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House of Representatives

The House met at 10 a.m.

Canon Andrew White, Anglican Vicar of Iraq, offered the following prayer:

Lord God, on this national day of prayer, give to this House wisdom and mercy. As its Members lead this great Nation, give them eyes to see Your majesty and ears to hear Your guidance and knowledge to know Your ways.

May they be aware of Your presence with them as they provide leadership to the world. And may they know Your love for them and Your care for all they do.

May Your glory fill this House and Your presence direct all its Members. May Your will be done on earth as it is in heaven. And may God bless and protect America. In the name of the God of Abraham, Isaac and Jacob. 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 Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair at this time will entertain up to five 1-minutes on each side.

HELP SMALL BUSINESS

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

Mrs. KELLY. Mr. Speaker, the more we help small businesses, the more jobs they create for local residents across the country. That is why we passed the Jobs and Growth Tax Relief Act in 2003.

The economy has been growing ever since. More than 5 million new jobs have been created. But we need to do more. Small business owners in my district in New York's Hudson Valley tell me they feel overwhelmed by excessive taxes. We need to give them more tax relief and more incentives to continue hiring new workers.

We should extend and make permanent the small business tax relief provisions that have been critical to economic growth. We need to increase small business expensing limits so small businesses can continue growing their businesses and creating new jobs. And we should pass the Small Business Tax Relief Act. We should phase out the Alternative Minimum Tax that is especially harmful to small business owners.

Mr. Speaker, some have suggested letting tax cuts expire, which would amount to a major tax increase on America's small businesses. Raising taxes on small businesses would reverse this trend of economic growth and job creation. We must continue our economic policies that are working and continue developing new ways to help our small businesses.

FALCONBRIDGE/INCO

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

Mr. MICHAUD. Madam Speaker, last fall, Canadian nickel producers Inco and Falconbridge merged. Canadian regulators have approved the deal, and decisions from both the United States and EU regulators are pending.

However, a minority shareholder of Falconbridge, Xstrata, is trying to scuttle the deal to maintain its control in the market. The controlling shareholder behind Xstrata is the secretive Swiss commodities trader Glencore.

Last year, a CIA report raised allegations that Glencore paid millions in illegal kickbacks to Saddam Hussein's regime. Glencore was founded by Marc Rich, a man who faced jail for tax fraud, racketeering and arms trading. His influence and personnel are still involved in Glencore.

Whatever one's view on the Inco-Falconbridge merger, when it comes to this commodity that is important for our military and to our commercial interests, the actions of Glencore clearly raises concerns that regulators and this House should monitor.

DEMOCRATS IN DENIAL

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

Ms. FOXX. Madam Speaker, when it comes to our economy, denial is alive and well on the other side of the aisle. The Commerce Department reported Friday that the economy grew at 4.8 percent in the first quarter of 2006. This is the fastest pace in more than 2 years, and the economy has now grown for 18 straight quarters. The Conference Board's Index of Consumer Confidence also increased to the highest level since May, 2002.

These reports indicate that the great news of our thriving economy has reached the American people. Despite the efforts of House Democrats to paint a gloomy picture, Americans are spending their money and thoroughly enjoying the success of our economic boom.

Not only is our economy growing at a record pace, but in the past year the

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number of first-time jobless claims has fallen 6.5 percent, while the number of continuing claims is down 8 percent. Jobs were created in 48 States between March, 2005, and March, 2006, while jobless rates were down in 43 States.

Madam Speaker, the good economic news is flowing in like a river, and it will continue as long as we pursue Republican pro-growth tax policies. And as hard as Democrats try, they just can't deny that.

COVER THE UNINSURED WEEK

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

Mr. ETHERIDGE. Madam Speaker, I rise today to call on Congress to address our Nation's health care crisis without further delay. Nearly 46 million Americans live without health insurance every day. In my State, more than 1.4 million people, that is one in five North Carolinians under the age of 65, do not have health insurance.

This is not just a policy debate; it is a challenge to our Nation. If we cannot develop a means to deliver affordable health care to everyone, we are failing in providing the most basic of protection to our citizens.

I think the key to a strong community is to have healthy individuals and families. We need everyone, labor, business, health care professionals, seniors and others, working together to develop solutions to make it work.

This Congress must pass legislation that provides adequate reimbursement rates for medical providers, that helps small businesses and the self-employed to have affordable health care insurance, and that provides our community health centers with the funding that they need. We must defeat proposed budget cuts in Medicare and Medicaid that will hurt American families.

We must all keep fighting until affordable quality health care is no longer a privilege for some but the right of all.

