David Crissey has developed an innovative resiliency training program, which teaches students to bounce back from the life stressors they have faced in their lives. Not only an educator for his students, he has presented his resiliency training program as well as other innovative alternative education programming at several international, national, regional and State level conferences to help prepare his colleagues for the behavioral challenges that will face them in the classroom.

The Teacher of the Year recognition highlights 1 year of teaching, but the proof of greatness lies beyond the title; it lies in the hearts and minds of the students who have been deeply affected. Undeniably, each day walking into the classroom, David Crissey positively shapes the lives of his students.

Through his hard work and dedication in the field of academia, the impact he has had on his students and the difference he has made in their lives has proven him to be among the great teachers in Northwest Florida, and Santa Rosa School District is honored to have him as one of their own.

Mr. Speaker, on behalf of the U.S. Congress, I am proud to recognize David Crissey on this outstanding achievement for his exemplary service in the Santa Rosa County School District.

H.R. 3380, GUARDIANSHIP ASSISTANCE PROMOTION AND KINSHIP SUPPORT ACT: TO PROMOTE SAFE AND STABLE HOMES FOR ALL CHILDREN IN FOSTER CARE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Ms. SCHAKOWSKY. Mr. Speaker, across the country, there are more than 6 million children living with their grandparents, aunts, uncles or other relatives. In my State of Illinois, 9 percent of the children live with nonparent relatives. Children enter relative care for many reasons: death of a parent, neglect, abuse, military deployment, or poverty. But regardless of the reason, every child deserves a safe home and an opportunity for a good life. I commend grandparents and other relatives who step forward to care for children, keeping them out of foster care while providing safe, stable homes, often at great personal sacrifice. Supportive programs like subsidized guardianship help children exit foster care into the permanent care of nurturing relatives.

Recently, the Pew Commission on Children and Foster Care noted that permanent guardians offer the best hope and future for many of these children. After extensive study, the Pew Commission recommended permanent guardians receive financial assistance in the form of subsidized guardianship. A 2004 study by the University of Illinois showed that States with federally funded subsidized guardianship through IV–E waivers are much more effective in both reducing their foster care rolls and achieving permanence. Subsidized guardianship provides the financial support to make it possible for relative caregivers to provide a permanent and loving home for children, while giving guardianship to the relative instead of the State.

The Guardianship Assistance Promotion, GAP, Act, H.R. 3380, introduced by my colleague Representative DANNY K. DAVIS, is designed to support children living with legal guardians by allowing subsidized guardianship and expanding eligibility to children who are eligible for foster care payments. I urge my colleagues to join this important effort to encourage safe and permanent homes for children in foster care.

Grandparents and other relative caregivers are often the best chance for a loving and stable childhood for the children in their care, but their hard work and dedication often go unnoticed. Today, I offer my deep appreciation for the ongoing service of these caregivers to our children.

HONORING THE ACCOMPLISHMENTS OF DENNIS WIESE

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Ms. HERSETH. Mr. Speaker, I rise today to recognize and pay tribute to an individual who has earned a reputation as one of the most important and influential agricultural leaders in my home state of South Dakota. Very recently, the longtime president of the South Dakota Farmers Union, Dennis Wiese, retired from that position and passed the torch to the next generation of farm leaders. It is on this occasion that I would like to recognize and honor the valuable contributions that he has made to the South Dakota Farmers Union and to South Dakota agriculture.

Dennis first began his involvement in agriculture as a young boy on his family's farm near Flandreau, South Dakota. After graduating from high school he began farming. As he immersed himself in the operation of his farm, Dennis became increasingly interested in agricultural and rural issues that he saw affecting family agriculture. This led to active participation in farm policy debates. In 1993, this interest culminated in his election as the president of the South Dakota Farmers Union, one of the most influential farm organizations in our state. In that role, Dennis served as a staunch and effective advocate for public policy on behalf of the state's farmers and ranchers. He earned a reputation as an honest and valuable source of information, and a fountain of new ideas for positive policy change. He also simultaneously served as a member of the board of directors of the National Farmers Union Property and Casualty Insurance Companies.

During his time as president of the South Dakota Farmers Union he met with national leaders, including President Bill Clinton on several occasions, to discuss issues affecting rural America. Dennis counseled many members of Congress on agricultural matters, including Senators TIM JOHNSON, Tom Daschle, Larry Pressler and JOHN THUNE, and Congressman Bill Janklow and myself, among others. He also has served on national agricultural panels with other prominent rural leaders and he has testified before the Senate and House agriculture committees on numerous occasions.

I had the great good fortune to work with Dennis in another of his important endeavors; one that I think will be one of his finest legacies. In 2003, he was the driving force behind the creation and success of the South Dakota Farmers Union Foundation, a nonprofit charitable organization that conducts education programs that teach youth, young adults, farm families, and others about cooperatives and other issues important to family farm agriculture and our rural communities. I was fortunate enough to be the first executive director of that worthy organization and was able to see first hand the talent and dedication that Dennis brings to all of his efforts to assist South Dakota and rural America.

Dennis announced in January of 2005 that he would not seek re-election after serving 12 years as president of the 14,000-member South Dakota Farmers Union. He was replaced in an election in November of last year by another impressive agriculture leader in my state, Doug Sombke. Since Dennis' retirement, he has started a government affairs and economic development consulting firm in his home town of Flandreau, South Dakota. He is now putting his full energies into expanding that business. He is working on many significant and important projects, including the expansion of South Dakota processing company that produces and markets locally grown premium Hereford beef.

It is because of the leadership of bright and dedicated men and women like Dennis Wiese that the challenges facing farmers and ranchers across the country receive the attention

they deserve and the unique needs of rural America are heard. It was my pleasure to work with Dennis during my time leading the South Dakota Farmers Union Foundation, and also to benefit from his experience, wisdom, and counsel during my first year in Congress and on the House Agriculture Committee.

Dennis' family, including his wife, Julie, and his children Dayton, Kyle, Owen, Austin and Elissa are justifiably proud of their father and husband for his work on behalf of family farmers and ranchers. I look forward to continuing our close and valuable relationship with Dennis as he continues to serve South Dakota and American agriculture.

TRIBUTE TO ETHEL SEIDERMAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Ms. WOOLSEY. Mr. Speaker, I rise with pleasure to honor my friend Ethel Seiderman who is receiving the Beryl H. Buck Award for Achievement on March 9, 2006, for her embodiment of ''community giving in action.'' This award affirms what the Marin community already knows about her . . . Ethel Seiderman has given tirelessly her entire life.

Ethel's life and work reflect her passion for children and families. She has created innovative programs which have become national models for meeting a broad range of needs. From her early efforts in low-income communities in Boston and New York in the 1950s to the nationwide reach of the Parent Services Project she currently directs, Ethel has demonstrated that caring for vulnerable populations with respect and compassion reflects how we are as a people.

In 1973 Ethel founded the Fairfax-San Anselmo Children's Center (FSACC) and was the director until 1999. FSACC provides childcare for 150 low- to moderate-income families each year with ground-breaking programs such as the Get Well Room for mildly ill children, extended hours, extensive family support, mainstreaming, and transportation for school-age children. With the efforts of her late husband and partner Stan, the family support program increased fathers' involvement through the Men's Group and its various projects.

The Parent Services Project (PSP) was founded in 1980 as Ethel realized that, in order to promote the well-being of children, we must promote and incorporate their families. Working in partnership, parents and staff develop support groups, respite and family fun events, workshops and trainings, and other activities requested by the families. With Ethel leading dissemination and advocacy efforts, the PSP approach has now been integrated into over 800 programs across the country. These services vary widely, as they are developed by the needs of the particular parent group; organic development at each site is the norm rather than a one-size-fits-all approach.

As a consultant to many of these programs and a stirring and sought-after conference speaker, Ethel continues to travel the Nation promoting the family support principles that guide PSP. She has also published numerous articles and received awards including Marin Citizen of the Year, Marin Women's Hall of Fame, and Woman of the Year from the California legislature.

Throughout these endeavors, Ethel's husband Stan, who passed away last year, and her two children and four grandchildren, have provided her a loving support network. And Ethel's extended family—the many people whose lives she has touched—have also returned her warmth over the years. In the words of one director of a children's program that she helped, ''Ethel opened our eyes to a whole new approach in life as well as work, a mode that united families and staff to support each other and to promote the success of our children.''

Mr. Speaker, Ethel Seiderman understands that through honoring and sustaining each other we can truly build a better future. And I honor her on the occasion of her well-deserved receipt of the Beryl H. Buck Award. I know that she will continue to embody community giving while inspiring others to do the same.

TRIBUTE TO MILTON B. LEE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Milton B. Lee for his impeccable record of service to the citizens of San Antonio, and whose achievements were recognized by the San Antonio-based Lighthouse Group on January 25, 2006.

Mr. Lee, a lifelong Texan, is a native of Austin, where he accomplished a Bachelor of Science degree in Mechanical Engineering in 1971. After graduating, he quickly launched his career at General Electric, where he oversaw nuclear steam supply systems, nuclear fuel, gas turbine generators and steam turbine generators.

He was one of the formative members of the Texas Public Utilities Commission, and having testified as an expert witness in certification and rate proceedings, he has left his stamp on many of the regulations that govern my home state's electric utilities.

Over the years, Mr. Lee also served as a member on a variety of boards and commissions, including his service in a leadership capacity within the Texas Public Power and American Public Power Associations, university boards, including the Huston-Tillotson University Board of Trustees and the University of Texas at Austin Engineering Foundation Advisory Board, and professional organizations, including the National Society of Black Engineers.

Mr. Speaker, Milton Lee has risen to lead CPS Energy, formerly City Public Service and now the largest municipally owned energy company providing both natural gas and electric service. Serving as General Manager and CEO, Mr. Lee also serves as a much needed positive role model and an inspiration to the youth within our shared communities. Given his remarkable résumé and his impressive accomplishments, today I rise to honor Milton B. Lee for his ongoing commitment to service, to scientific research within and outside of his particular field of expertise, and to excellence in everything that he executes.

HONORING DANA REEVE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor and celebrate the life of Dana Reeve, an extraordinary woman whose kindness and generosity touched so many, including me.

Dana Reeve was many things to many people. She was a daughter, a sister, a wife, and a mother. She was an accomplished singer, actress, author, and motivational speaker. She was a determined advocate and a passionate fighter for causes in which she believed. She was, above all, a woman whose grace and courage inspired and comforted those in need.

I met Dana several years ago when I began working with her late husband, Christopher, on legislation I have introduced to intensify and coordinate federal research into paralysis. My bill, the Christopher Reeve Paralysis Act, bears her late husband's name because they both so impressed me with their positive spirit and tireless determination to overcome challenges that would seem insurmountable to most. Dana and Christopher both accomplished much in their all too brief time here. While many are probably more familiar with Christopher's life and his courageous fight to improve the lives of people with paralysis than they are with Dana's life and legacy, she was quite remarkable in her own right.

Dana was a founding board member of the Christopher Reeve Foundation and became its chair after her husband's death. She also established the Foundation's Quality of Life grants program, which has awarded more than $8 million to support efforts to improve the lives of people with paralysis, and the Christopher and Dana Reeve Paralysis Resource Center, which promotes the health and well-being of people living with paralysis and their families by providing comprehensive information resources and referral services. The Foundation itself has helped raise more than $46 million for neuroscience research.

Mr. Speaker, it is always tragic when a loved one leaves this earthly life, especially when they had so much life yet to lead. I hope everyone grieving Dana's loss will remember that she accomplished much and touched the lives of millions whose lives are better for her work here. I am certain that she and Christopher are looking down on us urging us all to go forward, as their Foundation's motto proclaims, and carry on the wonderful work they started. May God bless Christopher and Dana Reeve and may He continue to watch over those here who so loved them.

CONGRATULATING SAN DIEGO BASED GEN-PROBE ON RECEIVING THE NATIONAL MEDAL OF TECHNOLOGY LAUREATE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. ISSA. Mr. Speaker, today I rise to honor Gen-Probe Incorporated in recognition of their recent receipt of a 2004 National Medal of Technology Laureate.

On February 13, 2006, President George W. Bush presented Gen-Probe, a San Diego-based company, with our Nation's most prestigious technological innovation award, the National Medal of Technology Laureate. This award is in recognition of Gen-Probe's pioneering work to develop revolutionary nucleic acid tests to protect the Nation's blood supply from dangerous HIV–1 and hepatitis C viruses. Gen-Probe collaborated with the National Heart, Lung, and Blood Institute and the U.S. Food and Drug Administration among others, to create improved technologies and systems for the detection of viral diseases.

U.S. Secretary of Commerce Carlos joined the President in his praises, stating, ''Their creativity and willingness to take risks to achieve technological breakthroughs have helped make America the leader in innovation.''

The National Medal of Technology is the Nation's highest honor for technological innovation. As established by Congress in 1980, recognition is given to individuals, teams, and/or companies who ''embody the spirit of American innovation and who have advanced the Nation's global competitiveness.'' This award highlights contributions which will have made a lasting contribution to the Nation's workforce and quality of life.

Mr. Speaker, I would like to join the President and the Commerce Secretary in personally recognizing the dedication and commitment of the researchers, engineers, lab analysts and assistants, and management who contributed to safeguarding our Nation's blood supply.

IN HONOR OF HAROLD KEITH ADAMS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. BERRY. Mr. Speaker, I rise here today to share an incredible story written by Timothy Scott Adams in memory of his father Harold Keith Adams. This story of love and service captures the powerful meaning behind our country's greatest symbol—the American flag.

MY FATHER'S FLAG

My life changed dramatically on the morning of February 11, 2005, when my roommate woke me around 5:30 a.m. He said the ship had called, and I should go into work. They had some important news to tell me, so I unwillingly rolled out of bed and stumbled to the sink. I still felt the side effects from the night before. I had gone out with some friends of mine the night before, and it had been a late one. As I began to get ready I knew something had to be wrong. Why else would the ship call me in so early? The only thought I had racing through my mind was that something bad had happened at home: somebody was hurt.

I remember walking up to the ship with my stomach in knots fighting the anxiety overdose my body was going through. I had no idea what to expect. The Quarterdeck Watch told me to go see the Command Master Chief; he had something he needed to talk to me about. I remember thinking to myself this can't be a good sign having to come into work at 5:30 in the morning to see the CMC. I was unconsciously traveling on a long road to disappointment. He sat me down and told me that the ship received a message that my father had passed away, and he didn't have any details. I crumbled: ''No, this can't be true. Things were supposed to be better! He had come so far.'' The world around me had suddenly frozen. I felt like I had fallen off the face of the Earth. I was all alone. My heart was locked in a dark chamber of pain and grief, yet I had no key: no answer.

The next thing I knew I was on an 8-hour plane ride home, with my emotions running fiercely out of control. My thoughts were full of anger and disgust. I kept asking myself ''Why? Why now? Hasn't there been enough pain?'' I felt alone not knowing what to expect when I saw my family. All I wanted to do was try and sleep to hide my pathetic appearance from the relentless curiosity of the public.

The plane touched down in Dallas with a three-hour layover. The first thought that crossed my mind was to drown my emotions and fears with my good buddy, Jim Beam. I took a deep breath and came up for air. I knew that's not what I needed right then. I forced some food down at one of those typically priced airport cafes and waited to board the plane. My chariot of disappointment was approaching ready to guide me to the land of reality. I had no other options but to face the facts.

The airplane took off from Dallas with one more stop: home. The flight was only about an hour and a half long. It felt like an eternity with the lack of sleep and emotional stress I had put my body through in the last 24 hours. When I saw the Mississippi River laid out like a big slithering python surrounded by mosquito infested cotton fields, I knew I was home. The first thought I had was of a country music song, ''Walking in Memphis.'' How ironic. I was touching down in the land of the delta blues in the middle of the pouring rain. It's like they say, ''When it rains it pours.''

I came down the 2 mile long escalator and saw my wife and children waiting for me along with my childhood best friend. It felt as if the emotional monkey had been knocked off my back. I wasn't going to have to play this hell of a hand I'd been dealt alone: ''Maybe they could help me find that key?''

The ride home was a good one. It relieved some of the tension momentarily. We talked about how we've all been, what's been going on in our lives, and not the fact that my father had just lost his life. It may sound as if we were a little selfish, but it was a healthy way for us to escape the nasty reality of what's to come. My father had died and I didn't want to believe it.

The morning of the funeral came and I felt as if I had been the one who had died. The weather painted a perfect picture to set the stage for the gloomy nightmare I was about to face. The rain poured down profusely without any hope of letting up and the wind blew an evil chill upon my face. I felt the power of God upon my face, and I knew faith was all I needed to help carry me through this. I hoped, I thought, and I asked: ''Is this my key: faith?''

I had decided to wear my dress blues to the funeral. My dad was in the Navy for 8 years, so I knew that he would appreciate it. I felt it was my duty to honor him. He had always told me how proud he was of me for joining the service. He was the type of guy who thought every young man should do a little time for this country. I polished my shoes and pressed my uniform better than I ever had before for any inspection. Everybody told me he would have been proud. I thought to myself, ''He is proud.''

The whole family met at my grandparents' house so we could ride to the funeral home together. I nervously got into the limo with my brother and sisters still dreading the reality of the situation we were facing. The ride to the service provoked an inebriated sense of loneliness except for the vague sniffles and whimpers I heard from my younger sisters. The reality of the horrifying situation we were facing was inevitable.

When the limo pulled into the parking lot of the funeral home, my entire body was paralyzed with fear. The cars of the people paying their respects were lined up for days. The thought of having to walk into that place of death with all the mourners in there was terrifying. I just sucked it up and told myself to be strong for my younger siblings. I tried to tell myself to be faithful: ''Faith! That could be your key, Scott. Remember it can carry you through anything.''