ECONOMIC GOOD NEWS CONTINUES

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

Mr. PRICE of Georgia. Madam Speaker, another month has passed and good economic news continues to roll in. Last month, the U.S. economy added 211,000 jobs. That marks 31 consecutive months of job growth. Thirty-one straight months. The unemployment rate is now 4.7 percent. Thirty-one months of small and large businesses expanding, hiring, and investing.

And Americans know that things look bright. So what do they do? They take that confidence and they invest. On Tuesday, the Dow Jones Industrial Average closed at a 6-year high.

America's economy is thriving, Madam Speaker, across the board. Homeownership is up, the number of minority owned businesses is up, and the job market for today's college graduates is the best it has been in over 5 years. These numbers don't lie, and they are very clear to see. The American economy is alive and well.

Madam Speaker, this is good news. Americans know this, and I encourage my colleagues to recognize this as well.

□ 1015

KEEP ILLEGAL DRUGS ILLEGAL

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

Mr. KELLER. Madam Speaker, for the third day in a row I planned to come to the floor of Congress and strongly criticize the Mexican Government for voting for a new law to legalize drugs. For the past 2 days, I pointed out that as a result of this pathetic new law, millions of American young people who travel to Mexico for summer vacation would now legally be able to use cocaine, heroin, ecstasy, and marijuana.

When President Fox announced Tuesday he was going to sign this new drug legalization law, I came to the House floor and asked: Who is advising this guy, Courtney Love?

Well, a miracle happened last night. President Fox reversed course and announced that he would not sign the law, effectively vetoing and killing the legislation. He said he was sensitive to the opinions of those who oppose legalizing drugs and he would make it absolutely clear that the possession and use of drugs in Mexico will remain a criminal offense. Bravo, President Fox. I applaud your commonsense decision and your willingness to listen to our concerns. It is a positive step forward for U.S.-Mexico relations.

BUSH ECONOMIC POLICIES

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

Mrs. MALONEY. Madam Speaker, last week's economic news underscored major flaws with the Bush economic policies. The economy is growing and productivity is high, but the benefits of growth are showing up in the bottom lines of companies, not in the paychecks of American workers.

Last Friday, while the Commerce Department reported a rebound in GDP from a weak fourth quarter, the Labor Department reported that a key measure of the compensation paid to workers failed to keep up with increases in the cost of living. The typical family is seeing its economy squeezed by rising costs of gasoline, health care, and college educations.

The President and his colleagues on the other side of the aisle are more interested in fiscal policies that worsen the budget deficit than in addressing the real economic challenges that are facing America's working families.

LONE STAR VOICE ON IMMIGRATION

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

Mr. POE. Madam Speaker, a high school senior in Texas writes about the illegal entry into the United States. She says, ''I am a senior in the Klein School District. I am also the daughter of an immigrant family. I have the highest regard for the government and the rules placed before those who want to share this American dream. I see my family struggling each day to be sure to be by the books by following the limits and regulations set by the government. Unfortunately, there are others who are not.

''I can relate to those who want to be here, but when you allow these illegals to continue to cross the borders, there is a stereotype that is placed on the rest of us who diligently strive to follow the law. I know it is possible to come to the United States legally, and I know that it is difficult, but we need to tighten the borders.

''We all know there are many good and decent people who have a desire to work in the United States, but what about those who are mingling with the good people, bringing with them drugs and coming with a desire to do harm? There are many murders, rapes and vandalisms that will never be solved because many of those responsible return to their homeland. Protect me, my family and the good people of Texas by strengthening the Border Patrol. Also, be more stringent on the INS to be vigilant in maintaining order in the influx of outsiders that are coming to this country.''

Madam Speaker, this high school senior has it right. Secure the borders or America will suffer. And that's just the way it is.

REPUBLICANS OFFER NO REAL ENERGY SOLUTION

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

Ms. LEE. Madam Speaker, Washington Republicans realize they have a credibility problem with the American people when it comes to their cozy relationships with the oil industry.

For 5 years now, President Bush has stacked his administration with energy executives. Shortly after he took office, Newsweek commented that ''not since the rise of the railroads more than a century ago has a single industry placed so many foot soldiers at the top of the new administration.''

Two-thirds of the Department of Energy and its transition team worked for the energy industry, including

Enron's Ken Lay, who is now on trial for manipulating energy markets. It is no wonder that the Nation's three largest petroleum companies, ExxonMobil, Chevron and Conoco Phillips, posted combined quarter profits of almost $16 billion last week.

Rather than really address price gouging or the outrageous tax breaks that these companies continue to receive, House Republicans offer more of the same failed policies that have not worked for 5 years.

Madam Speaker, it is time Republicans realize that these companies are gouging the consumer. It is time that we pass the tough Democratic price gouging bill consumers deserve, no less. Price gouging is wrong. It's wrong, it's wrong, it's wrong.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4954.

The SPEAKER pro tempore (Mr. POE). Is there objection to the request of the gentleman from New York?

There was no objection.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 789 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4954.

□ 1020

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes, with Mrs. CAPITO in the chair.

The Clerk read the title of the bill.

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

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes, and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Madam Chairman, I yield myself such time as I may consume.

At the outset before we begin this debate, which will be a very positive debate, let me express my thanks to the ranking member, Mr. THOMPSON, for the tremendous cooperation he has given throughout deliberations on this bill, and also to the ranking member, Ms. LORETTA SANCHEZ, and to Ms. HARMAN for working so closely with all the Members, especially Chairman DAN LUNGREN who is the prime sponsor of this legislation.

I also want to mention other Members such as Chairman REICHERT and the ranking member, Mr. PASCRELL, for the important amendments that they introduced during the committee markup which have made this a very significant bill.

Madam Chairman, on September 11 all of us pledged that we would do all we could to prevent another terrorist attack from occurring in this country. One of the areas where we are most vulnerable is our ports. There are 11 million containers that come into our ports every year from foreign countries. Much progress has been made since September 11 in protecting our ports and improving the inspection process, the screening process, the scanning process; but the reality is that more has to be done.

I strongly believe that the SAFE Ports Act is a major step in the direction of giving us that level of protection that we need. For instance, it provides $400 million a year in risk-based funding for a dedicated port security grant program.

It mandates the deployment of radiation portal monitors which will cover 98 percent of the containers entering our country and then going out into the country.

It mandates implementation of the TWIC identity cards, and it sets up port training between the employees at the ports and first responders. It also requires more cargo data to be given to improve our automated targeting system.

And as far as the Container Security Initiative, CSI, it mandates that the Secretary of Homeland Security will not allow any container to be loaded onto a ship overseas unless that container is inspected at our request. In the past, we have had a number of countries that refused to make these inspections. There have been 1,000 containers that have entered this country unexamined, uninspected because the overseas ports would not carry out the inspection. In the future, that will not be allowed to happen.

Also, we require DHS to continually evaluate emerging radioactive detection and imaging technology. We also increase the number of inspectors by 1,200. All of these are part of the layered response and the layered system of defense that we need to significantly and dramatically upgrade the level of protection in our ports.

This is a bill which I believe warrants the support of the entire House. It passed out of the subcommittee unanimously, and it passed out of the full committee by a vote of 29–0, and I will be urging its adoption today.

Madam Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, first, I would like to thank Chairman KING and Chairman LUNGREN for working with me and other members on the committee to produce the bill before us today.

I especially want to commend my colleagues, Ms. LORETTA SANCHEZ and Ms. HARMAN, for their hard work on this bill and on port security in general. Many provisions in this bill came from legislation they have introduced over the last 2 years, and for that I thank them. They have been leaders on this issue, and we need to give them credit before we discuss the full ramifications of this bill.

Madam Chairman, this bill represents an important step toward improving our port security, but it is only a step. We need to do more to get it right. I could talk about the good things in the bill; but with this limited time, I would like to focus on what is not in the bill. These are the things that are going to keep us up at night after today's votes are over.

Yesterday during Rules, it was said by folks on the other side that we need to look at where threats exist and do something that makes us a little safer. ''A little safer'' is simply not good enough after 9/11, and the threats left undone by this bill are significant.

I worry that unsecured nuclear materials, and there is a lot of that wandering around the Russian countryside, will be shipped here hidden in a cargo container that sails into Miami, New York, Houston, New Orleans, Los Angeles or Oakland. From there, the cargo container will be put on a train or truck headed to places like Chicago, St. Louis, Austin, Milwaukee, or Detroit. As the train or truck passes by our schools, homes, or who knows what else, what is going to stop a terrorist from detonating it. If this happens, what will my colleagues across the aisle recommend Congress tell Americans, we didn't know it would happen?

After 9/11 when terrorists surprised us by using our own airplanes against us, we cannot say we did not expect the unexpected. We must do better. It is our job to prevent disaster from happening, not react after the fact. We had the opportunity to do that today.

We could have voted on my amendment increasing the number of Customs and Border Patrol officers at our ports, but the amendment was not allowed on the floor. All the talk on border and port security means little if we do not have the boots on the ground to check what is coming into our Nation before it arrives here or before it leaves a foreign port.

And we could have ensured that more than the 5 percent of our cargo entering the country is scanned by voting on

the Markey-Nadler amendment on cargo screening.

Madam Chairman, 5 percent does not make America a little safer; but the 95 percent of cargo left unchecked leaves us a lot less safe. This is not rocket science, Madam Chairman. Technology exists to scan cargo. It is being used in Hong Kong as we speak. It can be bought over the counter, and the amendment offered by my colleagues would have given DHS up to 5 years to get it right.