My wife and I walked through the enormous wooden double doors and into one of the most beautiful, yet horrifying scenes I had ever experienced. Every step I took felt as if time had stopped, and my heart had skipped a beat. I hoped this memory wouldn't haunt me forever.

That's when I first saw it, the Stars and Stripes. A piece of colored fabric that serves as a symbol of victory, submission, pride, loyalty, and even hope. The flag that I work to defend every day: the American flag, our flag, and my father's flag. It was draped over his coffin like a protective shield carrying him home, away from all his mortal pain. My throat had begun to itch and lumped up; it ached with pain. My knees began to feel weak and sweat dripped from my hands. I felt my wife's hand squeeze mine and with a comforting whisper she said, ''It's going to be alright.''

I sat down and felt a great deal of relief after the thousand-mile walk I had just made in 30 seconds of hell. The preacher told stories of how great of a man my father was and how he had enjoyed the fishing trips they had made together in the past. It brought back memories of the same trips that I had enjoyed with both of them, things I had forgotten, and memories from my childhood that I had put away and buried. Things that are sometimes taken for granted, and you don't miss until they are gone. I felt guilty for forgetting the times my father took out of his life to teach me what I needed to know to become a man. Although the service was short it did everything it was supposed to do. Families shouldn't have to sit through a long public grieving.

On the way to the cemetery, I thought about how proud my father would have been of the American flag he had been honored with. I wanted to do something special for my grandmother. At the graveside before the coffin was lowered my father's best friend, an old navy buddy, and I folded the flag ceremonially and presented it to my grandmother, in turn, the most honorable experience of my life.

Later that afternoon I found out the flag had a history. It was flown over the Nation's Capitol on October 15, 2004, at the request of the Honorable Marion Berry. Then the flag was presented to the Adams' Estate in honor of my grandfather. My grandfather thought it would be nice to have it draped over the coffin at the funeral, my dad being a veteran and all. Later, my grandmother told me to keep the flag. At that very moment I knew that the flag's journey wasn't over.

Four months later and thousands of miles away from Arkansas on the 3rd of June, 2005 USS *RUSSELL* DDG 59 steamed out of Pearl Harbor Naval Base with a new ensign flying high. With the help of a couple of my loyal shipmates we had made the tribute to the old sailor possible. We flew the ensign over 3,500 nautical miles across the mighty Pacific Ocean en route to San Diego where it was brought down on the 14th of June, the

day the flag was officially adopted by the United States of America back in 1777. It was no coincidence the flag had been saved to be flown from my homeport, Pearl Harbor, to the former sailor's homeport, San Diego. The flag was torn, tattered, and covered in salt just the way my dad would have wanted it.

The material or size of a flag has nothing to do with the importance of it. The importance lies in what the flag symbolizes. It has been said that patriots express their love of a country by hoisting their flag in honor. On June 3rd, I hoisted our flag in honor of my father, fair winds and following seas old man.

WOMEN'S HISTORY MONTH MARCH 2006

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. HONDA. Mr. Speaker, I rise today in honor of Women's History Month. I would like to share with you some of the progress being made with regard to women's rights and some of the issues that I will continue to fight for. Women have come a long way since they were granted the right to vote, just 85 years ago. Women now enjoy rights to education, wages, and property ownership. It still remains, however, that not enough Americans are aware of the long struggle to obtain the rights that we take for granted today, and the rights that we have yet to guarantee and protect.

This month, I co-sponsored legislation that will help to ensure we learn more about the female heroes that fought tirelessly to secure the rights we all enjoy today. H.R. 3779, the National Women's Rights History Project Act would celebrate the accomplishments of women all year long. Specifically, H.R. 3779 would establish an auto route linking sites significant to the struggle for women's suffrage and civil rights. It also would expand the current National Register travel itinerary website, ''Places Where Women Made History,'' to include additional historic sites. Finally, this bill would require the Department of Interior to establish a partnership-based network to offer financial and technical assistance for interpretive and educational program development of national women's rights history.

As many of you know, I lost my beloved wife Jeanne to cancer two years ago. I am acutely aware of the need for increased funding of research, prevention and treatment programs for breast and gynecologic cancers. Below is a list of legislation that I have supported during the 109th Congress that is aimed at providing this funding support:

H.R. 1245 The Gynecologic Cancer Education and Awareness Act of 2005—This Act provides for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

H.R. 1849 Breast Cancer Patient Protection Act of 2005—This Act requires that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

H.R. 2231 Breast Cancer and Environmental Research Act of 2005—This Act amends the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

H.R. 4540 Mammogram Availability Act of 2005 This act amends the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography.

In addition to supporting this legislation, during fiscal year 2005, I was able to get funding for the Santa Clara Community Health Partnership's Community Mammography Access Project (CMAP). This will help the Community Health Partnership begin a program to offer low-income women across the county regular access to a potentially life-saving test. My office has joined the Community Health Partnership's CMAP task force as a member and will be updated regularly on the project's progress.

Access to proper healthcare is just one basic freedom women have traditionally fought for. There are several other civil rights issues that continue to limit women's participation and leadership in American culture and society:

The original Violence Against Women Act was passed in 1998. This legislation and its successors (including the 2005 reauthorization) are aimed at preventing and responding to violence against women and children. The legislation covers a broad range of services including transitional housing assistance, community awareness programs, law enforcement training, protections for immigrant victims of domestic violence, and funding for stalker and sex offender databases. I co-sponsored the reauthorization of the VAWA, significant elements of which were eventually incorporated into H.R. 3402 which passed into law on January 5, 2006.

Equity and fairness are key to our democracy. Equal pay is a critical issue, affecting all of us. Lack of equal pay makes it harder for working families to make ends meet. It also makes it harder for single mothers whose children depend on their wages for basic needs. However, more than simple economic reasons, equal pay shows women that their accomplishments and hard work are equally appreciated. Because women are equal partners in American society and deserve equity and fairness on the job and under the law, I cosponsor H.R. 1687 the Paycheck Fairness Act and H.J. Res. 37.

H.R. 1687 would amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex and to expand training for EEOC employees and affected individuals about wage discrimination.

H.J. Res. 37 proposes an amendment to the Constitution that states that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

It is clear, that even though women enjoy the kind of freedom that didn't exist for them just decades ago, Americans continue to be threatened by Republican and far-right influences on our Administration and policy makers. The President's budget sheds light on some of the ways in which basic women's rights are undermined. The President cuts funding for health, education and housing programs that provide vital services for American families and promote equal opportunity for women. The President's budget will also adversely affect women in working families and elderly women by slashing Medicare, Medicaid, housing, food stamps and child care. Services that are vital to women and their families are cut to protect the interests of the wealthiest Americans.

My sincere hope is that each of us takes the time to commemorate Women's History Month so that we may be ever vigilant of protecting the freedoms all Americans enjoy today. The current state of women's rights demands that we honor those who brought us to this point, and inspire those who will broaden the spectrum of liberties that all Americans should have access to.

TRIBUTE TO DYESS AIR FORCE BASE

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. NEUGEBAUER. Mr. Speaker, I rise today in recognition of Dyess Air Force Base in Abilene, Texas, for becoming the first base in 4 years to receive an overall outstanding rating following an Air Combat Command Operational Readiness Inspection.

Operational Readiness Inspections are demanding examinations of our Nation's combat operations. Inspections ensure expeditionary readiness by testing combat capabilities in stressful real-world situations. They allow our Nation's airmen to face deployment with increased confidence after practicing wartime skills at home that are executed in operations around the world including Operations Enduring Freedom and Iraqi Freedom.

This outstanding rating proves that the men and women of Dyess can take the fight anywhere. They are the very best in the Air Force because they have been well-trained and are well-prepared for any task or any challenge they will face in expeditionary operations.

IN RECOGNITION OF THE RETIREMENT OF GUNNERY SERGEANT LORENZO V. CHANCE, UNITED STATES MARINE CORPS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. MILLER of Florida. Mr. Speaker, it is an honor for me today to rise in appreciation of the 22 years Gunnery Sergeant Lorenzo Chance has served in our United States Armed Forces.

A native of the great State of North Carolina, Gunnery Sergeant Chance is a true patriot who has significantly contributed to the defense of our Nation. After graduating from Cape Fear High School in 1983, Gunnery Sergeant Chance entered the Corps at Marine Corps Recruit Depot Parris Island, South Carolina, where he attended basic training.

Gunnery Sergeant Chance's assignments in the Marine Corps include:

September 1984–1986, Admin Clerk, HQMC Manpower Branch;

November 1986–December 1987, Embarkation NCO, Marine Wing Headquarters Squadron-1, Okinawa, Japan;

January 1988–December 1991 HQMC Programs and Resources Division, Assistant Security Manager ensuring the personnel, physical, and information security of a division of 60 persons, hundreds of documents, and equipment;

January 1992–June 1995, Military Entrance Processing Station Montgomery, AL, Processing Specialist, interviewing and processing thousands of applicants into the U.S. Armed Forces;

July 1995–November 1997 Parris Island, SC, Senior Drill Instructor, Third RTBN, K Company and, Operations Chief/Acting First Sergeant, Support BN, Special Training Company, a direct impact in the ''Making of Marines'';

December 1997–April 2002, HQMC PP&O, Current Operations Branch, Marine Corps Command Center where he served as an Assistant Watch; Team Chief, SNCOIC Marine Corps Exercises Employment Program, and Post 9/11 Crisis Action Team Operations Chief. During this period he was also assigned various other duties, including service as a Member of the Headquarters Marine Corps, Inspector General's Readiness Assessment Team, responsibility for globally inspecting Marine Corps units for deployment capability and, in the 2000 Presidential Inaugural Committee, SNCOIC of the Street Cordon.

May 2002 through November 2005 Gunnery Sergeant Chance served the 435 Members of both the 108th and 109th Congress as SNCOIC Marine Corps House Liaison Office. He was also the Senior Enlisted service member to the U.S. House of Representatives during this period. Gunnery Sergeant Chance was responsible for directing and organizing numerous congressional and staff delegations around the world. His attention to detail in making these very important trips logistically successful is noteworthy.

On a personal note, I had the pleasure of traveling several times to many different countries with Gunnery Sergeant Chance. He was a true professional at all times and my wife and I always enjoyed his company. We both wish him ''Fair Winds and Following Seas'' and are honored he asked us to participate in his retirement.

Mr. Speaker, few can match the dedication Lorenzo Chance has shown the United States Marine Corps and our Nation. His service has benefited so many and I cannot express enough gratitude to him. On behalf of the United States Congress, I wish to thank Lorenzo Chance and lastly, ''Semper Fidelis.''

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. LANGEVIN. Madam Speaker, today I rise in support of S. 2271, a bill to add civil liberty protections to the conference report on H.R. 3199, the USA PATRIOT Reauthorization Act. Although I voted against the Patriot Act in December, the Republican Leadership rammed it through Congress anyway. I welcome this opportunity to eliminate some of its most egregious provisions and to further enhance civil liberties protections. I will keep fighting to improve this law so that we can find the right balance between waging the war on terrorism and protecting the rights of the American people.

S. 2271 improves civil liberties in three ways. Under the Patriot Act, libraries, bookstores, and other recipients of court orders for information are bound by a nondisclosure requirement. These organizations are unable to tell the target of the investigation that records have been obtained on the public, if they believe the search is unwarranted. As currently written, the Patriot Act prevents appropriate oversight to affirm the need for such requests for information. S. 2271 allows recipients of these court orders to challenge the nondisclosure requirement, which helps protect civil liberties by placing a check on unrestricted use of these court orders and protects against unlawful search and seizure.

As currently written, the Patriot Act greatly expands the use of administrative subpoenas, known as National Security Letters (NSLs). NSLs are equivalent to search warrants, but they are signed by government bureaucrats instead of issued by courts. These subpoenas have minimal civil liberty checks in place to ensure an investigation is warranted. Presently, the Patriot Act requires recipients of NSLs to disclose to the Federal Bureau of Investigation (FBI) the names of their attorneys who are notified of the NSL. This overzealous provision could launch investigations into attorneys trying to defend clients who received unwarranted investigations. S. 2271 removes this requirement to disclose attorney names, and I am pleased to support this change.

Finally, S. 2271 increases the burden of proof on obtaining evidence from libraries. Under the Patriot Act, an NSL could require libraries to hand over book checkout lists and Internet records for specific users, which is a tremendous violation of privacy. S. 2271 requires investigators to obtain a court order, which would prevent overzealous investigators from trying to find evidence without probable cause.

If S. 2271 does not pass, I am concerned that the Patriot Act will move to the President's desk for signature lacking protections to prevent challenging nondisclosure requirements, increasing the opportunity for civil liberties abuses, and subjecting libraries to unnecessary and intrusive scrutiny. While I continue to oppose the underlying Patriot Act, I will vote for these improvements. I look forward to working with my colleagues on both sides of the aisle to correct other deficiencies and protect the American people from both terrorists and potential abuses of our freedoms.

POLISH NATIONAL ALLIANCE (PNA) OF NORTH AMERICA—LODGE 711 100TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. NEAL. Mr. Speaker, I would like to recognize on the House floor that 2005 marked the one-hundredth anniversary of Lodge 711 of the Polish National Alliance (PNA) of North America. I'm proud to have Lodge 711 headquartered in my district in the town of Wilbraham.

PNA is the largest ethnic fraternal insurance society in the United States that offers quality life insurance and annuity products, which allows its members and families to achieve financial security. But the PNA's involvement in the communities it serves goes beyond providing quality financial services by organizing various social and cultural programs. Whether its sports and youth programs, spelling bees, college scholarships, or Saturday Schools promoting Polish heritage and culture, PNA helps its members live more fuller and enjoyable lives.

Mr. Speaker, I'm honored to have the opportunity to represent a diverse and culturally rich constituency, particularly the Polish communities that have a large presence in Massachusetts' second congressional district. Throughout my years of public service I have witnessed with great pleasure the Polish communities' dedication and commitment to civic affairs. The lessons of Poland's long and hard history of achieving independence has not been lost with the Polish immigrants who came to America or their offspring born in America.

The American and Polish people have a long and warm relationship that evolves around the love of freedom and opportunity. This bond goes back to America's revolutionary years when the Polish patriot, Tadeusz Kosciuszko, fought in the American War of Independence and achieved the title of brigadier general. Later, Kosciuszko once again fought for independence when leading the Polish-Lithuania uprising of 1794. The American people honor Kosciuszko with a statue of the patriot in the U.S. Capitol building.

Mr. Speaker, I would like to thank Teresa Struziak-Sherman, Director for PNA Region A, for all her wonderful work over the years that has contributed to the success of the PNA. I would also like to recognize all the other people of Polish ancestry that I have known and worked with throughout my years as a public servant and look forward to my continued relationship with them.

TRIBUTE TO HALEY SACK

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. WELLER. Mr. Speaker, I rise today to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Haley Sack of Mendota has just been named one of the top honorees in Illinois

by The 2006 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Ms. Sack is being recognized for conducting personal interviews and research to create museum-like displays and a dramatic play that portray important aspects of her city's history.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Sack are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principles in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 11 years, the program has become the nation's largest youth recognition effort based solely on community service, and has more than 70,000 young volunteers at the local, state and national level.

Ms. Sack should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this year's program. I heartily applaud Ms. Sack for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and—do play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

HONORING DANA REEVE

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mrs. BONO. Mr. Speaker, I rise today to honor the life of a remarkable woman, Dana Reeve, whose courage and grace in the face of life's adversities bring inspiration and hope to millions of people. Dana Reeve was the devoted caregiver and wife to her late husband, Christopher Reeve, a dedicated mother, an advocate and founding board member of the Christopher Reeve Foundation. I am honored to have known Dana and to have worked with her on many issues, and I am deeply saddened by her passing on March 6, 2006. I ask all of my colleagues to join with me today in commemorating the life of this outstanding woman.

Dana Reeve was born Dana Morosini on March 17, 1961 in New York. Dana graduated cum laude from Middlebury College in 1984 and began her career in acting and singing with graduate studies at the California Institute of the Arts. Drawn together by their mutual love of drama, Dana married actor Christopher Reeve in 1992, and later, gave birth to their son, William.

In 1995, Dana Reeve became her husband's constant caregiver and supporter after a horseback-riding accident left him paralyzed. Dana embodied loyalty and devotion as she selflessly cared for him and her family, while being committed to helping others in need. Together with her husband, Dana faced challenges with determination and courage.

After her husband's untimely death in 2004, Dana became the chairperson of the Christopher Reeve Paralysis Foundation, which funds research on paralysis and works to improve the lives of people living with disabilities. Dana also worked to establish the Quality-of-Life grants program and the Christopher & Dana Reeve Paralysis Resource Center. Under her outstanding leadership, the Foundation has awarded more than $8 million in Quality-of-Life grants and more than $55 million in research grants since its inception. Additionally, she was an activist for persons with disabilities and a champion for stem cell research.

Dana served on the boards of The Williamstown Theatre Festival, The Shakespeare Theatre of New Jersey, TechHealth, and The Reeve-Irvine Center for Spinal Cord Research and was an advisory board member to the National Family Caregivers Association.

Dana received numerous awards for her work, including the Mother of the Year Award from the American Cancer Society in 2005, an American Image Award from the AAFA in 2003, the Shining Example Award from Proctor & Gamble in 1998, and was named by CBS in 1995 as one of America's Outstanding Women. Additionally, Dana authored the book Care Packages, which was published in 1999.

A woman who faced some of life's greatest adversities, Dana approached each challenge with dignity and grace, remaining optimistic in even the most difficult circumstances. In August of 2005, Dana announced her battle with lung cancer, only months after her mother passed away from complications with ovarian cancer. Her positive attitude was an inspiration, and her commitment to encouraging and helping others remained strong. Referring to her late husband, Dana stated that she views him as the ''ultimate example of defying the odds with strength, courage, and hope in the face of life's adversities.'' Truly, Dana is deserving of our deepest respect and tribute.