This bill is a good first step, but we need to start making giant steps to keep up with the terrorists.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I include for the RECORD letters of jurisdiction.

HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 3, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Judiciary Committee's jurisdictional interest in H.R. 4954, the SAFE Port Act. The bill was introduced on March 14, 2006, and referred to the Committee on Homeland Security. The Committee on Homeland Security marked up the bill and reported it on April 28, 2006.

I appreciate your willingness to waive further consideration of H.R. 4954 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Judiciary Committee does not waive any jurisdiction it may have over H.R. 4954. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

I will include a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor.

Thank you for your cooperation as we work towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 3, 2006.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security, House of Representatives, HOB, Washington, DC.

DEAR CHAIRMAN KING: In recognition of the desire to expedite consideration of H.R. 4954, the ''SAFE Port Act,'' the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in H.R. 4954 that implicate the Rule X jurisdiction of the Committee on the Judiciary.

The Committee takes this action with the understanding that by forgoing consideration of H.R. 4954, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 4954 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 3, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Ways and Means Committee's jurisdictional interest in H.R. 4954, the SAFE Port Act. The bill was introduced on March 14, 2006, and referred to the Committee on Homeland Security. The Committee on Homeland Security marked up the bill and reported it on April 28, 2006.

I appreciate your willingness to waive further consideration of H.R. 4954 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Ways and Means Committee does not waive any of its jurisdictional prerogatives it may have over H.R. 4954. I also acknowledge my commitment regarding conference proceedings as reflected in your letter. I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

I will include a copy of your letter and this response as part of the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

Thank you for your cooperation as we work towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 3, 2006.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security, Adams Building, Washington, DC.

DEAR CHAIRMAN KING: I am writing concerning H.R. 4954, the ''SAFE Port Act,'' which the Committee on Homeland Security reported on April 28, 2006.

As you know, the Committee on Ways and Means has jurisdiction over trade and customs revenue functions. A range of provisions in H.R. 4954 affects the Committee's jurisdiction, including provisions that specifically mandate the use of customs duties for port security grants; authorize the Secretary of Homeland Security to ban certain imports of containerized cargo; establish protocols for resuming international trade; require changes to government international trade data systems; authorize the Department of Homeland Security (DHS) to lessen requirements for continuous entry bonds to secure customs duties and the scoring of imports for inspection for customs duties; establish new confidentiality and advance filing requirements for trade import data; and impose new U.S. requirements and call on the Secretary of Homeland Security to establish international standards regarding imports shipped in containers. All of these provisions significantly impact the trade and customs revenue missions of DHS.

I am pleased to acknowledge the agreement between our Committees to address various issues, including changes you have included in the Manager's Amendment to the bill. I would like to specifically highlight and confirm your commitment that in the conference on this legislation: (1) Any language related to the use of customs duties to fund programs will be stricken from the bill; (2) language in section 202 of the bill or any similar language authorizing DHS to refuse to accept cargo will be modified to clarify that DHS's existing ''do not load'' authority would be used to enforce the provision; and (3) the Committee on Ways and Means will be represented in all conference activities and discussions on the provisions noted in this letter and all others related to trade and customs revenue functions.

Thus, in order to expedite this legislation for floor consideration, the Committee on Ways and Means agrees to forgo action on this bill based on the agreement reached by our Committees. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4954, 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 HOMELAND SECURITY,
Washington, DC, May 3, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Government Reform's jurisdictional interest in H.R. 4954, the ''SAFE Port Act,'' and your willingness to forego consideration of H.R. 4954 by the Government Reform Committee.

I agree that the Government Reform Committee has a valid jurisdictional interest in certain provisions of H.R. 4954 and that the Committee's jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 4954. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 3, 2006.

Hon. PETER KING,
Chairman, House Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On April 28, 2006, the House Committee on Homeland Security reported H.R. 4954, the ''SAFE Port Act.'' As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation forward, I agreed to waive sequential consideration of this bill by the Committee on Government Reform. However, I did so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill 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.

I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM DAVIS.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, April 28, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Science Committee's jurisdictional interest in H.R. 4954, the ''SAFE Port'' Act. The Bill was introduced on March 14, 2006, and referred solely to the Committee on Homeland Security. The Committee on Homeland Security marked up the Bill and ordered it reported on April 26, 2006.

I appreciate your willingness to waive further consideration of H.R. 4954 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Science Committee does not waive any jurisdiction it may have over H.R. 4954. In addition, I agree that if any provisions of the Bill are determined to be within the jurisdiction of the Science Committee, I will support representation for your Committee during conference with the Senate with respect to those provisions.

As you have requested, I will include a copy of your letter and this response as part of the Committee on Homeland Security's Report and the Congressional Record during consideration of the legislation on the House Floor.

Thank you for your cooperation as we work towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, April 28, 2006.

Hon. PETER T. KING
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 4954, the Security and Accountability for Every Port or SAFE Port Act. The Science Committee has particular jurisdictional interest in the sections listed below based on the Committee's black letter jurisdiction over the ''National Institute of Standards and Technology (NIST) and the standardization of weights and measures.'' (Rule X(o)(7). In addition, the Department of Homeland Security Science and Technology Directorate (''DHS S&T'') facilitates and funds the development of standards for container security. The Science Committee has jurisdiction over both the S&T Directorate and other DHS research and development based on the plain language of Rule X(o)(14) which grants the Science Committee jurisdiction over ''Scientific research, development, and demonstration, and projects therefore.''

1. Title I, Subtitle B, Section 112, Port Security Training Program—Section 112 adds a new section 802 to the Homeland Security Act of 2002. The Science Committee is interested in Section 112 but has particular interest in the language dealing with National Voluntary Consensus Standards which directs the Secretary to ''support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for port security training'' and to ensure that training provided is consistent with such standards.

2. Certain Items Contained in Title I, Subtitle C, Section 201—Section 201 adds a new title to the Homeland Security Act of 2002. Within that title (Title XVIII), the Science Committee is interested in the following:

a. Section 1801, Strategic Plan To Enhance the Security of the International Supply Chain—Subsection 1801(d) on International Standards and Practices encourages the Secretary, as appropriate, ''to establish standards and best practices for the security of containers moving through the International Supply Chain.''

b. Section 1803, Plan To Improve the Automated Targeting System—Section 1803 requires the Secretary to develop and implement ''a plan to improve the Automated Targeting System for the identification of high-risk containers moving through the International Supply Chain.'' This section contains a number of research and development pieces with the clearest example being the language on the ''Smart System,'' which requires the incorporation of ''smart features, such as more complex algorithms'' instead of relying solely on rule sets. Such an effort to move away from a system solely based on rule sets would necessitate the need for research, development, testing and evaluation of these ''smart features,'' including the more complex algorithms mentioned, This is clearly DHS research and development and would be carried out in coordination with DHS S&T.

c. Section 1804, Container Standards and Verification Procedures—Section 1804 requires the Secretary ''to review the standards and procedures established'' and ''enhance the security standards and procedures, as appropriate, based on tests of technologies as they become commercially available.'' In addition, the Secretary ''is encouraged to promote and establish international standards for the security of containers.''

d. Section 1831, Research, Development, Test and Evaluation Efforts in Furtherance of Maritime and Cargo Security—Section 1831 directs the Secretary to conduct maritime and cargo security research, development, test, and evaluation activities and to consider demonstration projects. It also specifies that the Secretary, acting through the Under Secretary for Science and Technology, will coordinate these efforts within the Department.

e. Section 1832, Grants Under Operation Safe Commerce—Section 1832 directs the Secretary to provide grants ''to test physical access control protocols and technologies'' and ''establish demonstration projects.''

f. Section 1833, Definitions—Section 1833 provides definitions and other administrative language relating to the prior sections.

3. Title II, Subtitle C, Section 202, Next Generation Supply Chain Security Technologies—Section 202 directs the Secretary to ''evaluate the development of nuclear and radiological detection systems and other inspection technologies'' and to ''determine if more capable commercially available technology exists'' and meets technical requirements.

4. Title II, Subtitle C, Section 206, Study and Report on Advanced Imagery Pilot Programs—Section 206 directs the Secretary to ''conduct a study of the merits of current container inspection pilot programs'' and to conduct ''an assessment of the impact of technology.'' The test and evaluation of technologies required to fulfill this section are an element of technology development and a responsibility of DHS S&T.

5. Title III, Directorate for Policy, Planning, and International Affairs—This title amends the Homeland Security Act of 2002 and establishes a new directorate at the Department, the position of Under Secretary for Policy and several Assistant Secretary positions. Several provisions in this title are of particular interest to the Science Committee, including language directing the Under Secretary for Policy ''to analyze, evaluate, and review the completed, ongoing, and proposed programs of the Department.'' In addition, the Under Secretary for Policy is directed to promote ''the exchange of information on research and development on homeland security technologies,'' ''to plan and participate in international conferences [and] exchange programs (including the exchange of scientists, engineers and other experts),'' and ''to represent the Department in international negotiations, working groups, and standards-setting bodies.''

6. Title IV, Office of Domestic Nuclear Detection—This title amends the Homeland Security Act of 2002 and authorizes the Office of Domestic Nuclear Detection (''DNDO'') at the Department. This amendment transfers from the Under Secretary of Science and Technology to the Director of DNDO ''all Department programs and projects relating to nuclear and radiological detection research, development, testing and evaluation.'' These activities remain within the Science Committee's jurisdiction.