Dana is survived by her father, Dr. Charles Morosini, sisters Deborah Morosini and Adrienne Morosini Heilman, her son William and two stepchildren, Matthew and Alexandra. Dana will be remembered by us all for her life, her work, her passion to help others, and her courage and loyalty in facing life's challenges.

Mr. Speaker, I would once again like to pay tribute to this inspirational woman. Her life was a testament of loyalty and courage, and I am honored to speak on her behalf today. I encourage my colleagues to join me in recognizing and celebrating the life of Dana Reeve.

JEROME GROSSMAN CRITIQUES THE IRAQ ELECTION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, for many decades, Jerome Grossman has been a leader in the fight for a rational, humane foreign policy for the United States. Alongside my predecessor in this body, former Congressman Robert Drinan, Jerome Grossman was one of the effective leaders of the opposition to the war in Vietnam. He has continued over his long career with undiminished energy to fight for the principles in which he believes and in which our country ought to act. On January 5, in the Wellesley Townsman, the weekly newspaper in the town where he lives, Mr. Grossman published an article on the election in Iraq. As the newspaper noted, Jerome Grossman is the Chairman of the Council for a Livable World, and in that capacity has been an insightful critic of the President's Iraq war from the earliest days of the Administration's initiation of this policy. In this article, he notes the problem of having a fully free election in a situation of military occupation.

Mr. Speaker, although I greatly respect Mr. Grossman and I am one of many in Congress who have benefited significantly from his wisdom and advice over the years, I do not fully agree with the critique that he puts forward in this column. He is of course correct that there is not an autonomous government in Iraq, and it is also the case that the conditions in which the recent elections were held were far from ideal. But given all of those factors, I also believe that the elections were to a very significant extent an expression of the views of the Iraqi people.

Unfortunately, what we have seen since that election is that those views fall far too heavily along sectarian lines, and the prospects for a genuinely democratic, functioning government coming out of this process is much more clouded than the President would have us believe. But despite this difference in emphasis between myself and Mr. Grossman on this particular aspect of the situation, I believe his article is a very useful contribution to the debate about our policy, and it is an important counter to the unrealistic optimism expressed by the Administration. I think it would be very useful for Members to read Mr. Grossman's viewpoint, drawing as he does on his decades of experience with these issues, and I ask that the article be printed here.

A 'FREE AND FAIR' ELECTION IN IRAQ

President Bush hailed the Dec. 15 parliamentary election in Iraq as a ''landmark day in the history of liberty.'' It was an election in which 11 million Iraqis voted—a 70 percent turnout, which is remarkably high. But was it ''free and fair?''

It is impossible to have a ''free and fair election'' under foreign military occupation, by definition. President Bush himself pointed out this obvious fact at his March 16, 2005, press conference on the election in Lebanon. ''Our policy is this. We want there to be a thriving democracy in Lebanon. We believe that there will be a thriving democracy, but only if—but only if—Syria withdraws her troops completely out of Lebanon, but also her secret service organizations . . . There

needs to be a complete withdrawal of these services in order for there to be a free election . . .'' Under strong U.S. and United Nations pressure, Syria did remove its troops and a free and fair election was held.

The pressures on Iraqi voters were enormous. In the streets were 168,000 heavily armed American soldiers, 250,000 Iraqi troops and perhaps 100,000 Iraqi police. The survival value of the blue stain on the index finger was apparent to all, as was the voter's name at the polling place. They could be insurance against being picked up on suspicion of being insurgents and then languishing in Abu Graib. Or they could be protection from the armed Kurdish and Shiite militias roaming the cities in search of dissident Sunnis.

In addition, leaders of the various tribal groups urged their minions to vote their slates, in order to attain local power for the coming struggle, widely expected once the occupying Americans depart. And anyway, who will count the votes?

The United States as the occupier of Iraq has the power to make elected Iraqis carry out U.S. political decisions. We decided the time and place for elections, vetoed some candidates, approved others and guided the writing of the constitution. The U.S. Ambassador, Zalmay Khalilzad—termed ''The Viceroy'' around the world—virtually runs Iraq from his fortified embassy with its staff of 5,000 and room for an active CIA.

Here is the real situation: Iraq has a puppet government set up to keep order and to carry out American policies. This is the logical and inevitable result of military conquest. Any election held under such conditions—under the gun—cannot be called free and fair. The Iraqis are simply choosing which of their number will enforce U.S. will and help to crush the inevitable resistance to foreign occupation.

The Iraqis are not really governing themselves and we should not pretend that they are. Authentic Iraqi democracy with free and fair elections can develop only after complete U.S. withdrawal.

PRIORITIES FOR UPCOMING MEETING BETWEEN U.S. SECRETARY OF STATE CONDOLEEZZA RICE AND FOREIGN MINISTERS OF CARIBBEAN COUNTRIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to share my wishes for the upcoming meeting to be attended by U.S. Secretary of State Condoleezza Rice and foreign ministers of Caribbean countries in the Bahamas later on this month and to enter into the RECORD a Carib News story reiterating concerns about what priorities should be covered in the meeting to build a stronger U.S.-Caribbean alliance.

Secretary Rice is scheduled to meet with the foreign ministers of Bahamas, Trinidad and Tobago, Guyana, Antigua, Jamaica, Belize, Suriname, St. Lucia, Grenada, St. Kitts-Nevis, St. Vincent and Barbados March 21–22. This meeting is a prime opportunity for Secretary Rice to pledge U.S. support in the areas of economic and social development. Specifically, meeting participants should focus on crime, disaster preparedness, drug trafficking and immigration. The recently held democratic elections in Haiti of former President Réne Préval to once again lead the nation will also be an issue needing urgent attention.

As reporter Tony Best explains in the Carib News story, Democrats on the Hill, myself included, insist that Secretary Rice should utilize this opportunity to show Caribbean nations that their development is important and that the United States is a partner in economic and social advancement in Caribbean countries. These nations are in dire need of assistance erecting strong economic and social infrastructures that bear opportunities to their citizens. For example in Haiti, 8 out of 10 Haitians live in abject poverty. Unemployment exceeds 70 percent while the country has a 10 percent HIV infection rate in the city and 4 percent in rural areas. More must be done for these countries.

Mr. Speaker, I hope you'll join me conveying to Secretary Rice the urgency of economic and social issues in the Caribbean and that she be mindful of the plight of Caribbean citizens during her upcoming meeting.

[From the Carib News, Feb. 28, 2006]

DEMOCRATS ON CAPITOL HILL: U.S. SECRETARY OF STATE SHOULD SHOW CARIBBEAN NATIONS THAT THEIR DEVELOPMENT IS IMPORTANT

(By Tony Best)

''A partner in economic and social development in Caribbean nations.'' That's the message, which some Democrats on Capitol Hill in Washington are hoping U.S. Secretary of State, Condoleezza Rice, would convey to Caricom foreign ministers when they meet in the Bahamas later this month.

And the message shouldn't be just in word, lip service, if you will, but in concrete measures, which can help the Caribbean.

So said U.S. Congressman Eliot Engel, a New York Democrat who represents thousands of Caribbean immigrants in the Bronx and Westchester County. He is the ranking Democrat on the Western Hemisphere subcommittee of the House of Representatives.

''I think she needs to tell the Caribbean foreign ministers that the United States wants to be a partner, a close working partner and to have a close working relationships with the nations which are our close neighbors,'' was the way he put it to the Nation after addressing the 27th Congressional Breakfast of the Jewish Community Relations Council, JCRC, at the 92nd Street Y in Manhattan.

''It is one thing for us as a nation to pursue goals all over the world, Iraq and wherever,'' he added. ''But it is quite another thing for us to say that we need to concentrate on what we do back home. I think we can do both, but I don't think we should neglect the people who are geographically closest to us,'' meaning inhabitants of Caribbean nations. Rice is scheduled to meet with the foreign ministers of Barbados, the Bahamas, Trinidad and Tobago, Guyana, Antigua, Jamaica, Belize, Suriname, St. Lucia, Grenada, St. Kitts-Nevis, St. Vincent and Belize on March 21–22. Economic and social question as well as security issues in the ''broadest sense, and not simply matters about fighting terrorism'' should top the agenda, say diplomatic and other highly placed sources in Washington. Immigration, Haiti, drug trafficking and crime, HIV/AIDS and disaster preparedness and reconstruction are expected to dominate the meeting's agenda.

Congressman Charles Rangel, who like Engel, addressed the Congressional Breakfast, had previously said in a Carib News interview that the Bush Administration should work with Caribbean nations to develop an effective strategy that would help the various countries improve their economic performance and boost their infrastructure.

''These are sovereign states with a long tradition of respect for the rule of law and adherence to principles of parliamentary democracy,'' he said. ''We should treat them with the respect they deserve. They aren't colonial territories that can be pushed around or ignored to suit our every whim. Many in the Administration didn't like their position on Iraq and even went so far as to threaten them. It's time that the Bush White House recognize that the Caribbean countries, including those in Caricom, are among our closest neighbors and remain our strong allies. We must treat them as friends and not try to punish them if they disagree with us from time to time.''

In his address to the breakfast, which was attended by scores of Jewish community leaders, senior diplomatic and consular officials from the Caribbean, Africa, Europe, Asia, Israel and other nations, Rangel spoke about the need to respect the U.S. constitution and the rights to privacy ''of our people.'' While emphasizing America's commitment to Israel, which was ''well-known,'' the Representative of Harlem and surrounding communities in Manhattan said that the sons and daughters of Americans who were being killed in Iraq were not the children of members of Congress, corporate America or people in the White House.

Engel said that the upcoming meeting in the Bahamas was important for both the U.S. and the Caricom because it would give Rice a chance to convey a ''sense of involvement and engagement of the United States with the Caribbean'' countries.

''It's one thing to pay lip-service to it,'' added the Bronx Democrat. ''It's another to really act. They are many pressing issues, not only immigration, which must be considered. The economy of the Caribbean is one such issue.''

HONORING JUSTICE SANDRA DAY O'CONNOR

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. REYES. Mr. Speaker, I rise today in support of H. Res. 357, a resolution honoring former United States Supreme Court Justice Sandra Day O'Connor. As the first female justice of the U.S. Supreme Court, this remarkable woman presided over some of the most important cases of our time, and her accomplishments became a stepping stone for all womankind.

Justice O'Connor has strong roots to the city of El Paso, Texas, which I represent. She attended Radford School, and graduated at the age of 16 from Austin High School. Her achievements in graduating with honors from Stanford University and earning a law degree from the Stanford School of Law in only two years, have encouraged numerous aspiring students to reach their greatest potential.

Justice Sandra Day O'Connor once again provided a breakthrough when she became the majority leader for the Arizona State Legislature, the first woman in the Nation to do so.

Rising from the rejection of law firm employment based on her gender, Justice Sandra Day O'Connor is now known as one of the most important women in U.S. legal history.

Mr. Speaker, I urge all of my colleagues to join me in supporting this very worthwhile resolution, honoring Justice Sandra Day O'Connor.

RECOGNIZING WILLIAM BOHEN UPON BEING NAMED ''IRISHMAN OF THE YEAR'' BY GOIN' SOUTH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. HIGGINS. Mr. Speaker, it gives me great pleasure to stand here today to recognize William Bohen, a man who is being honored as ''Irishman of the Year'' on March 11, 2006 by Goin' South, a civic, social, and cultural organization based in South Buffalo, New York.

Bill Bohen is an upstanding citizen, a proud member of the South Buffalo community of which I am a lifelong resident. And like me, Bill shares a love for the people and the place that has made us who we are today.

Bill's ancestors came from Ireland and settled in the Old First Ward. His father Daniel Bohen was a Buffalo Firefighter; his late mother was Milly Ahearn.

Bill Bohen began his career as an apprentice in 1975 with Ironworkers Local 6—and he quickly rose through the ranks as a Board Member, Executive Committee President, and to his current position as Business Agent/Financial Secretary.

Ironworkers Local 6 is one of the most influential trade unions in Western New York. Its members participated in the construction of HSBC Arena, Buffalo's Baseball stadium, Pilot Field (now Dunn Tire Park), waterfront housing at Admiral's Walk and the Galleria Mall. It is also important to note that Bill led Local 6 members to New York City to assist with rescue efforts just hours after the tragedy of September 11th.

Bill's kindness is reflected in the generosity of Local 6 and the willingness of its members to pitch in when it comes to charitable and civic causes in and around South Buffalo. They have volunteered on such projects such as the Valley Community Center and Bishop Timon/St. Jude High School.

Irish Americans represent what is best about America—that if you work hard, play by the rules, love your family and give back to your community, the American Dream can be yours. Bill Bohen is a citizen worthy of that description.

Thank you, Mr. Speaker, for this opportunity to recognize Bill Bohen, a great guy from the neighborhood, a friend and a man deserving of this special recognition. It is my distinct honor to join with Bill's sisters—Nancy and Patty—his brother Danny—his two sons Bill Jr. and Eric and his wife Mary Jo and numerous other family members and friends to honor the personal accomplishments, leadership and hard work of a great son of South Buffalo.

INTRODUCING THE TRADE SANCTION AVOIDANCE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. STARK. Mr. Speaker, I rise today to introduce the Trade Sanction A void Act—legislation that will stop American manufacturers from facing $809 million in annual trade sanctions from the European Union.

On February 12, the World Trade Organization (WTO) Appellate Body—for the third time—found that U.S. corporate tax laws violate WTO rules. We failed to fix the flawed foreign sales corporation (FSC) regime with extra-territorial incentive (ETI) scheme. Now we've failed once again to fix the ETI with incentives in the JOBS Act. According to the WTO, the transitional and grandfathered tax breaks in the JOBS Act continue to violate WTO rules. This foolishness must stop now.

I've heard many members of this august body talk bout how the U.S. must stand up and be a leader in the world. How can we expect other countries to take us seriously as a world leader when this Congress continually undermines and ignores rules we've agreed to live by?

We refuse to join the International Criminal Court, we won't sign the Kyoto Treaty, and we pulled out of the Anti-Ballistic Missile Treaty. Given our track record, is it any wonder the EU continues to bring WTO cases against our non-compliant corporate tax break schemes? We've broken these rules time and time again, and if we don't pass my bill, American manufacturers will pay the price.

The EU reacted to the WTO decision by asserting its right to impose retaliatory duties against U.S. exports. Those duties apply to a broad range of goods, and could reach 17 percent by September. If Congress fails to act, U.S. corporations will pay $809 million a year in retaliatory sanctions.

The Trade Sanction Avoidance Act will put an end to this game of international tax chicken. By repealing the transitional and grandfathered tax breaks in the JOBS act, Congress will ensure American manufacturers avoid hundreds of millions in unnecessary trade sanctions. This approach is so inherently reasonable; some may wonder why anyone would oppose it.

Unfortunately, in the current culture of corruption, protecting tax breaks for big corporations is more important than protecting farmers and small manufacturers from hundreds of millions in trade sanctions. For example, Boeing alone stands to rake in over $600 million from the JOBS Act tax breaks. My legislation protects farmers and small manufacturers from these sanctions so that they can remain competitive in the European Union marketplace. Boeing—which made $2.56 billion in net profit last year—should be willing to give up at least a portion of its tax break to help protect American businesses from sanctions and to help our tax code comply with the WTO rules we've agreed to live by.

We can't claim to help American businesses on one hand, while turning our backs on them by failing to fix this problem. This bill is a simple solution to a problem we should have solved years ago. I urge all my colleagues to support this legislation.

CONGRATULATIONS TO PORTIA SIMPSON-MILLER ON HER ELECTION AS PRESIDENT OF THE PEOPLE'S NATIONAL PARTY AND PRIME MINISTER OF JAMAICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to congratulate Portia Simpson-Miller, who has been elected president of the People's National Party in Jamaica and will become the first female Prime Minister of Jamaica at the end of the month and to enter into the RECORD an editorial and news story both published in the New York CaribNews hailing her victory.

The election of Ms. Simpson-Miller is a milestone. As the first female Prime Minister Designate, Ms. Simpson-Miller has been a passionate, longtime voice for the oppressed. Her career in politics has spanned three and a half decades most recently as vice president of the PNP since 1978 and president of the PNP Women's Movement since 1983. Her previous assignments also include several Cabinet portfolios—serving as a Minister of Labour, Welfare and Sport and a Minister of Local Government, Community Development and Sport. By serving her people diligently, she has earned the right to succeed Mr. P.J. Patterson, the island's longest serving Prime Minister.

Simpson-Miller represents the vanguard of women succeeding in politics throughout Latin America and the Caribbean, changing the political and social landscapes in places such as Chile and Peru. As she sought to become Prime Minister of Jamaica, Ms. Simpson-Miller's campaign focused on themes of empowerment for the marginalized and uniting all classes to tackle deep-rooted problems of crime and economic underdevelopment.

Simpson-Miller is a Jamaican success story; an iconic figure who has become a metaphor for the hopes and aspirations of poor, underprivileged black people, particularly black women. Her victory has yielded an outpouring of praise from Jamaicans living throughout the world, including in my home city of New York who, as is seen in the following article, hailed and celebrated her victory. She is a woman of faith, conviction and of the people—traits that will surely be needed to effectively address the problems of entrenched poverty and crime and enhance employment opportunities for youth.

Mr. Speaker, again I rise to congratulate Ms. Portia Simpson-Miller as she ascends to the post of Prime Minister in Jamaica and to commend her on her genuine commitment the people of the island.

PORTIA SIMPSON-MILLER HAILED AS NEW LEADER

(By Tony Best)

If there is something called national euphoria then it best describes the reaction of Jamaicans at home and abroad to the victory of Portia Simpson-Miller in the fight to lead the ruling People's National Party and Jamaica itself.