The Science Committee acknowledges the importance of H.R. 4954 and the need for the legislation to move expeditiously. Therefore, while we have a claim to jurisdiction over at least the sections of the bill listed above, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Committee report and in the Congressional Record when the bill is considered on the House Floor.

The Science Committee also expects that you will support our request to be conferees on any provisions over which we have jurisdiction during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, April 28, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Energy and Commerce Committee's jurisdictional interest in H.R. 4954, the ''SAFE Port'' Act. The Bill was introduced on March 14, 2006, and referred solely to the Committee on Homeland Security. The Committee on Homeland Security marked up the Bill and ordered it reported on April 26, 2006.

I appreciate your willingness to waive further consideration of H.R 4954 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Energy and Commerce Committee does not waive any jurisdiction it may have over H.R. 4954. In addition, I agree that if any provisions of the Bill are determined to be within the jurisdiction of the Energy and Commerce Committee, I will support representation for your Committee during conference with the Senate with respect to those provisions.

As you have requested, I will include a copy of your letter and this response as part of the Committee on Homeland Security's Report and the Congressional Record during consideration of the legislation on the House Floor.

Thank you for your cooperation as we work towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 28, 2006.

Hon. PETER KING,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN KING: I understand that you will shortly bring H.R. 4954 as reported by the Committee on Homeland Security, the SAFE Port Act, to the House floor. This legislation contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 4954. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 4954 or similar legislation.

I request that you include this letter in legislative report and the Congressional Record during consideration of H.R. 4954. Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

Mr. KING of New York. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL), chairman of the Subcommittee on Investigations.

Mr. MCCAUL of Texas. Madam Chairman, I would like to thank Chairman KING, Ranking Member THOMPSON, and Representatives LUNGREN and HARMAN for their hard work in bringing this vital and bipartisan piece of legislation to the floor.

I rise today in support of this crucial bill that will build upon existing initiatives to improve port and cargo security both abroad and here at home.

In my home State of Texas, the Port of Houston operates as the United States' top port for foreign tonnage and our second largest for total tonnage, so I know how important this bill is for the protection of the American people.

Madam Chairman, the House of Representatives has repeatedly supported measures that provide for risk-based funding for homeland security. The SAFE Port Act does just that. It will create a risk-based strategy for securing America's ports and will make sure that we are using the best technology available to law enforcement today.

□ 1030

Equally important, this bill will provide $400 million per year in risk-based funding through a dedicated Port Security Grant Program to harden U.S. ports against terrorist attacks. This kind of funding strategy is smart, effective and responsible for our national security because it gets the required funding to the ports that are most at risk for terrorist attack.

Unfortunately, right now, it is economically impossible for Customs and Border Protection to inspect every container entering U.S. ports. However, the SAFE Port Act would require DHS to deploy nuclear and radiological detection systems at 22 U.S. seaports by the end of fiscal year 2007. This means that 98 percent of all incoming maritime containers would be screened without stopping our economy in its tracks.

In addition to securing ports in our homeland, we must also look overseas at what we can do to prevent dangerous or threatening cargo from ever reaching American soil. The SAFE Port Act will do this by improving our tracking system for shipping containers overseas and by requiring DHS to examine high-risk maritime cargo at foreign seaports. If we can catch them before they reach our shores, we can begin to ensure 100 percent security at America's ports.

The SAFE Port Act is a commonsense, responsible and effective piece of legislation that is needed for the security of our Nation, and I urge my colleagues to vote ''yes'' on the bill.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 4 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), the ranking member of the Subcommittee on Economic Security, Infrastructure Protection and Cybersecurity, who did a lot of work on this bill, particularly the section improving the C–TPAT process. Many of the provisions in this bill also come from a provision introduced by the gentlewoman, H.R. 4355, introduced in the 108th Congress.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I thank Mr. THOMPSON for yielding me the time; and I would like to thank Chairman KING and you and also Chairman LUNGREN for working with me and the other members of the Committee on Homeland Security to develop this SAFE Port Act, to move it through the committee, and to bring it to the floor in a very bipartisan manner. It shows that we can accomplish many things when we work together.

I am an original cosponsor of H.R. 4954, the SAFE Port Act, a product of years of work on the issue of port security; and I am proud that many of the important reforms that were originally in the SECURE Coast Act that I introduced in the 108th Congress are in this legislation that we are considering today.

The SAFE Port Act will make a number of significant port security enhancements and reforms. We had somebody before our committee, retired Chief Cunningham of the port system out there in Los Angeles, and he said we really need to worry about two things in particular, one, who has access to our ports; and, two, what is in the box, what is in the container.