For in the Caribbean nation, the news that Simpson-Miller had won the vigorous and potentially divisive battle for the PNP's Presidency and the Prime Minister's job triggered an outpouring of praise and celebrations for the victory. In the Diaspora, from New York,

Miami and Toronto to London and the cities where hundreds of thousands of Jamaicans live in North America and the United Kingdom, the response was the same: overwhelmingly positive.

Whether they were religious ministers, elected officials, health care professionals and administrators, business executives or working men and women, the reaction was the same: the best person has won and Jamaica's government should be in good hands.

The Rt. Rev. Don Taylor, Episcopal Vicar Bishop of the New York Diocese of the Anglican Church, saw her election and elevation to the Prime Minister's office in a few weeks time as a ''great day'' for the women of Jamaica.

''It's a great day when we have reached that point in our history where a woman can taken on the reins of leadership of Jamaica,'' he said. ''As I have done in the past, I will do everything to support her, because in supporting her I am really supporting Jamaica.''

Not only did Yvonne Graham, Brooklyn's Deputy Borough President, followed along Bishop Taylor's path by pledging support to the Prime Minister-designate, now that the election battle was over but hailed the choice and the significance of a woman heading the government for the first time in the 43–plus years of Jamaica's independence.

''I am just absolutely excited that the election of a woman to lead the country has happened in my own hometown and in my lifetime,'' was the way Graham put it. ''I have watched her political career over the years and I know she will make an excellent, excellent Prime Minister. Many of the Jamaicans in the Diaspora with whom I have spoken since the weekend election by the PNP delegates share my elation. I look forward to her leadership and pledge my support in any way that I can to help move Jamaica forward. She is a competent and very popular public figure and has the experience in Government. She is in tune with the people of Jamaica, from top to bottom.''

Graham believes Simpson-Miller would bring knowledge of the ''grass roots'' and her own record as a ''people-person'' to the job as leader of the Government. ''She understands the needs of the masses and she has a tremendous ability to surround herself with people who can get the job done,'' added the Deputy Borough President. ''One can expect that she would build on the legacy of the current Prime Minister, P.J. Patterson. After all, she has been there for a long time in government, has seen it from the vantage point of different capacities and ministries and knows how to motivate people.''

New York State Assemblyman Nick Perry, who represents a large East Flatbush District in the legislature in Albany, the State capital, said that by electing a woman to lead the country, the PNP has reinforced Jamaica's track record of ''treating women with equality'' and respect.

''We not only claim to be a country where women are treated equally or have access to the same positions and treatment as our men, but we have actually demonstrated that in our action,'' Perry stated. ''The success of Portia Simpson-Miller's campaign for the leadership of the ruling PNP says quite clearly to the world that we are in the forefront when it comes to the treatment of women.''

Beyond issues of gender, Perry credited Simpson-Miller's work ethic, her drive to succeed and determination to lift herself up by her own efforts for the victory over Dr. Peter Phillips, Dr. Omar Davies, and Dr. Karl Blythe.

''She didn't come from a background of someone who was born with a golden spoon,'' he added. ''She came from among folks who lived and earned their way. Her parents worked hard to give her an education and she made good use of the opportunities. In essence, she won the election, the old fashioned-way, she earned it.''

Assemblyman Perry believes her popularity and her badge to the ''masses of Jamaicans'' would enable her to form a government and provide the leadership Jamaica needs at this time of its development.

''She will bring the experience of a person who came from among the common people, knowing the have-nots in Jamaica from the time she was a child to her current status in government, one can expect the understanding and empathy that flow from such a background,'' he added.

Dr. Donna Facey, a physician who heads the Caribbean-American Medical and Scientific Association of the United States, is looking to her country's new leader to solidify Jamaica's place in the Caribbean integration movement.

''Joining the bulwark of leadership of the region that's going to take the Caribbean Single Market and Economy into the next 50 years, she will be well-placed to make her mark on Jamaica and on the wider Caribbean,'' said Dr. Facey.

''Although the campaign within the PNP wasn't strictly about the CSME, if Jamaica and the Caribbean are to survive in a global economy then the CSME would be crucial to future success. As a public figure who is in touch with the common men and women, she can be expected to work closely with the other Caribbean leaders to ensure that the CSME is a success.''

Vangalane Hunter, a health care administrator and a member of the Board of the Caribbean Women's Health Association in New York City said that Simpson-Miller would have her ''hands full'' as she attempts to address the economic and social needs of her country.

''Hopefully, she would be a able to go into the job as Prime Minister and try to do something about the problems and challenges facing Jamaica,'' she said. Jamaicans in both the UK and Canada responded with equal confidence in Simpson-Miller's ability to tackle the job head-on and to succeed.

''Portia is a woman of great experience,'' said Philip Mascoll, President of the Jamaica Diaspora Canada Foundation. ''She should be judged by her performance, not by the fact that she is a woman.''

[From the Carib News, Feb. 28, 2006]

PORTIA SIMPSON-MILLER, THE PEOPLE'S AND PNP CHOICE TO LEAD JAMAICA CAPTURES PARTY PRESIDENCY IN WEEK-END VOTE

Charismatic, the ''people's choice,'' and a women and a leader for the times facing Jamaica.

A handful of the glowing and well deserved tributes being lavished on Portia Simpson-Miller by Jamaicans from all walks of life, whether at home or abroad following her stunning victory over Dr. Peter Philips, Dr. Omar Davies and Dr. Karl Blythe in the bruising campaign for the presidency of the ruling People's National Party and ultimately the leadership of the country.

Simpson-Miller has earned the right to succeed P.J. Patterson, Jamaica's longest serving Prime Minister, the old fashioned way: she worked hard for it, not simply within the party but in the government and among the people. The term used most often to describe her, long before the leadership race began was a ''woman of the people,'' a person from the grassroots who understands Jamaicans, feels their pain, exults in their triumphs and knows what makes them tick.

Obviously, those qualities worked for her during most of her adult life and should continue to be the pillars on which she moves forward as Prime Minister, the first woman to hold the job. Simpson-Miller's experience in the labor movement, in successive cabinets, and in mobilizing the PNP's rank and file enabled her to stand out in the crowded field of rivals and should help her to chart a national economic and social agenda with the consent, of the governed.

Clearly, she is more than prepared for the vital task as Jamaica's Prime Minister.

However, no one should under-estimate the challenges she faces. When the delegates gave her a comfortable victory of 1,775 votes to those of her nearest rival, Dr. Phillips' who received 1,538, they recognized that not only was she the most popular political figure in the country but she was quite capable of providing the leadership the nation needs as it seeks to further stabilize its economy, reduce inflation, slash the incidence of crime, create opportunities for its youth, build confidence and make the country an enjoyable and livable place for all of its citizens.

During the run-up to last week-end's election, the delegates had ample opportunities to assess the qualities of the main contenders and they took a collective decision that the party and the government needed Simpson-Miller now more than ever before. Undoubtedly, they have their eyes on the next election and decided that her popularity with the masses, her political savvy and experience in government made her the best person to carry them and the PNP to victory whenever the campaign bell rings.

But some things must happen before that. After the divisive campaign, the PNP president-elect and the Prime Minister-designate and her competitors must bury the proverbial hatchet and work hard to heal wounds opened up by the leadership fight. The fact that she had the support of only a handful of her ministerial cabinet colleagues and a minority of PNP parliamentarians has increased the burden on Simpson-Miller. But few doubt she can't bring most if not all sections of the party together. She must use her appeal within the rank and file to forge a unified party. That's vital if she is to make a fundamental difference.

Simpson-Miller would be the first to tell anyone that she can't run Jamaica alone and would need the full cooperation of every sector, beginning with the party and going into the larger community—business, the church, labor, civil society, the middle class, working class, the youth and the elderly.

Clearly, she can bring the nation together behind a shared vision designed to take Jamaica forward, not by rhetoric but by solid action and clear thinking.

Jamaicans of all walks of life, whether at home or in North America, the United Kingdom, the Caribbean wherever have already signaled that they are eager to join forces with their new leader.

Judging from their reaction to her victory, Jamaicans in the Diaspora who are a linchpin to the island's continued development and who routinely put aside partisan political differences when opportunity and necessity knock, have full confidence in Simpson-Miller's government. The tens of billions of dollars, which they have sent back to families, are but one example of their commitment to Jamaica. Their technical expertise in a variety of fields which many of them currently put at the government's and the country's disposal is another.

A leading daily paper in Kingston pointed out a few days ago, immediately after Simpson-Miller's victory that violent crime ''must be dealt with if we are to build a prosperous and vibrant society for all our people.''

We couldn't agree more.

CELEBRATING INTERNATIONAL WOMEN'S DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mrs. MALONEY. Mr. Speaker, March 8, International Women's Day, is an occasion marked by women around the world. On this day, women on all continents, despite cultural and political differences, come together to reflect on progress made while recognizing the continuing need to fight for equality, justice, and peace.

Today, I join with my colleagues in welcoming a delegation of Iraqi women in celebration of International Women's Day. Although these women represent a broad range of backgrounds, they all share a common goal of realizing their country's transition to democracy and the benefits of peace.

The Iraqi delegation is led by Nasreen Berwari, minister of Municipalities and Public Works, who has fearlessly worked to encourage the women of Iraq to seize political opportunities in the post-Saddam Iraq.

I have had the pleasure of meeting today with two remarkable women who are contributing to Iraq's future by serving in its government.

These women will have the opportunity to participate in a job shadowing program so that they might take back to their own country some of the experiences of women in government here in the United States as it embarks on the road to democracy.

During this historical moment for the country of Iraq, it is vitally important that women's equality and rights are assured. Every country that protects its women is a stronger country, and Iraq will be a stronger country if women are able to preserve their representation in the new Iraqi Government.

Because March is Women's History Month, it is my hope that the international community will recognize the struggles of women throughout history as well as the struggles women continue to face today while celebrating the contributions of women to the world. Despite many gains, women are still fighting against oppression and are still relegated to the status of second-class citizens throughout the world.

As a strong defender of international family planning, I am a longtime supporter of organizations, such as the U.N. Population Fund, that have been, and continue to be, leaders in the movement to stabilize global population and improve the status of women.

Statistics show that when the status of women is improved, the status of the family is improved and, in turn, the entire community flourishes. With this in mind, I will continue to fight to ensure the protection of women across the globe.

Even in the face of adversity, women throughout history have shown courage and determination in their fight for peace and equality. Today, on International Women's Day, we honor the legacy of those women who made great strides in the advancement of women's rights and recommit ourselves to the challenges ahead.

IN HONOR AND REMEMBRANCE OF ROSE NADER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Rose Nader, loving mother, grandmother, great-grandmother, community activist, author and dear friend and mentor to many. Her passing marks a great loss for her family and friends, and also for the people of Winsted, CT, whom she consistently inspired and served with the highest level of dedication and honor.

The great care and love that Mrs. Nader showered on her family extended throughout her community, where she carried the torch of advocacy on behalf of many social justice issues. She became deeply involved in many local, national and global issues, including active memberships in Peace Action, Co-Op America and the Women's International Relations Committee. Following a devastating flood in Winsted in the 1950's, Mrs. Nader organized a public gathering and refused to relent until U.S. Senator Prescott Bush promised to build a dry dam. The dam was built and the city of Winsted has been dry for half a century.

Born and raised in Lebanon, Mrs. Nader worked as a teacher of French and Arabic before emigrating to America with her husband, Nathra Nader. Together they raised four children, with family the central focus of her life. She instilled values of integrity, hard work and active citizenship within the hearts and minds of her children, gently guiding and always teaching. Mrs. Nader offered them gifts of experience and wisdom through song, proverbs and culinary traditions of her beloved homeland, infusing her wisdom and joy around the kitchen table, connecting the old world to the new.

Mr. Speaker and colleagues, please join me in honor and remembrance of Rose Nader, whose unbridled joy for life served as a source of love, inspiration and guidance for her family and friends and for the people of Winsted, CT. I extend my deepest condolences to her children, Claire, Laura, Ralph, and the memory of Shafeek; to her three grandchildren and three great-grandchildren; and also to her extended family and many friends. Mrs. Nader's infinite heart and unwavering focus on giving back to the community will forever live within the hearts of family and friends, and will forever illuminate the soul of Winsted, CT, and miles beyond.

CONGRATULATIONS TO KARL AND FAYE RODNEY ON THEIR RECOGNITION FOR FOUNDING THE NEW YORK CARIB NEWS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to congratulate Karl B. Rodney and Faye A. Rodney, publisher and president, respectively of New York Carib News on receiving the "Measure of a Man" award conferred by the New York State Conference of NAACP in recognition of their work as entrepreneurs and journalists and to enter into the RECORD a Carib News story briefly describing the recognition.

During a Feb. 23 ceremony, the Rodneys were lauded by a cross-section group of distinguished New Yorkers for their service to the community in founding the newspaper a quarter of a century ago which today serves as a vital bridge between the Caribbean American community and the greater New York City area. The New York Carib News fulfills a responsibility in educating not only my constituents whom I proudly represent but myself as well, as I often am able to take away so much from the newspaper in terms of familiarity of ever-changing Caribbean socio-political affairs.

The New York Carib News was founded to fill a recognized void in communication of the growing Caribbean-American community. Carib News was designed to provide consistent, timely, accurate, and reliable information of the Caribbean region, and the Caribbean-American communities in the United States.

It has since flourished into the largest circulated publication serving the Caribbean-American community. Because of the pioneering efforts of the Rodneys, Carib News is now a recognized institution of the community playing a substantial role in projecting its importance and promise. Mr. Speaker, please join me once again in congratulating the Rodneys for their triumphs in journalism and writing of the challenges facing the Caribbean nations.

[From Carib News, March 7, 2006]

NAACP NYS CONFERENCE HONORS RODNEYS WITH "MEASURE OF A MAN" AWARD

NEW YORK.—On Thursday, February 23, the Metropolitan Council of the New York State Conference of NAACP invited a cross section of New Yorkers to join them in honoring Karl B. Rodney and Faye A. Rodney, Publisher and President respectively of New York Carib News, in recognition of their outstanding achievements as journalists and entrepreneurs.

The awards reception represented an Annual event under the theme "Measure of a Man", an excerpt from one ofthe speeches of Dr. Martin Luther King Jr. It was held at the New York Hilton & Towers Hotel and the Rodneys were honored for founding The New York Carib News, a weekly newspaper that has become a respected voice in the community and has served as a bridge between the Caribbean American and the community -at-large.

In the past, distinguished New Yorkers who have been similarly honored include David N. Dinkins, Rabbi Marc Schneier, Dr. Sandye P. Johnson, Principal of the Thurgood Marshall Academy and the Reverend Al Sharpton.

The Rodneys were commended for forty years of extraordinary public service and enduring commitment to the pursuit of equal opportunity for all.

As noted by Rabbi Marc Schneier, President of the Foundation for Ethnic Understanding, one of the attendees at the event: "I was honored to participate in this celebration and am pleased to note that the honorees have truly embraced the teachings of Dr. Martin Luther King Jr. who understood the principle that a people who are fighting for their rights are only as honorable as when they fight for the rights of all peoples.

The Rodneys have championed the civil and Human Rights for all ethnic groups."

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. DINGELL. Madam Speaker, I rise in strong opposition to S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments. I am deeply concerned that such an important piece of legislation has been placed on the suspension calendar. We should take a deliberate and considered look at the Senate changes and not just be a rubber stamp.

Considering this bill was originally conceived with little to no debate in the House and Senate, we should take a second look at what these changes will mean for our Nation. Unfortunately, it appears these changes do little to address the serious concerns that I and many of my colleagues have had with the law since its inception. I will mention two such issues.

First, under this bill, the library record issue remains. While there have been some small cosmetic changes regarding the library provision, the government can still gain access to library, medical, financial, firearms sales, and other private records under Section 215. More importantly, the government can do so without any evidence that a person is a terrorist, conspiring with a terrorist organization, knows a terrorist, or has been seen in the vicinity of a terrorist. In fact, a person does not have to do anything illegal at all. We must ensure that proper civil liberties protections are in place.

Next, the gag order that was in the original PATRIOT Act remains in place. As we all know, the PATRIOT Act prohibits someone from talking about or challenging an order under Section 215. This legislation would supposedly allow the recipient to challenge a gag order after 1 year. Yet, this same bill would conclusively presume any government expression of national security concerns is valid, therefore letting the gag order stand. A conclusive presumption by one's accuser in a court of law offers no protection to the accused. As a former prosecutor, I understand this type of legal presumption can and will be used to the benefit of the government's case. The deck is stacked in the government's favor.

Madam Speaker, we must work to protect civil liberties and ensure that we protect our Nation from terrorism. This bill does not strike the right tone and may do more harm than good. I urge my colleagues to vote against this legislation.

RECOGNIZING THE COMMITMENT OF CADWALADER, WICKERSHAM & TAFT LLP TO 9/11 FAMILIES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mrs. MALONEY. Mr. Speaker, I rise to recognize the humanitarian work of our nation's oldest continuing Wall Street law practice, Cadwalader, Wickersham & Taft LLP.

Founded in 1792, Cadwalader, Wickersham & Taft LLP not only has a long-standing tradition of providing their clients with unparalleled service and legal expertise, but also serving their community.

No better example of this came in the aftermath of the terrorist attacks of September 11, 2001, with the creation of ''The 9/11 Project.''

''The 9/11 Project'' was established in October 2001 to provide representation to the families of 70 union-member workers who died in the World Trade Center attacks. Coordinated by New York Lawyers for the Public Interest, the Project depended on the tireless energy and commitment of volunteers from nine New York City law firms and two financial service firms, as well as the support of officials from Local 100 of the Hotel and Employees and Restaurant Employees Union and Local 32BJ of the Service Employees International Union, the Management of Windows on the World, and the Association of the Bar of New York.

Since successfully representing these families before the 9/11 Victims Compensation Fund, lead attorney, Debra Steinberg, has also worked to develop legislation to provide permanent immigration status to those family members who remain in immigration limbo following the attacks.

Working with Mrs. Steinberg, Congressman Peter King and I introduced H.R. 3575, the September 11th Family Humanitarian Relief and Patriotism Act in the House of Representatives. Companion legislation was introduced in the Senate by Senator John Corzine and is S. 1620.

Today, I ask all of my colleagues to join the effort started by ''The 9/11 Project'' and support this legislation. These 9/11 families have already suffered enough and deserve our support to remove them from the immigration limbo that they are currently in.

IN HONOR AND REMEMBRANCE OF FRANK M. DUMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Frank M. Duman, beloved husband, father, grandfather, great-grandfather, dedicated civil servant, promoter of the classical arts and friend and mentor to many, including myself.

Mr. Duman was born and raised in Cleveland and remained in the city his entire life. For 50 years, he lived in the same house in the Old Brooklyn neighborhood, where he and his wife Olivia raised their four sons. Following his graduation from Ohio University in 1941, Mr. Duman was recommended by then Safety Director Eliot Ness for a position in the city recreation department. Mr. Duman's unwavering work ethic and meticulous approach to his work reflected throughout his professional career. He ascended the ranks of city government and served in several leadership capacities, including Superintendent for City Park Maintenance, Parks Commissioner and Director of the Cleveland Convention Center.

Mr. Duman worked for nine City of Cleveland mayoral administrations, including my own. He never sought out the spotlight, rather, he was content to work diligently behind the scenes, making sure that goals were reached, improvements were made and projects were completed. Mr. Duman's leadership drew premier leaders in the business industry to the Convention Center. He also promoted the Cleveland's established status as a national arts center by procuring annual visits of the New York Metropolitan Opera.

Mr. Speaker and Colleagues, please join me in honor, remembrance and gratitude to Mr. Frank M. Duman, whose life was highlighted by his unwavering devotion to his family and to his community. I offer my condolences to his wife of 62 years, Olivia; to his sons, Richard, Robert, Donald and James; to his seven grandchildren and two great-grandchildren; and to his extended family members and many friends. Mr. Duman's life, lived with great joy and accomplishment, will forever reflect within his family, friends and throughout our community, and he will be remembered always.

COMMEMORATION OF THE LIFE OF GORDON PARKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to express my deep appreciation of the life and legacy of Gordon Parks. A gifted photographer and director, Parks, passed away Tuesday, March 7 at the age of 93. I would also like to enter into the RECORD numerous obituaries chronicling his life's achievements.

Born in 1912, in Fort Scott, Kansas, he was the son of a dirt farmer and overcame tremendous obstacles to become a trailblazer—breaking down barriers posed to blacks throughout media and entertainment. The youngest of 15 children, Parks was orphaned at 16 when his mother died. After leaving high school before graduation, he found himself drawn to photography as a means of social documentary to advance those forgotten in the community. He referred to his photography as ''his weapon against poverty and racism,'' and used his skill to give a voice to the black experience. ''I never allowed the fact that I experienced bigotry and discrimination to step in the way of doing what I have to do,'' he once said. ''I don't understand how other people let that destroy them.''

His first substantial work came when he began work in 1942 as a documentary photographer with the Farm Security Administration, an agency created to call attention to and produce a historical record of social and cultural conditions across the country. Six years later, Parks became the first black person to work at Life magazine where he covered poverty, segregation, crime and other issues through poignant photo essays. He was also the first black writer to join Vogue and the first to write, direct and score a Hollywood movie ''The Learning Tree'', based on a 1963 novel he wrote about his life as a farm boy. He later directed the 1971 film ''Shaft''.

Parks was a passionate voice and a pioneer in the civil rights movement. While his mark was made documenting the human consequences of intolerance and crime through photojournalism, him empathy also shone through novels, poetry, autobiography, and nonfiction including photographic instructional manuals and filmmaking books. A self-taught

pianist, Parks composed Concerto for Piano and Orchestra (1953) and Tree Symphony (1967). In 1989, he composed and choreographed ''Martin,'' a ballet dedicated to civil rights leader Martin Luther King Jr. Parks also performed as a jazz pianist and as a campaigner for civil rights.

Mr. Speaker, please join me in honoring the life of Gordon Parks, a man who not only changed the face of photography, but refused to ignore the most forgotten.

[From Reuters, March 7, 2006]

FILMMAKER GORDON PARKS DIES

(By Bob Tourtellotte)

LOS ANGELES (Reuters).—Gordon Parks, the pioneering black photographer and filmmaker who explored the African-American experience in his work, including landmark movies ''The Learning Tree'' and ''Shaft,'' died on Tuesday in New York, a relative said.

Parks, 93, had been in failing health, said the nephew, Charles Parks, who lives in Lawrence, Kansas.

Born in Fort Scott, Kansas, Parks was orphaned by age 15 and grew up homeless. He worked a variety of menial jobs before taking up photography in the late 1930s. He joined ''Life'' magazine in the late 1940s and became its first black staff photographer, remaining with the publication until 1968.

He worked at several government jobs as a photographer and was a correspondent for the U.S. Office of War Information during World War Two. After the war, he served for a stint as a fashion photographer for Vogue magazine.

But it was at ''Life'' where he made his mark documenting the human consequences of intolerance and crime. He was equally at ease with gangsters as with cops, and he won the trust of the fiery Malcolm X, the militant Black Panthers and ordinary black Americans who lived in big cities and small, rural towns.

His photo of a black cleaning lady, standing in front of a huge American flag, mop in one hand, broom in the other and a resigned look on her face, became one of his best known shots.

''I suffered first as a child from discrimination, and poverty to a certain extent, bigotry in my hometown in Kansas,'' Parks told Reuters in a 2000 interview. ''So I think it was a natural follow from that that I should use my camera to speak for people who are unable to speak for themselves.''

PHOTOS TO FILM

He turned to filmmaking in the late 1960s, and in 1971 directed the hit movie ''Shaft,'' one of the first of a wave of ''blaxploitation'' films that directly targeted a black American audiences and typically featured exaggerated sexuality, violence and funk or soul music.

''Shaft'' starred Richard Roundtree as a police detective who was as street tough as he was sexy with the ladies. It spawned a hit song, ''Theme from 'Shaft' '' by Isaac Hayes, and in 2000 was remade by director John Singleton with Samuel L. Jackson in the lead role.

In 2000, when HBO aired a documentary on the photographer and moviemaker, called ''Half Past Autumn: The Life and Works of Gordon Parks,'' he said the two films were hard to compare.

''There was a lot of humanity in the first one that was lacking in the second one,'' he said. ''People probably want more violence now and so on.''

Parks' first movie, 1969's ''The Learning Tree,'' was adapted from a novel he wrote about growing up poor and black in 1920s Kansas. He became the first black to write and direct a major studio production when Warner Bros. commissioned him to adapt his book to the big screen.

In 1989, the film was among the first 25 to be deemed culturally and historically significant and was preserved in the U.S. National Film Registry for future generations.

Over the years, he wrote volumes of poetry and fiction, grew into an accomplished pianist and wrote a ballet about the life of slain civil rights leader Martin Luther King, Jr., titled ''Martin,'' which aired on the PBS network in the United States.

[From the New York Times, Mar. 8, 2006]

GORDON PARKS, A MASTER OF THE CAMERA, DIES AT 93

(By Andy Grundberg)

Gordon Parks, the photographer, filmmaker, writer and composer who used his prodigious, largely self-taught talents to chronicle the African-American experience and to retell his own personal history, died yesterday at his home in Manhattan. He was 93.

His death was announced by Genevieve Young, his former wife and executor. Gordon Parks was the first African-American to work as a staff photographer for Life magazine and the first black artist to produce and direct a major Hollywood film, ''The Learning Tree,'' in 1969.

He developed a large following as a photographer for Life for more than 20 years, and by the time he was 50 he ranked among the most influential image makers of the postwar years. In the 1960's he began to write memoirs, novels, poems and screenplays, which led him to directing films. In addition to ''The Learning Tree,'' he directed the popular action films ''Shaft'' and ''Shaft's Big Score!'' In 1970 he helped found Essence magazine and was its editorial director from 1970 to 1973.

An iconoclast, Mr. Parks fashioned a career that resisted categorization. No matter what medium he chose for his self-expression, he sought to challenge stereotypes while still communicating to a large audience. In finding early acclaim as a photographer despite a lack of professional training, he became convinced that he could accomplish whatever he set his mind to. To an astonishing extent, he proved himself right.

Gordon Parks developed his ability to overcome barriers in childhood, facing poverty, prejudice and the death of his mother when he was a teen-ager. Living by his wits during what would have been his high-school years, he came close to being claimed by urban poverty and crime. But his nascent talent, both musical and visual, was his exit visa.

His success as a photographer was largely due to his persistence and persuasiveness in pursuing his subjects, whether they were film stars and socialites or an impoverished slum child in Brazil.

Mr. Parks's years as a contributor to Life, the largest-circulation picture magazine of its day, lasted from 1948 to 1972, and it cemented his reputation as a humanitarian photojournalist and as an artist with an eye for elegance. He specialized in subjects relating to racism, poverty and black urban life, but he also took exemplary pictures of Paris fashions, celebrities and politicians.

''I still don't know exactly who I am,'' Mr. Parks wrote in his 1979 memoir, ''To Smile in Autumn.'' He added, ''I've disappeared into myself so many different ways that I don't know who 'me' is.''

Much of his literary energy was channeled into memoirs, in which he mined incidents from his adolescence and early career in an effort to find deeper meaning in them. His talent for telling vivid stories was used to good effect in ''The Learning Tree,'' which he wrote first as a novel and later converted into a screenplay. This was a coming-of-age story about a young black man whose childhood plainly resembled the author's. It was well received when it was published in 1963 and again in 1969, when Warner Brothers released the film version. Mr. Parks wrote, produced and directed the film and wrote the music for its soundtrack. He was also the cinematographer.

''Gordon Parks was like the Jackie Robinson of film,'' Donald Faulkner, the director of the New York State Writers Institute, once said. ''He broke ground for a lot of people—Spike Lee, John Singleton.''

Mr. Parks's subsequent films, ''Shaft'' (1971) and ''Shaft's Big Score!'' (1972), were prototypes for what became known as blaxploitation films. Among Mr. Park's other accomplishments were a second novel, four books of memoirs, four volumes of poetry, a ballet and several orchestral scores. As a photographer Mr. Parks combined a devotion to documentary realism with a knack for making his own feelings self-evident. The style he favored was derived from the Depression-era photography project of the Farm Security Administration, which he joined in 1942 at the age of 30.

Perhaps his best-known photograph, which he titled ''American Gothic,'' was taken during his brief time with the agency; it shows a black cleaning woman named Ella Watson standing stiffly in front of an American flag, a mop in one hand and a broom in the other. Mr. Parks wanted the picture to speak to the existence of racial bigotry and inequality in the nation's capital. He was in an angry mood when he asked the woman to pose, having earlier been refused service at a clothing store, a movie theater and a restaurant.

Anger at social inequity was at the root of many of Mr. Parks's best photographic stories, including his most famous Life article, which focused on a desperately sick boy living in a miserable Rio de Janeiro slum. Mr. Parks described the plight of the boy, Flavio da Silva, in realistic detail. In one photograph Flavio lies in bed, looking close to death. In another he sits behind his baby brother, stuffing food into the baby's mouth while the baby reaches his wet, dirty hands into the dish for more food.

Mr. Parks's pictures of Flavio's life created a groundswell of public response when they were published in 1961. Life's readers sent some $30,000 in contributions, and the magazine arranged to have the boy flown to Denver for medical treatment for asthma and paid for a new home in Rio for his family.

Mr. Parks credited his first awareness of the power of the photographic image to the pictures taken by his predecessors at the Farm Security Administration, including Jack Delano, Dorothea Lange, Arthur Rothstein and Ben Shahn. He first saw their photographs of migrant workers in a magazine he picked up while working as a waiter in a railroad car. ''I saw that the camera could be a weapon against poverty, against racism, against all sorts of social wrongs,'' he told an interviewer in 1999. ''I knew at that point I had to have a camera.''

Many of Mr. Parks's early photo essays for Life, like his 1948 story of a Harlem youth gang called the Midtowners, were a revelation for many of the magazine's predominantly white readers and a confirmation for Mr. Parks of the camera's power to shape public discussion.

But Mr. Parks made his mark mainly with memorable single images within his essays, like ''American Gothic,'' which were iconic in the manner of posters. His portraits of Malcolm X (1963), Muhammad Ali (1970) and the exiled Eldridge and Kathleen Cleaver (1970) evoked the styles and strengths of black leadership in the turbulent transition from civil rights to black militancy.

But at Life Mr. Parks also used his camera for less politicized, more conventional ends, photographing the socialite Gloria Vanderbilt, who became his friend; a fashionable Parisian in a veiled hat puffing hard on her cigarette, and Ingrid Bergman and Roberto Rossellini at the beginning of their notorious love affair.

On his own time he photographed female nudes in a style akin to that of Baroque painting, experimented with double-exposing color film and recorded pastoral scenes that evoke the pictorial style of early-20-century art photography.

Much as his best pictures aspired to be metaphors, Mr. Parks shaped his own life story as a cautionary tale about overcoming racism, poverty and a lack of formal education. It was a project he pursued in his memoirs and in his novel; all freely mix documentary realism with a fictional sensibility.

The first version of his autobiography was ''A Choice of Weapons'' (1966), which was followed by ''To Smile in Autumn'' (1979) and ''Voices in the Mirror: An Autobiography'' (1990). The most recent account of his life appeared in 1997 in ''Half Past Autumn'' (Little, Brown), a companion to a traveling exhibition of his photographs.

Gordon Roger Alexander Buchanan Parks was born on Nov. 30, 1912, in Fort Scott, Kan. He was the youngest of 15 children born to a tenant farmer, Andrew Jackson Parks, and the former Sarah Ross. Although mired in poverty and threatened by segregation and the violence it engendered, the family was bound by Sarah Parks's strong conviction that dignity and hard work could overcome bigotry.

Young Gordon's security ended when his mother died. He was sent to St. Paul, Minn., to live with the family of an older sister. But the arrangement lasted only a few weeks; during a quarrel, Mr. Parks's brother-in-law threw him out of the house. Mr. Parks learned to survive on the streets, using his untutored musical gifts to find work as a piano player in a brothel and later as the singer for a big band. He attended high school in St. Paul but never graduated.

In 1933 he married a longtime sweetheart, Sally Alvis, and they soon had a child, Gordon Jr. While his family stayed near his wife's relatives in Minneapolis, Mr. Parks traveled widely to find work during the Depression. He joined the Civilian Conservation Corps, toured as a semi-pro basketball player and worked as a busboy and waiter. It was while he was a waiter on the North Coast Limited, a train that ran between Chicago and Seattle, that he picked up a magazine discarded by a passenger and saw for the first time the documentary pictures of Lange, Rothstein and the other photographers of the Farm Security Administration.

In 1938 Mr. Parks purchased his first camera at a Seattle pawn shop. Within months he had his pictures exhibited in the store windows of the Eastman Kodak store in Minneapolis, and he began to specialize in portraits of African-American women.

He also talked his way into making fashion photographs for an exclusive St. Paul clothing store. Marva Louis, the elegant wife of the heavyweight champion Joe Louis, chanced to see his photographs and was so impressed that she suggested that he move to Chicago for better opportunities to do more of them.

In Chicago Mr. Parks continued to produce society portraits and fashion images, but he also turned to documenting the slums of the South Side. His efforts gained him a Julius Rosenwald Fellowship, which he spent as an apprentice with the Farm Security Administration's photography project in Washington under its director, Roy Stryker.

In 1943, with World War II under way, the farm agency was disbanded and Stryker's project was transferred to the Office of War Information (O.W.I.). Mr. Parks became a correspondent for the O.W.I. photographing the 332d Fighter Group, an all-black unit based near Detroit. Unable to accompany the pilots overseas, he relocated to Harlem to search for freelance assignments.

In 1944 Alexander Liberman, then art director of Vogue, asked him to photograph women's fashions, and Mr. Parks's pictures appeared regularly in the magazine for 5 years. Mr. Parks's simultaneous pursuit of the worlds of beauty and of tough urban textures made him a natural for Life magazine. After talking himself into an audience with Wilson Hicks, Life's fabled photo editor, he emerged with two plum assignments: one to create a photo essay on gang wars in Harlem, the other to photograph the latest Paris collections.

Life often assigned Mr. Parks to subjects that would have been difficult or impossible for a white photojournalist to carry out, such as the Black Muslim movement and the Black Panther Party. But Mr. Parks also enjoyed making definitive portraits of Barbra Streisand, Samuel Barber, Aaron Copland, Alberto Giacometti and Alexander Calder. From 1949 to 1951 he was assigned to the magazine's bureau in Paris, where he photographed everything from Marshal Pétain's funeral to scenes of everyday life. While in Paris he socialized with the expatriate author Richard Wright and wrote his first piano concerto, using a musical notation system of his own devising.

As the sole black photographer on Life's masthead in the 1960's, Mr. Parks was frequently characterized by black militants as a man willing to work for the oppressor. In the mid–1960's he declined to endorse a protest against the magazine by a number of black photographers, including Roy DeCarava, who said they felt that the editorial assignment staff discriminated against them. Mr. DeCarava never forgave him.

At the same time, according to Mr. Parks's memoirs, Life's editors came to question his ability to be objective. ''I was black,'' he noted in ''Half Past Autumn,'' ''and my sentiments lay in the heart of black fury sweeping the country.''

In 1962, at the suggestion of Carl Mydans, a fellow Life photographer, Mr. Parks began to write a story based on his memories of his childhood in Kansas. The story became the novel ''The Learning Tree,'' and its success opened new horizons, leading him to write his first memoir, ''A Choice of Weapons''; to combine his photographs and poems in a book called ''A Poet and His Camera'' (1968) and, most significantly, to become a film director, with the movie version of ''The Learning Tree'' in 1969.