The SAFE Port Act has requirements for issuing Transportation Worker Identification Cards, or TWICs, regulations and implementing the cards by the end of 2008, so we will know who is at our ports.

It also has standards for container seals. It has a pilot program to examine the security of empty containers at the port.

It requires Customs and Border Patrol to review and update, if necessary, the minimum requirements for participation in Customs-Trade Partnership Against Terrorism program, or the C–TPAT, at least once a year.

And it establishes a pilot program to allow C–TPAT member companies to use DHS-approved third-party validators in the validation process.

What is in the box? These are all issues important to what is in the container that goes through your city on that truck.

I am pleased that all these items are included in the bill. But still more needs to be in this port bill.

I am disappointed at several amendments offered by my Democratic colleagues that were not made in order today. These included providing adequate staffing levels at the ports, we can't catch things if we don't have people doing that work; modernizing the Coast Guard fleet through the Deepwater program; and increasing the acquisition of radiation portal monitors for seaports.

It is my hope that our committee will continue to work on these issues as this bill moves forward and as we move forward in this year.

In addition, I will be offering an amendment today to make a critical improvement to the C–TPAT program by stopping the current practice of granting C–TPAT member companies risk score reductions, letting them cut to the front of the line to get their cargo through before their security measures have been validated.

We should not give these companies a free pass to our ports unless we have validation that the security measures they told us they were going to do are actually in place.

I urge my colleagues to vote for this amendment today which will make this great bill even better.

Mr. KING of New York. Madam Chairman, I continue to reserve.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 4 minutes to the gentlewoman from California (Ms. HARMAN) who is one of the original coauthors of this bill and has worked tirelessly to get us to the floor here today.

Ms. HARMAN. Madam Chairman, I thank the gentleman for yielding. I want to praise him for his enormous leadership on this issue and praise Ms. SANCHEZ, the ranking member on the

subcommittee, for her contributions to the issue of port security.

I also want to thank the chairman for letting me speak out of order. I think that is what he just did, and express my gratitude to him and to the subcommittee chairman, Mr. LUNGREN, for their enormous effort.

I am the co-author of this bill with Mr. LUNGREN. It is a bipartisan product through and through. In fact, it is a bicameral, bipartisan product. Many of the ideas came from the House and many of the ideas came from the other body.

One of its grandparents no longer serves here, Representative Doug Ose, who contributed the notion that we should dedicate a portion of Customs revenues to fund multi-year port security improvements. The reason he felt this way, and I surely agree, is that Customs revenues, or most of them, are collected at our ports. Should our ports close, our ability to collect those revenues ends. So I thought his was an inspired idea.

I co-sponsored the Ose bill some years back. It became an integral part of this bill, as did Ms. SANCHEZ's ideas, as did Mr. LUNGREN's, and as did some of the ideas of Senators SUSAN COLLINS and PATTY MURRAY, who are the co-authors of the GreenLane bill in the Senate.

Their bill is moving. Our bill is moving. Within months, just maybe we will accomplish what I would call a legislative miracle in this session of Congress which has only met 27 days since the beginning of the year. We have had 125 days or so of this year, but only 27 days of legislative business on the floor of Congress. And this, I would proclaim, is the best day, by a lot, that we have had.

Let me mention that even before the legislation is passed, one of the critical issues we address is already generating action. The Department of Homeland Security is moving ahead with name checks against terrorist and immigration lists of individuals with access to our ports and with the transportation worker identification credential, so-called TWIC. These are critical ways we can make our ports safer, and it is a good thing that the administration is listening. In addition, as Ms. SANCHEZ said, to knowing what is in the box, we need to know who is at our ports.

It has been said over and over again, but let me stress one more time, that this bill provides a strategy as well as dedicated funding for the critical issue of port security.

The ports of L.A. and Long Beach, where my district is, handle over 14 million 20-foot containers annually, representing almost half of the Nation's total. That port complex is the fifth busiest in the world, the first in the Nation. In addition to containers, the complex handles over 1 million cruise passengers, half a million autos and over 50 percent of California's oil each year.

At a time of incredibly rising oil and gas prices, let us understand that Southern California will run out of oil in 2 weeks if those ports close. One out of 24 jobs in southern California relates to the ports.

So, Madam Chairman, the two most important things about this legislation are that it outlines a layered strategy for port security and that it creates dedicated, multi-year funding for port security projects.

Let's just look at Katrina. This speaks to an issue all of us worry about. We didn't have a plan before. We didn't respond during, and we are still struggling to recover now. This bill calls for protocols on the resumption of trade if our ports are attacked. A shutdown of West Coast ports would cost between 1 to $2 billion a day. We saw that 2 years ago.

Since 9/11, the L.A.-Long Beach port complex has only received $58 million in port security grant funding out of $220 million requested.