Mr. Parks's second film, ''Shaft,'' released in 1971, was a hit of a different order. Ushering in an onslaught of genre movies in which black protagonists played leading roles in violent, urban crime dramas, ''Shaft'' was both a commercial blockbuster and a racial breakthrough. Its hero, John Shaft, played by Richard Roundtree, was a wily private eye whose success came from operating in the interstices of organized crime and the law. Isaac Hayes won an Oscar for the theme music, and the title song became a pop hit.

After the successful ''Shaft'' sequel in 1972 and a comedy called ''The Super Cops'' (1974), Mr. Parks's Hollywood career sputtered to a halt with the film ''Leadbelly'' (1976). Intended as an homage to the folk singer Huddie Ledbetter, who died in 1949, the movie was both a critical and a box-office failure. Afterward Mr. Parks made films only for television.

After departing Life in 1972, the year the magazine shut down as a weekly, Mr. Parks continued to write and compose. His second novel, ''Shannon'' (1981), about Irish immigrants at the beginning of the century, is the least autobiographical of his writing. He wrote the music and the libretto for the 1989 ballet ''Martin,'' a tribute to the Rev. Dr. Martin Luther King Jr., choreographed by Rael Lamb.

He also continued to photograph. But much of Mr. Parks's artistic energy in the 1980's and 1990's was spent summing up his productive years with the camera. In 1987, the first major retrospective exhibition of his photographs was organized by the New York Public Library and the Ulrich Museum of Art at Wichita State University.

The more recent retrospective, ''Half Past Autumn: The Art of Gordon Parks,'' was organized in 1997 by the Corcoran Museum of Art in Washington. It later traveled to New York and to other cities. Many honors came Mr. Parks's way, including a National Medal of Arts award from President Ronald Reagan in 1988. The man who never finished high school was a recipient of 40 honorary doctorates from colleges and universities in the United States and England.

His marriages to Sally Alvis, Elizabeth Campbell and Genevieve Young ended in divorce. A son from his first marriage, Gordon Parks Jr., died in 1979 in a plane crash while making a movie in Kenya. He is survived by his daughter Toni Parks Parson and his son David, also from his first marriage, and a daughter, Leslie Parks Harding, from his second marriage; five grandchildren; and five great grandchildren.

''I'm in a sense sort of a rare bird,'' Mr. Parks said in an interview in The New York Times in 1997. ''I suppose a lot of it depended on my determination not to let discrimination stop me.'' He never forgot that one of his teachers told her students not to waste their parents' money on college because they would end up as porters or maids anyway. He dedicated one honorary degree to her because he had been so eager to prove her wrong.

''I had a great sense of curiosity and a great sense of just wanting to achieve,'' he said. ''I just forgot I was black and walked in and asked for a job and tried to be prepared for what I was asking for.''

[From the Associated Press, Mar. 8, 2006]

FILMMAKER GORDON PARKS DIES AT 93

(By Polly Anderson)

NEW YORK.—Gordon Parks, who captured the struggles and triumphs of black America as a photographer for Life magazine and then became Hollywood's first major black director with ''The Learning Tree'' and the hit ''Shaft,'' died Tuesday, his family said. He was 93.

Parks, who also wrote fiction and was an accomplished composer, died at his home in New York, according to a former wife, Genevieve Young, and nephew Charles Parks.

''Nothing came easy,'' Parks wrote in his autobiography. ''I was just born with a need to explore every tool shop of my mind, and with long searching and hard work. I became devoted to my restlessness.''

He covered everything from fashion to politics to sports during his 20 years at Life, from 1948 to 1968.

But as a photographer, he was perhaps best known for his gritty photo essays on the grinding effects of poverty in the United States and abroad and on the spirit of the civil rights movement.

''Those special problems spawned by poverty and crime touched me more, and I dug into them with more enthusiasm,'' he said. ''Working at them again revealed the superiority of the camera to explore the dilemmas they posed.''

In 1961, his photographs in Life of a poor, ailing Brazilian boy named Flavio da Silva brought donations that saved the boy and purchased a new home for him and his family.

''The Learning Tree'' was Parks' first film, in 1969. It was based on his 1963 autobiographical novel of the same name, in which the young hero grapples with fear and racism as well as first love and schoolboy triumphs. Parks wrote the score as well as directed.

In 1989, ''The Learning Tree'' was among the first 25 American movies to be placed on the National Film Registry of the Library of Congress. The registry is intended to highlight films of particular cultural, historical or aesthetic importance.

The detective drama ''Shaft,'' which came out in 1971 and starred Richard Roundtree, was a major hit and spawned a series of black-oriented films. Parks himself directed a sequel, ''Shaft's Big Score,'' in 1972, and that same year his son Gordon Jr. directed ''Superfly.'' The younger Parks was killed in a plane crash in 1979.

Roundtree said he had a ''sneaking suspicion'' that the Shaft character was based on Parks.

''Gordon was the ultimate cool,'' he said by telephone. ''There's no one cooler than Gordon Parks.''

Parks also published books of poetry and wrote musical compositions including ''Martin,'' a ballet about the Rev. Martin Luther King Jr.

Parks was born Nov. 30, 1912, in Fort Scott, Kan., the youngest of 15 children. In his 1990 autobiography, ''Voices in the Mirror,'' he remembered it as a world of racism and poverty, but also a world where his parents gave their children love, discipline and religious faith.

He went through a series of jobs as a teen and young man, including piano player and railroad dining car waiter. The breakthrough came when he was about 25, when he bought a used camera in a pawn shop for $7.50. He became a freelance fashion photographer, went on to Vogue magazine and then to Life in 1948.

''Reflecting now, I realize that, even within the limits of my childhood vision, I was on a search for pride, meanwhile taking measurable glimpses of how certain blacks, who were fed up with racism, rebelled against it,'' he wrote.

When he accepted an award from Wichita State University in May 1991, he said it was ''another step forward in my making peace with Kansas and Kansas making peace with me.''

''I dream terrible dreams, terribly violent dreams,'' he said. ''The doctors say it's because I suppressed so much anger and hatred from my youth. I bottled it up and used it constructively.''

In his autobiography, he recalled that being Life's only black photographer put him in a peculiar position when he set out to cover the civil rights movement.

''Life magazine was eager to penetrate their ranks for stories, but the black movement thought of Life as just another white establishment out of tune with their cause,'' he wrote. He said his aim was to become ''an objective reporter, but one with a subjective heart.''

The story of young Flavio prompted Life readers to send in $30,000, enabling his family to build a home, and Flavio received treatment for his asthma in an American clinic. By the 1970s, he had a family and a job as a security guard, but more recently the home built in 1961 has become overcrowded and run-down.

Still, Flavio stayed in touch with Parks off and on, and in 1997 Parks said, ''If I saw him tomorrow in the same conditions, I would do the whole thing over again.''

Life's managing editor, Bill Shapiro, said in a statement Tuesday that it had ''lost one of its dearest members. ''

''Gordon was one of the magazine's most accomplished shooters and one of the very greatest American photographers of the 20th century,'' the statement said. ''He moved as easily among the glamorous figures of Hollywood and Paris as he did among the poor in Brazil and the powerful in Washington.''

In addition to novels, poetry and his autobiographical writings, Parks' writing credits included nonfiction such as ''Camera Portraits: Techniques and Principles of Documentary Portraiture,'' 1948, and a 1971 book of essays called ''Born Black.''

His other film credits included ''The Super Cops,'' 1974; ''Leadbelly,'' 1976; and ''Solomon Northup's Odyssey,'' a TV film from 1984.

Recalling the making of ''The Learning Tree,'' he wrote: ''A lot of people of all colors were anxious about the breakthrough, and I was anxious to make the most of it. The wait had been far too long. Just remembering that no black had been given a chance to direct a motion picture in Hollywood since it was established kept me going.''

Last month, health concerns had kept Parks from accepting the William Allen White Foundation National Citation in Kansas, but he said in a taped presentation that he still considered the State his home and wanted to be buried in Fort Scott.

Two years ago, Fort Scott Community College established the Gordon Parks Center for Culture and Diversity.

Jill Warford, its executive director, said Tuesday that Parks ''had a very rough start in life and he overcame so much, but was such a good person and kind person that he never let the bad things that happened to him make him bitter.''

Parks is survived by a son and two daughters, Young said. Funeral arrangements were pending, she said.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. MALONEY. Madam Speaker, I rise in opposition to S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006.

Although this legislation makes some improvements to the version of the bill I voted against in December, it still does not do enough to protect the civil liberties of innocent Americans—civil liberty protections that I tried to include by seeking permission to offer an amendment that would have strengthened the Privacy and Civil Liberties Oversight Board. Unfortunately, the Rules Committee refused to even allow this amendment to be debated when the House first considered this legislation last year.

Despite these revisions, libraries, businesses, and doctor's offices still could be forced to turn over the records of patrons with insufficient judicial oversight or independent review. This lack of oversight by the courts extends to the recipients of Section 215 orders and National Security Letters who were unable to force a review until a year had passed. Finally, this bill does not force government agents to inform the owners of homes subject to ''sneak and peek'' searches within seven days.

I continue to have strong concerns that Congress is relinquishing its oversight duties by making permanent fourteen of sixteen provisions included in the original PATRIOT Act passed in 2001. We all want to prevent terrorist attacks by apprehending suspected leaders and participants before they have the chance to act on their plans. However, we should not cast aside the Constitution in the process. I do not think it is too much for our constituents to expect their elected representatives to be diligent in protecting their rights.

I urge my colleagues to vote against this legislation.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

SPEECH OF

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. PAYNE. Madam Speaker, I rise today to express my dismay at the passage of the unwise and unsound provisions contained in S. 2271, the USA PATRIOT Act Reauthorizing Amendments Act of 2006. Unfortunately, I was unavoidably detained during the vote and could not cast my strong opposition to the reauthorization of this act.

I am deeply concerned about this flawed piece of legislation that purports to protect our country against future terrorist acts while still preserving our civil liberties. I do not agree that both objectives are mutually exclusive. However, as was evident during its rash passage in 2001, this bill forsakes one aim in favor another. While this version of the Patriot Act, with Senator JOHN SUNUNU's amendments, adds some civil liberty protections, these changes are only cosmetic and are still an infringement upon many of our constitutional rights including the First, Fourth and Fifth Amendments. A reauthorization process should be a time in which legislators analyze how a law has impacted society and works towards its improvement. I even saw a slight glimmer of hope when many Senators from both sides of the aisle exemplified patriotism and questioned how this law is contradictory to what this nation stands for and upon which it prides itself. I applaud their courage and their effort. Unfortunately, the debate surrounding this bill was met with stern opposition from the White House and many Members of Congress.

It is never wise to pass knee-jerk legislation. In the wake of 9/11, the US Congress quickly passed the Patriot Act without fully understanding its implications and how its infringements upon the Constitution could lead to abuses. It essentially gave the Executive Branch carte-blanche to pursue whatever actions it thought appropriate in the fight against terrorism. As evidenced by the Bush administration's warrantless domestic surveillance program, it is quite evident that civil liberties must be safeguarded not stripped. The government will still have the ability to employ National Security Letters and Section 215 court orders to

go on fishing expeditions and obtain private and confidential records on the basis that there is ''reasonable grounds to believe'' that these records are ''relevant'' to an investigation. Furthermore, the government will still be able to delay notifying individuals that their private property has been searched. While there is an initial leeway of 30-days, the government can seek an indefinite amount of 90-day extensions. Where will the encroachments end?

Through the passage of this legislation, we have done our country a great disservice. At this juncture, we could have sought true and meaningful reform that not only protected this great nation from terrorists but also from the improper intrusions that are inherent in this bill.

Madam Speaker, I would like to again voice my opposition to the passage of S. 2271.

A TRIBUTE TO THOMAS JAY HARRIS

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. NEUGEBAUER. Mr. Speaker, today, I rise to honor Thomas Jay Harris, the former editor of the leading newspaper in Lubbock, Texas who passed away on Sunday, February 26. During the course of his 87 years, Jay could call many people his friend and could point to many achievements. He was a war veteran, a community leader, and a proud newspaperman.

Jay began his 53-year journalism career in 1938 working for the Lubbock Avalanche-Journal while still an undergraduate student at Texas Tech University. He then spent 3 years serving his country in the Air Force during World War II. Following the war, he returned to the newspaper. He would remain at the A–J for the rest of his professional career, the last 22 years of which were spent as the newspaper's editor.

As editor, Jay deftly balanced the need to report on issues of importance to the local community while still pursuing stories of national and international significance. It was this thirst for foreign affairs that led him to support the International Cultural Center at Texas Tech. This center introduced students and aspiring journalists to the cultures of foreign countries.

I had the privilege of knowing Jay. Almost every time I spoke with him, he had an idea on how to make Lubbock or Texas Tech better. Jay was persistent and always stuck with an issue until he got results.

Jay lived his life with passion. I will miss Jay and his enthusiasm for his work, for his community, and for his country.

TRIBUTE TO ETHIOPIAN WOMEN FOR PEACE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. HONDA. Mr. Speaker, I rise to applaud the efforts of Ethiopian Women for Peace, Democracy, and Humanitarian Aid in calling attention to the current political situation in Ethiopia, particularly to the status of women. Today, they will hold a candlelight vigil at the White House to show solidarity with all Ethiopian women who continue to fight for their basic human rights, and who seek freedom and peace for all Ethiopians in the broadest sense. I am truly inspired by their commitment, and hope that I can be helpful to their cause as Chair of the Congressional Ethiopia and Ethiopian American Caucus. I am proud to see Ethiopian American women take part in commemorating International Women's Day and Women's History Month to demand recognition of how far women have come, and how much more there is left to fight for. It is my hope that all Americans, and the international community as a whole, will join us.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 9, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 10

9:30 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine the roles and missions of the Department of Defense regarding homeland defense and support to civil authorities in review of the defense authorization request for fiscal year 2007 and the future years defense program.

SR–222

Judiciary

To hold hearings to examine defective products relating to criminal penalties ensuring corporate accountability.

SD–226

Joint Economic Committee

To hold hearings to examine the employment situation for February 2006.

2212 RHOB

MARCH 13

3 p.m.

Armed Services

To hold a closed briefing on an update from the Joint Improvised Explosive Device Defeat Organization.

SR–222

MARCH 14

9:30 a.m.

Armed Services

To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.

SH–216

Foreign Relations

To hold hearings to examine a status report on United Nations reform.

SD–419

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine Federal contractors with unpaid tax debt, focusing on the extent to which contractors are tax delinquent and what can be done about it.

SD–342

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Boyd Kevin Rutherford, of Maryland, to be an Assistant Secretary, Gale A. Buchanan, of Georgia, to be Under Secretary for Research, Education, and Economics, Marc L. Kesselman, of Tennessee, to be General Counsel, and Linda Avery Strachan, of Virginia, to be an Assistant Secretary, all of the Department of Agriculture.

SR–328A

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of James S. Simpson, of New York, to be Federal Transit Administrator, Department of Transportation, and Robert M. Couch, of Alabama, to be President, Government National Mortgage Association.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine wireless issues spectrum reform.

SD–106

10:30 a.m.

Judiciary

To hold hearings to examine consolidation in the oil and gas industry.

SD–226

2 p.m.

Judiciary

To hold hearings to examine judicial and executive nominations.

SD–226

2:15 p.m.

Foreign Relations

Business meeting to consider Protocol Amending the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994 (Treaty Doc. 109-04), Convention between the Government of the United States of America and the Government of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Dhaka on September 26, 2004 with an exchange of notes enclosed (Treaty Doc. 109-05), Protocol Amending the Convention Between the United States of America and the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts signed at Washington on November 24, 1978 (Treaty Doc. 109-07), and Protocol Amending the Convention Between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Washington on September 30, 2005 (Treaty Doc.109-08).

S–116, Capitol

2:30 p.m.

Armed Services

To hold hearings to examine the Joint Strike Fighter F-136 Alternate Engine Program in review of the defense authorization request for fiscal year 2007 and the future years defense program.

SH–216

Commerce, Science, and Transportation

To hold hearings to examine Wall Street perspective on telecom.

SD–106

Appropriations

Energy and Water Subcommittee

To hold hearings to examine an overview of the proposed budget estimates for fiscal year 2007 for the Office of Science, the Energy Supply and Conservation account, and the Fossil Energy Research and Development account within the Department of Energy.

SD–138

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2007 for the National Park Service, Department of the Interior.

SD–366

Armed Services

Personnel Subcommittee

To hold hearings to examine health benefits and programs in review of the defense authorization request for fiscal year 2007.

SR–325

MARCH 15

9 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 1955, to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

SD–430

9:30 a.m.

Armed Services

To hold hearings to examine the Joint Strike Fighter F136 Alternative Engine Program in review of the defense authorization request for fiscal year 2007 and the future years defense program.

SH–216

Indian Affairs

To hold hearings to examine S. 1899, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children.

SR–485

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine ground forces readiness in review of the defense authorization request for fiscal year 2007.

SR–222

10 a.m.

Aging

To hold hearings to examine eliminating retirement income disparity for women.

SD–106

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the the Secretary of the Senate, Architect of the Capitol, and the Capitol Visitor Center.

SD–138

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2:30 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine hospital group purchasing, focusing on if the industry's reforms are sufficient to ensure competition.
SD–226
Commerce, Science, and Transportation
To hold hearings to examine innovation and competitiveness legislation.
SD–562
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the progress of the programs on the Government Accountability Office's high-risk list, including whether a proposal to create a Chief Management Officer at the Department of Homeland Security and Department of Defense would foster a culture of accountability necessary for improved high-risk program performance.
SD–342

MARCH 16

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session in SH–219.
SH–216
Environment and Public Works
To hold hearings to examine the Great Lakes Regional Collaboration's strategy to restore and protect the Great Lakes.
SD–628

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine impacts on aviation regarding volcanic hazards.
SD–562
Veterans' Affairs
To hold hearings to examine the homeless programs administered by the VA.
SR–418

3 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SD–562

3:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine Global Strike Plans and programs in review of the defense authorization request for fiscal year 2007.
SR–222

MARCH 28

9:30 a.m.
Indian Affairs
To hold hearings to examine the settlement of Cobell v. Norton.
SR–485

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration budget and the long term viability of the Aviation Trust Fund.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine offshore aquaculture.
SD–562

MARCH 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business.
SR–485

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine the importance of basic research to United States' competitiveness.
SD–562

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine missile defense programs in review of the defense authorization request for fiscal year 2007.
SR–222

MARCH 30

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold an oversight hearing to examine National Polar-Orbiting Operational Environmental Satellite System.
SD–562
Veterans' Affairs
To hold hearings to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, the AMVETS, the American Ex-Prisoners of War, and the Vietnam Veterans of America.
SD–106

2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine reserve component personnel policies in review of the defense authorization request for fiscal year 2007.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine competition and convergence.
SD–562

APRIL 4

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration funding options.
SD–562

APRIL 5

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine Department of Defense's role in combating terrorism in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session.
SR–222
Indian Affairs
To hold hearings to examine the problem of methamphetamine in Indian country.
SR–485

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.
SD–138

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine improving contractor incentives in review of the defense authorization request for fiscal year 2007.
SR–222

APRIL 26

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine fostering innovation in math and science education.
Room to be announced

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.
SD–138

MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1859–S1923

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 2384–2392 and S. Res. 392–393. **Page S1893**

Measures Passed:

Trademark Dilution Revision Act: Senate passed H.R. 683, to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment, after agreeing to the committee amendment in the nature of a substitute. **Pages S1921–23**

Legislative Transparency and Accountability Act: Senate continued consideration of S. 2349, to provide greater transparency in the legislative process, taking action on the following amendment proposed thereto: **Page S1861**

Adopted:

Dodd/Santorum Modified Amendment No. 2942, to strike the meals and refreshments exception for lobbyists. **Pages S1866, S1869–70, S1871–72**

Inhofe Amendment No. 2934, to deny Members who oppose cost-of-living adjustments (COLAs) the increase. **Pages S1870–71**

Rejected:

By 44 yeas to 55 nays (Vote No. 35), Reid Amendment No. 2932, to provide additional transparency in the legislative process. **Pages S1866–68**

Pending:

Wyden/Grassley Amendment No. 2944, to establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter. **Pages S1872–81**

Schumer Amendment No. 2959 (to Amendment No. 2944), to prohibit any foreign-government-owned or controlled company that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996–2001, may own, lease, operate, or manage real property or facility at a United States port. **Page S1881**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture may occur on Thursday, March 9, 2006. **Page S1881**

Senate expects to continue consideration of the bill on Thursday, March 9, 2006.

Messages From the House: **Pages S1891–92**

Measures Referred: **Page S1892**

Measures Placed on Calendar: **Page S1892**

Enrolled Bills Presented: **Page S1892**

Executive Communications: **Pages S1892–93**

Executive Reports of Committees: **Page S1893**

Additional Cosponsors: **Pages S1893–94**

Statements on Introduced Bills/Resolutions: **Pages S1894–S1903**

Additional Statements: **Pages S1890–91**

Amendments Submitted: **Pages S1903–20**

Authorities for Committees to Meet: **Pages S1920–21**

Record Votes: One record vote was taken today. (Total—35) **Page S1868**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:01 p.m., until 9:30 a.m., on Thursday, March 9, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1923.)

Committee Meetings

(Committees not listed did not meet)

SUPPLEMENTAL FUNDING

Committee on Appropriations: Committee continued hearings to examine the proposed supplemental funding request for additional resources to assist the Gulf Coast region in its recovery from hurricanes in the Gulf of Mexico in 2005, receiving testimony from Michael Chertoff, Secretary of Homeland Security; Alphonso Jackson, Secretary of Housing and Urban Development; and John Paul Woodley, Assistant Secretary of the Army, Civil Works.

Hearings will continue tomorrow.

DC FLAT TAX

Committee on Appropriations: Subcommittee on District of Columbia concluded a hearing to examine potential effects of a flat Federal income tax in the District of Columbia, after receiving testimony from former Representative Richard K. Army, FreedomWorks, Daniel J. Mitchell, Heritage Foundation, Stephen J. Entin, Institute for Research on the Economics of Taxation, and Chris Edwards, Cato Institute, all of Washington, D.C.

DOD QUADRENNIAL DEFENSE REVIEW

Committee on Armed Services: Committee concluded open and closed hearings to examine the Department of Defense quadrennial defense review, after receiving testimony from Gordon England, Deputy Secretary, and Christopher Ryan Henry, Principal Deputy Under Secretary for Policy, both of the Department of Defense; and Admiral Edmund P. Giambastiani, Jr., USN, Vice Chairman, Joint Chiefs of Staff.

EXPORT-IMPORT BANK REAUTHORIZATION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Trade and Finance concluded a hearing to examine the proposed reauthorization of the Export-Import Bank of the United States, focusing on a new claims reconsideration procedure at the Bank, and technology upgrades, after receiving testimony from James H. Lambright, Chairman and President (Acting), Export-Import Bank of the United States; Gerald F. Rama, PNC Bank, Pittsburgh, Pennsylvania, on behalf of the Bankers' Association for Finance and Trade; Al Merritt, MD International, Inc., Miami, Florida; and John Matthews, Boeing Capital Corporation, Seattle, Washington, on behalf of sundry organizations.

2007: BUDGET

Committee on the Budget: Committee met to mark up a proposed concurrent resolution setting forth the fiscal year 2007 budget for the Federal Government, but did not complete consideration thereon, and will meet again tomorrow.

PIRACY AND COUNTERFEITING IN CHINA

Committee on Commerce, Science, and Transportation: Subcommittee on Trade, Tourism, and Economic Development concluded a hearing to examine impacts of piracy and counterfeiting of American goods and intellectual property in China, after receiving testimony from Chris Israel, Coordinator for International Intellectual Property Enforcement, Department of Commerce; Franklin J. Vargo, National Association of Manufacturers, Washington, D.C.; Andy York, Leupold and Stevens, Inc., Beaverton, Oregon; and William P. Alford, Harvard Law School, Cambridge, Massachusetts.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following measures:

S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, with an amendment in the nature of a substitute;

S. 1288, to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, with amendments;

S. 1346, to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan, with an amendment in the nature of a substitute;

S. 1378, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, with amendments;

S. 1913, to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes, with an amendment in the nature of a substitute;

S. 1970, to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, with an amendment in the nature of a substitute;

S. 2197, to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories, with an amendment in the nature of a substitute;

S. 2253, to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing;

S. Con. Res. 60, designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum, with amendments;

S.J. Res. 28, approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower;

H.R. 318, to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System;

H.R. 326, to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area;

H.R. 409, to provide for the exchange of land within the Sierra National Forest, California, with an amendment in the nature of a substitute;

H.R. 1129, to authorize the exchange of certain land in the State of Colorado, with an amendment in the nature of a substitute;

H.R. 1728, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System; and

H.R. 2107, to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund.

Also, committee announced the following subcommittee assignments:

Subcommittee on Energy: Senators Alexander (Chairman), Burr, Martinez, Talent, Allen, Bunning, Murkowski, Craig, Thomas, Burns, Dorgan, Akaka, Johnson, Landrieu, Feinstein, Cantwell, Salazar, and Menendez.

Subcommittee on Public Lands and Forests: Senators Craig (Chairman), Burns, Thomas, Talent, Smith, Alexander, Murkowski, Allen, Wyden, Akaka, Dorgan, Johnson, Landrieu, Feinstein, and Cantwell.

Subcommittee on National Parks: Senators Thomas (Chairman), Alexander, Allen, Burr, Martinez, Smith, Akaka, Wyden, Landrieu, Salazar, and Menendez.

Subcommittee on Water and Power: Senators Murkowski (Chairman), Smith, Craig, Burr, Martinez, Burns, Bunning, Talent, Johnson, Dorgan, Wyden, Feinstein, Cantwell, Salazar, and Menendez.

HEALTH CARE TAX POLICY

Committee on Finance: Committee held a hearing to examine the health care tax policy of the United States, focusing on health savings accounts, employer-provided health care, and consumer-centric health plans, receiving testimony from Paul H. O'Neill, former Secretary of the Treasury; Leonard E. Burman, Urban Institute, Washington, D.C.; and Robert W. Lane, Deere and Company, Moline, Illinois, on behalf of the Business Roundtable.

Hearing recessed subject to the call.

NOMINATIONS:

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Richard T. Miller, of Texas, to be U.S. Representative on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be U.S. Alternate Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative on the Economic and Social Council of the United Nations, and John A. Simon, of Maryland, to be Executive Vice President of the Overseas Private Investment Corporation, after the nominees testified and answered questions in their own behalf.

SERVICEMEMBERS' PROTECTION ACT

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs concluded a hearing to examine the impact of the American Servicemembers' Protection Act on Latin America, after receiving testimony from Peter DeShazo, Center for Strategic and International Studies, Adam Isacson, Center for International Policy, and Ruth Wedgewood, Johns Hopkins University Paul H. Nitze School of Advanced and International Studies, all of Washington, D.C.

HURRICANE KATRINA

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine Hurricane Katrina response issues, focusing on recommendations for reform, after receiving testimony from Senator Mikulski; David M. Walker, Comptroller General of the United States, Government Accountability Office; Richard L. Skinner, Inspector General, Department of Homeland Security; Bruce P. Baughman, Alabama State Emergency Management Agency, Montgomery, on behalf of the National Emergency Management Association; Frank J. Cilluffo, George Washington University Homeland Security Policy Institute, Washington, D.C.; and Herman B. Leonard, Harvard University, Cambridge, Massachusetts.

CRIME VICTIMS FUND RESCISSION

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine the proposed rescission of Crime Victims Fund balances relative to the President's budget request for fiscal year 2007, after receiving testimony from Paul R. Corts, Assistant Attorney General for Administration, Department of Justice; Ed Meese, The Heritage Foundation, and Steve Derene, National Association of

VOCA Assistance Administrators, both of Washington, D.C.; and Marsha Kimble, Oklahoma City, Oklahoma.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 1902, to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children; and,

The nominations of Michell C. Clark, of Virginia, to be Assistant Secretary for Management, Department of Education, Jean B. Elshtain, of Tennessee, to be a Member of the National Council on the Humanities, Edwin G. Foulke, Jr., of South Carolina, to be an Assistant Secretary of Labor, Allen C. Guelzo, of Pennsylvania, to be a Member of the National Council on the Humanities, Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission, George Perdue, of Georgia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation, Anne-Imelda Radice, of Vermont, to be Director of the Institute of Museum and Library Services, Craig T. Ramey, of West Virginia, to be a Member of the Board of Directors of the National Board for Education Sciences, Sarah M. Singleton, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation, Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health, Kent D. Talbert, of Virginia, to be General Counsel, Department of Education, Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission, and certain nominations in the Public Health Service.

INDIAN GAMING

Committee on Indian Affairs: Committee concluded a hearing to examine S. 2078, to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, after receiving testimony from Philip N. Hogen, Chairman, National Indian Gaming Commission; Paul A. Bullis, Arizona Department of Gaming, Phoenix; Ron His Horse Is Thunder, Standing Rock Sioux Tribe, Fort Yates, North Dakota; and Norman H. DesRosiers, Viejas Tribal Government Gaming Commission, Alpine, California.

BUSINESS MEETING

Committee on the Judiciary: Committee began markup of proposed legislative providing for comprehensive immigration reform, but did not complete action thereon, and will meet again.

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: 13 public bills, H.R. 4898–4910; and 3 resolutions, H. Con. Res. 353–354; and H. Res. 714 were introduced. **Page H790**

Additional Cosponsors: **Pages H790–91**

Reports Filed: A report was filed today as follows:

H. Res. 713, providing for consideration of the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act (H. Rept. 109–387). **Pages H789–90**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Ricky Atkins, Pastor, Courtney Baptist Church, Yadkinville, North Carolina. **Page H647**

Board of Visitors of the United States Naval Academy—Appointment: The Chair announced the Speaker's appointment of Representative Kline to the Board of Visitors to the United States Naval Academy. **Page H651**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Redesignating the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant": H.R. 2383, to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant"; **Page H561**

San Diego Water Storage and Efficiency Act of 2005: H.R. 1190, amended, to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority; **Pages H651–52**

Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005: S. 1578, to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs—clearing the measure for the President; **Pages H652–53**

Authorizing the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System: H.R. 4192, to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, by a yea-and-nay vote of 409 yeas to 12 nays, Roll No. 23; **Pages H653–57, H736–37**

Children's Safety and Violent Crime Reduction Act of 2005: H.R. 4472, amended, to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence; **Pages H657–92**

Authorizing the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine: H.R. 1053, amended, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine, by a yea-and-nay vote of 417 yeas to 2 nays with 3 voting "present", Roll No. 24; **Pages H692–99, H737–38**

Expressing support for the efforts of the people of the Republic of Belarus to establish a full democracy, the rule of law, and respect for human rights and urging the Government of Belarus to conduct a free and fair presidential election on March 19, 2006: H. Res. 673, to express support for the efforts of the people of the Republic of Belarus to establish a full democracy, the rule of law, and respect for human rights and urging the Government of Belarus to conduct a free and fair presidential election on March 19, 2006, by a yea-and-nay vote of 419 yeas to 1 nay with 2 voting "present", Roll No. 25; and **Pages H699–H702, H738**

Financial Services Regulatory Relief Act of 2005: H.R. 3505, amended, to provide regulatory relief and improve productivity for insured depository institutions, by a yea-and-nay vote 415 yeas to 2 nays, Roll No. 26. **Pages H702–22, H738–39**

Pension Protection Act of 2005—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 2830, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and agreed to a conference. **Pages H722–27, H739**

Rejected the Miller of California motion to instruct conferees by a yea-and-nay vote of 265 yeas to 158 nays, Roll No. 22. **Pages H722–27, H736**

Later, without objection, the Chair appointed the following conferees: From the Committee on Education and the Workforce for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Representatives McKeon, Sam Johnson of Texas, Kline, Tiberi, George Miller of California, Payne, and Andrews. **Page H739**

From the Committee on Ways and Means for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Representatives Thomas, Camp of Michigan, and Rangel. **Page H739**

For consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Representative Boehner. **Page H739**

National Uniformity for Food Act of 2005: The House completed general debate on Thursday, March 2nd, and considered amendments to H.R. 4167 today, to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements. Agreed to by a recorded vote of 283 ayes to 139 noes, Roll No. 32. **Pages H739–58**

Rejected the Stupak motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with amendments, by a yea and nay vote of 170 yeas to 254 nays, Roll No. 31. **Pages H755–57**

Agreed to:

Barton of Texas amendment (No. 1 printed in H. Rept. 109–386) that clarify when states may act to implement food adulteration standards in absence of a federal adulteration standard for a particular food. Under the amendment, if the FDA has established a federal adulteration or food tolerance standard, the state must enforce that standard. If the FDA has considered and officially rejected a federal standard, then states may not enforce requirements rejected by the Secretary. However, if the Secretary has not acted to establish a standard or rejected a standard, then

a state could establish its own adulteration or tolerance standard without having to petition or seek approval from the FDA. The amendment also clarifies that uniformity in notification requirements for warnings does not apply to warnings related to dietary supplements; **Pages H742–44**

Rogers of Michigan amendment (No. 3 printed in H. Rept. 109–386) which states that the changes of law made by this legislation will not take effect until after the Secretary of Health and Human Services certifies to the Congress, after consultation with the Secretary of Homeland Security, that the implementation of the legislation will pose no additional risk to the public health or safety from terrorist attacks relating to the food supply; **Pages H746–47**

Cardoza amendment (No. 2 printed in H. Rept. 109–386) which provides for expedited consideration of state petitions that seek adoption of national warning requirements or consideration of state petitions that seek adoption of national warning requirements or exemptions from uniformity for state warning requirements in three cases: where the requested warning relates to cancer-causing agents; where the requested warning related to reproductive effects or birth defects; and where the requested warning is intended to provide information that will allow parents or guardians to understand, monitor, or limit a child's exposure to cancer-causing agents or reproductive or developmental toxins (by a recorded vote of 417 ayes with none voting ''no'', Roll No. 27); and **Pages H744–46, H752–53**

Wasserman Schultz amendment (No. 6 printed in H. Rept. 109–386) that prevents the National Uniformity for Food Act from affecting any State law, regulation, proposition, or other action that establishes a notification requirement regarding the presence or potential effects of mercury in fish and shellfish (by a recorded vote of 253 ayes to 168 noes, Roll No. 30). **Pages H751–52, H754–55**

Rejected:

Waxman amendment (No. 4 printed in H. Rept. 109–386) which sought to limit the scope of H.R. 4167 in order to preserve state authorities that help defend and respond to bioterrorism attacks. Specifically, when a Governor or State legislature certifies that a state authority is useful in establishing or maintaining a food supply that is adequately protected from bioterrorism attack, the state authority is not affected by the Act (by a recorded vote of 164 ayes to 255 noes, Roll No. 28); and **Pages H747–48, H753–54**

Capps amendment (No. 5 printed in H. Rept. 109–386) which sought to permit states to maintain or enact 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. The amendment also permits states to maintain or enact food warning laws notifying parents of the risks of cancer, reproductive or developmental toxins, and food borne pathogens associated with certain foods, as well as laws governing food safety standards and tolerance levels related to limiting children's exposure to these risks (by a recorded vote of 161 ayes to 259 noes, Roll No. 29). **Pages H748–51, H754**

H. Res. 710, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 223 yeas to 198 nays, Roll No. 21. **Pages H727–36**

Senate Message: Message received from the Senate today appear on page H758.

Quorum Calls—Votes: 7 yea and nay votes and 5 recorded votes developed during the proceedings of today and appear on pages H735, H736, H736–37, H737–38, H738, H738–39, H753, H753–54, H754, H754–55, H756–57, and H757–58. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:55 p.m.

Committee Meetings

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 2006

Committee on Appropriations: Ordered reported an Emergency Supplemental Appropriations for the fiscal year ending September 30, 2006.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, Related Agencies held a hearing on Food and Safety Inspection Service. Testimony was heard from the following officials of the USDA: Richard A. Raymond, Under Secretary, Food Safety; Barbara J. Masters, Administrator, Food Safety and Inspection Service; and W. Scott Steele, Budget Officer.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold an Air Force Budget and Acquisition Overview. Testimony was heard from the following officials of the Department of Defense: Michael W. Wynne, Principal Deputy Under Secretary, Acquisition, and Technology; and GEN. T. Michael Moseley, USAF, Chief of Staff, U.S. Air Force.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies held a hearing on Department of Health and Human Services. Testimony was heard from Michael O. Leavitt, Secretary of Health and Human Services.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development and Related Agencies held a hearing on DOE. Testimony was heard from Samuel W. Bodman, Secretary of Energy.

The Subcommittee also held a hearing on the Bureau of Reclamation. Testimony was heard from the following officials of the Department of the Interior: Gale A. Norton, Secretary; and John W. Keys, III, Director, Commissioner, Bureau of Reclamation.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Indian Health Services. Testimony was heard from Charles W. Grim, Director, Indian Health Services, Department of Health and Human Services.

MILITARY QUALITY OF LIFE, AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies held a hearing on the Navy/Marine Corps Budget. Testimony was heard from the following officials of the Department of Defense: ADM Michael G. Mullen, USN, Chief of Naval Operations; and GEN Michael W. Hagee, USMC, Commandant of the Marine Corps.

The Subcommittee also held a hearing on the Pacific Command. Testimony was heard from the following officials of the Department of Defense: ADM William J. Fallen, USN, Commander, U.S. Pacific Command; and GEN B. B. Bell, USA, Commander, Republic of Korea-United States Combined Forces Command, and Commander, United States Forces Korea.

SCIENCE, THE DEPARTMENT 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 NOAA. Testimony was heard from VADM Conrad C. Lautenbacker, Jr., USN, (Ret) Under Secretary, Oceans and Atmosphere, NOAA, Department of Commerce.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FOR EUROPEAN COMMAND

Committee on Armed Services: Held a hearing on the Fiscal Year 2007 National Defense Authorization Budget Request for the European Command. Testimony was heard from GEN James L. Jones, USMC, Commander, U.S. European Command, Department of Defense.

NAVY MISSION EVOLUTION

Committee on Armed Services: Subcommittee on Projection Forces held a hearing on the Evolving Missions of the U.S. Navy and the Role of Surface and Subsurface Combatants. Testimony was heard from the following officials of the Department of the Navy: VADM Lewis W. Crenshaw, Jr., USN, Deputy Chief of Naval Operations, Resources, Requirements, and Assessments; MG Gordon C. Nash, USMC, Director, Expeditionary Warfare Division (N75), U.S. Marine Corps; RADM Bernard J. McCullough, USN, Director, Surface Warfare (N76); RADM Thomas J. Kilcline, Jr., USN, Director, Air Warfare Division (N78); and RADM Joseph A. Walsh, USN, Director, Submarine Warfare Division (N77); Ronald O'Rourke, Specialist in National Defense, CRS, Library of Congress; and a public witness.

DOD HISTORIC FACILITIES MANAGEMENT

Committee on Armed Services: Subcommittee on Readiness held a hearing on Department of Defense management of historic and historic-eligible facilities. Testimony was heard from the following officials of the Department of Defense: Philip Grone, Deputy U.S. Under Secretary (Installations and Environment); William Armbruster, Deputy Assistant Secretary, Privatization and Partnerships, Department of the Army; RADM Wayne G. Shear, Jr., USN, Commander Naval Installations, Deputy Director, Ashore Readiness Division, and BGEN James F. Flock, USMC, Assistant Deputy Commandant, Installations and Logistics, U.S. Marine Corps, both with the Department of the Navy; and Fred W. Kuhn, Deputy Assistant Secretary, Installations, Department of the Air Force.

SPECIAL OPERATIONS COMMAND

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on the Special Operations Command: Transforming for the Long War. Testimony was heard from the following officials of the Department

of Defense: Thomas W. O'Connell, Assistant Secretary, Special Operations/Low Intensity Conflict; and GEN Bryan D. Brown, USA, Commander, U.S. Special Operations Command, U.S. Army.

PREVENTION OF FRAUDULENT ACCESS TO PHONE RECORDS ACT; ISSUANCE OF SERVICE CONTRACT TO SUPPORT ONGOING INVESTIGATION OF DATA BROKERS

Committee on Energy and Commerce: Ordered reported, as amended, the Prevention of Fraudulent Access to Phone Records Act.

The Committee also approved a motion authorizing issuance of a service contract to support the ongoing investigation by the Subcommittee on Oversight and Investigations of ''data brokers'' who acquire and sell consumers' cell phone records and other confidential information.

SILICOSIS STORY

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''The Silicosis Story: Mass Tort Screening and the Public Health.'' Testimony was heard from public witnesses.

PAPERWORK REDUCTION ACT AT 25

Committee on Government Reform: Subcommittee on Regulatory Affairs held a hearing entitled ''The Paperwork Reduction Act at 25: Opportunities To Strengthen and Improve the Law.'' Testimony was heard from James Miller, Chairman, Board of Governors, U.S. Postal Service; Linda Koontz, Director, Information Management Issues, GAO; and public witnesses.

FIRST RESPONDERS PREPAREDNESS

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Science, and Technology held a hearing entitled ''Proposed Fiscal Year 2007 Budget: Enhancing Preparedness for First Responders.'' Testimony was heard from George W. Foresman, Under Secretary, Preparedness, Department of Homeland Security.

9/11 REFORM ACT—HUMAN SMUGGLING AND TRAFFICKING CENTER IMPLEMENTATION

Committee on Homeland Security: Subcommittee on Management, Integration, and Oversight held a hearing entitled ''The 9/11 Reform Act: Examining the Implementation of the Human Smuggling and Trafficking Center.'' Testimony was heard from John Clark, Deputy Assistant Secretary, Immigration and Customs Enforcement, Department of Homeland Security; Chris Swecker, Acting Executive Assistant Director of Law Enforcement Services, Department of Justice; and Marc Gorelick, Acting Director, Human Smuggling and Trafficking Center, Department of State.

DARFUR PEACE AND ACCOUNTABILITY ACT; U.S. POLICY TOWARD IRAN

Committee on International Relations: Ordered reported, as amended, H.R. 3127, Darfur Peace and Accountability Act of 2005.

The Committee also held a hearing on United States Policy Toward Iran—Next Steps. Testimony was heard from the following officials of the Department of State: Nicholas Burns, Under Secretary, Political Affairs; and Robert Joseph, Under Secretary, Arms Control and International Security; and public witnesses.

U.S.-EAST ASIA RELATIONS

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on East Asia in Transition: Opportunities and Challenges for the United States. Testimony was heard from Christopher Hill, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

U.S.-EUROPEAN RELATIONSHIP

Committee on International Relations: Subcommittee on Europe and Emerging Threats held a hearing on The U.S.-European Relationship: Opportunities and Challenges. Testimony was heard from Daniel Fried, Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State.

PALESTINIAN ELECTION IMPLICATIONS

Committee on International Relations: Subcommittee on the Middle East and Central Asia held a hearing on Palestinian Authority Elections: Implications for Peace, Regional Security, and U.S. Assistance. Testimony was heard from public witnesses.

OVERSIGHT—VOTING RIGHTS ACT

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing entitled ''The Voting Rights Act: Evidence of Continued Need.'' Testimony was heard from Bill Lann Lee, former Assistant Attorney General, Civil Rights Division, Department of Justice; former Lt. Gov., Joe Rogers, State of Colorado; and public witnesses.

COPYRIGHTS/ORPHAN WORKS

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing entitled ''The Report on Orphan Works by the Copyright Office.'' Testimony was heard from Jule L. Sigall, Associate Register, Policy and International Affairs, Copyright Office of the

United States, Library of Congress; and public witnesses.

LOS ANGELES/ALASKA WATER RESOURCES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 4545, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration project; and S. 1338, Alaska Water Resources Act of 2005. Testimony was heard from Senator Murkowski; from the following officials of the Department of the Interior: Robert Hirsch, Associate Director, Water, U.S. Geological Survey; and Larry Todd, Deputy Commissioner, Policy, Administration and Budget, Bureau of Reclamation; and a public witness.

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 2829, Office of National Drug Control Policy Reauthorization Act of 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying this resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Souder, Terry, Latham, Graves, Boozman, Lynch, and Bean.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on Reauthorization of the National Transportation Safety Board. Testimony was heard from Mark V. Rosenker, Acting Chairman, National Transportation Safety Board.

OVERSIGHT—EPA, NOAA, AND TVA BUDGETS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment concluded oversight hearings on Agency Budgets and Priorities for FY 2007 for the following Agencies: EPA, NOAA, and TVA. Testimony was heard from the following officials of the EPA: Benjamin H. Grumbles, Assistant Administrator, Water; and Susan Parker Bodine, Assistant Administrator, Solid Waste and Emergency Response; John H. Dunnigan, Assistant Administrator, National Ocean Service, NOAA, Department of Commerce; and Bill Baxter, Chairman, TVA.

OVERSIGHT—IMPROVING VETERANS QUALITY CARE

Committee on Veterans' Affairs: Held an oversight hearing on improving access to quality care for our nation's veterans through collaboration with affiliated medical institutions and the Department of Defense and the operation of integrated medical facilities. Testimony was heard from the following officials of the Department of Veterans Affairs: Jonathan B. Perlin, M.D., Acting Under Secretary of Health; and Michael E. Moreland, Director and Chief Executive Officer, VA Pittsburgh Health Care System; William Winkenwerder, Jr., M.D., Assistant Secretary, Health Affairs, Department of Defense; and public witnesses.

DIRECTOR—NATIONAL INTELLIGENCE FISCAL YEAR 2007 BUDGET

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Director of National Intelligence Fiscal Year 2007 Budget. Testimony was heard from Ambassador John D. Negroponte, Director, Office of the Director of National Intelligence.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 135)*

S. 1777, to provide relief for the victims of Hurricane Katrina. Signed on March 6, 2006. (Public Law 109–176)

COMMITTEE MEETINGS FOR THURSDAY, MARCH 9, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the United States Department of Agriculture's management and oversight of the Packers and Stockyards Act, 10:30 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Agriculture, 8:30 a.m., SD–192.

Full Committee, to hold hearings to examine the proposed supplemental funding request for additional resources to assist in ongoing military, diplomatic, and intelligence operations in the Global War on Terror; Stabilization and counter-insurgency activities in Iraq and Afghanistan, and other humanitarian assistance, 9:30 a.m., SD–106.

Committee on Armed Services: to resume hearings to examine the defense authorization request for fiscal year 2007 and the future years defense program, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine self-regulatory organizations in the securities markets, 10 a.m., SD–538.

Committee on the Budget: business meeting to continue markup of concurrent resolution on the budget for fiscal year 2007, 9 a.m., S–207, Capitol.

Committee on Commerce, Science, and Transportation: to hold hearings to examine pending nominations, 3:15 p.m., SD–562.

Committee on Energy and Natural Resources: to hold hearings to examine the nominations of Raymond L. Orbach, of California, to be Under Secretary for Science, Alexander A. Karsner, of Virginia, to be an Assistant Secretary for Energy Efficiency and Renewable Energy, and Dennis R. Spurgeon, of Florida, to be an Assistant Secretary for Nuclear Energy, all of the Department of Energy, and David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior, 10 a.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold an oversight hearing to examine the Nuclear Regulatory Commission, 9:30 a.m., SD–628.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine agencies' progress relating to reporting improper payments, focusing on the success or failure of agencies to report and/or reduce improper payments in fiscal year 2005 performance and accountability reports, and to discuss whether or not the various ways in which agencies measure improper payments is accurately depicting the magnitude of the problem, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider pending calendar business, 9 a.m., SD–226.

Subcommittee on Constitution, Civil Rights and Property Rights, business meeting to consider S. J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States, 1:30 p.m., SD–226.

Committee on Small Business and Entrepreneurship: to hold hearings to examine the President's proposed budget request for fiscal year 2007 for the Small Business Administration, and related measures, 10 a.m., SR–428A.

Committee on Veterans' Affairs: to hold hearings to examine the legislative presentations of the Paralyzed Veterans of America, the Blinded Veterans of America, The Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Jewish War Veterans, 10 a.m., SD–G50.

Select Committee on Intelligence: closed business meeting to consider certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine how to prepare Americans for long-term care financing, 10 a.m., SD–138.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Farm and Foreign Agricultural Services, 9:30 a.m., 2362A Rayburn.

Subcommittee on Defense, executive, on Army Budget and Acquisition Overview, 10:30 a.m., H–140 Capitol.

Subcommittee on Department of Homeland Security, on United States Coast Guard, 2 p.m., 2360 Rayburn.

Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, on Department of Education, 9:30 a.m., 2358 Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, on DOE, Environment Management, 10 a.m., 2362B Rayburn.

Subcommittee on Foreign Operations, Export Financing, and Related Programs, on HIV/AIDS Programs, 10:30 a.m., 2359 Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, on Forest Service, 10 a.m., B–308 Rayburn.

Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies, on VA/DHP Information Technology, 9:30 a.m., H–143 Capitol.

Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies, on the Secretary of State, 2 p.m., 2359 Rayburn.

Committee on Armed Services, hearing on the Fiscal Year 2007 National Defense Authorization Budget Request for the U.S. Pacific Command and U.S. Forces Korea, 9:30 a.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on the Fiscal Year 2007 National Defense Authorization budget request for the Missile Defense Agency and Ballistic Missile Defense Programs, 1 p.m., 2212 Rayburn.

Subcommittee on Tactical Air and Land Forces, hearing on Fiscal Year 2007 National Defense Authorization Act Budget Request for the Department of Defense major rotorcraft programs, 2 p.m., 2128 Rayburn.

Committee on Energy and Commerce, hearing entitled ''Department of Energy's Fiscal Year 2007 Budget Proposal,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing entitled ''The Federal Role in Facilitating Recovery and Long-term Rebuilding Efforts in the Gulf Coast Region,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following: H.R. 4855, 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; S. 1736, To provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies; a Committee Report on the National Drug Control Strategy for 2006 and the National Drug Control Budget for Fiscal Year 2007; H.R. 4674, To designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the ''Governor John Anderson, Jr. Post Office Building;'' H.R. 4688, To designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the ''Mayor John Thompson 'Tom' Garrison Memorial Post Office;'' H.R. 4786, To designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the ''H. Gordon Payrow Post Office Building;'' H.R. 4805, To designate the facility of the United States Postal Service at 105 North Quincy Street in Clinton, Illinois, as the ''Gene Vance Post Office Building;'' H.R. 85, Supporting the goals and ideals of National ''MPS Day;'' H.R. 517, Recognizing the life of Wellington Timothy Mara and his outstanding contributions to the New York Giants Football Club, the National Football League, and the United States; and H.R. 556, Expressing the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic; followed by a hearing entitled ''The Regulation of Dietary Supplements: A Review of Consumer Safeguards,'' 10 a.m., 2154 Rayburn.

Committee on Homeland Security, to mark up H.R. 4439, Transportation Security Administration Reorganization Act of 2005, 10 a.m., 311 Cannon.

Committee on House Administration, to mark up H.R. 1606, Online Freedom of Speech Act, 10 a.m., 1310 Longworth.

Committee on International Relations, Subcommittee on Middle East and Central Asia and the Subcommittee on Oversight and Investigations, joint hearing on Afghanistan: Progress Report, 10:30 a.m., 2172 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Afghanistan: Is the Aid Getting Through? 8 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 1458, To require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce, 10 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, to continue oversight hearings on White Collar Enforcement (Part 2): Corporate and Criminal Fraud Accountability, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans, oversight hearing on the FY '07 Budget Request of the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, hearing on the following measures: H.R. 1370, Federal Land Asset Inventory Reform Act; H.R. 1644, Puerto Rico Karst Conservation Act; H.R. 2110, Colorado Northern Front Range Mountain Backdrop Protection Study Act; H.R. 4382, Southern Nevada Readiness Center Act; H.R. 4789, To require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district; and S. 56, Rio Grand Natural Area Act, 9 a.m., 1334 Longworth.

Committee on Rules, to continue hearings on lobby reform, entitled ''Lobby Reform: Reforming the Gift and Travel Rules,'' 10 a.m., H–313 Capitol.

Committee on Science, hearing on Should Congress Establish ''ARPA–E,'' The Advanced Research Projects Agency–Energy? 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Tax, Finance and Exports, hearing entitled ''Oversight of the Small Business Administration's Finance Programs,'' 10:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Foreign Operations of U.S. Port Facilities, 9:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, oversight hearing on the VA's Vocational Rehabilitation and Employment Service contract services and its coordination with the Department of Labor's Veterans' Employment and Training Service, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on Background on the Foreign Intelligence Surveillance Act (FISA) , 9 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, March 9

Senate Chamber

Program for Thursday: Senate will be in a period of morning business. Also, Senate expects to continue consideration of S. 2349, Legislative Transparency and Accountability Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 9

House Chamber

Program for Thursday: Consideration of H.R. 2829—Office of National Drug Control Policy Reauthorization Act of 2005 (Subject to a Rule).

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