This bill provides the funding, the strategy, the bipartisan, bicameral support. I urge its passage. This is the first great day of the 2006 legislative calendar.

Mr. THOMPSON of Mississippi. Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I join the lady in the commemoration of the greatness of this day. And with that, I yield 2 minutes to the gentleman from Alabama (Mr. ROGERS), the chairman of the Subcommittee on Management Integration Oversight.

Mr. ROGERS of Alabama. Madam Chairman, I rise today in strong support of H.R. 4954, the SAFE Port Act. And first I would like to commend the gentleman and the gentlewoman from California, Mr. LUNGREN and Ms. HARMAN, for their leadership on this strong, bipartisan bill.

Also, thanks to the effective leadership of Chairman KING, the committee passed this bill on April 26 by a vote of 29–0.

Madam Chairman, this bill is a comprehensive proposal and helps safeguard our ports, all without disrupting commerce. For example, the bill authorizes the Container Security Initiative. This effort would identify and examine high-risk containers at foreign ports before they are loaded onto ships bound for the U.S.

The bill also contains provisions which would help track and protect containers on the way to our shores.

The bill also establishes a new Directorate for Policy, Planning and International Affairs at DHS.

This provision, which is a product of my subcommittee, implements one of the findings of Secretary Chertoff's top-to-bottom review. In particular, the new Directorate would, A, review all departmental cargo, security programs, policies and initiatives; B, develop department-wide cargo security policies; and, C, coordinate departmental cargo security programs with other Federal departments and agencies.

Madam Chairman, port security is especially critical in my home State of Alabama, where the Port of Mobile has an economic impact of at least $3 billion per year on my State. It is the 12th busiest port in the U.S. and employs more than 118,000 Alabamians. Last year alone, this facility imported and exported 42,000 containers and 50 million tons of cargo. It is also the largest coal import terminal in the country and is expected to process 144,000 cruise ship passengers this year alone.

The SAFE Port Act is a good bill. It is a bipartisan solution for helping strengthen the security of our country, and I urge my colleagues to support it.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Chairman, there have been a lot of acronyms thrown around on the floor this morning, C–TPAT, CSI, TWIC. But there is no real technology based security being applied to containers being shipped to the United States of America. Less than 5 percent are inspected. No one is going to shoot a missile at us, but if they can get ahold of a nuclear weapon they will put it in a container and ship it here.

Let's look at the great C–TPAT program they are waxing on about. It is an honor system. You fill out an on-line form and your containers automatically are ranked less of a threat.

Now, sometime, 1 to 3 years later, the U.S. might send an inspector by, with prior notice, 1 day to look at your factory. That day you shoo all the al Qaeda people out and say don't come in tomorrow; the U.S. is sending a guy by for 1 day. And then you go back to business. This is an incredibly ridiculous program that does not provide real security.

Is there a threat? Well, I think there is a threat because the Deputy Secretary of Homeland Security says the goal of this administration and the Republican majority is not to inspect containers before they leave foreign ports. His goal, at home, our goal is to have 100 percent inspection of all containers as they depart a U.S. port headed into our country. The ports are sacrifice zones is what they are telling us here, because they might contain a threat. So we have to inspect them before they go from Seattle inland to somewhere in the Pacific Northwest but not before they get to Seattle.

□ 1045

The place to inspect is on the other side of the ocean, and it can be done without disturbing commerce. It has been proven in Hong Kong. They will say it is not technologically feasible. If that is so, then why do we endorse this same technology, these same bureaucracies, for the CSI program and the Megaports program? The Bush administration's bureaucracy says the technologies do work.

They say the technologies do not work. They say they will delay cargo. They are being used in Hong Kong. You can drive a truck past at 10 miles per hour.

They say, well, no one is reading the data. Why is no one reading the data? Because the U.S. will not assign people to read the data.

This is incredible. This loophole-ridden system has to stop. We need real security. You should have allowed an amendment. Why are you afraid to vote on an amendment for 100 percent screening?

Mr. KING of New York. Madam Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER), the chairman of the Subcommittee on Prevention of Nuclear and Biological Attack.

Mr. LINDER. Madam Chairman, I thank the gentleman for yielding. I thank the subcommittee chairman for bringing this to the floor with Ms. HARMAN.

I rise in support of H.R. 4954. While this legislation contains many important provisions, it also includes the language of H.R. 5029, a bipartisan proposal I introduced earlier this year to authorize the Domestic Nuclear Detection Office. DNDO is tasked with the job of developing a multi-layered global nuclear detection architecture designed to detect and prevent a nuclear attack before it gets here.

Madam Chairman, this is not an easy task. Despite claims by some to the contrary, we have heard numerous times in hearings and briefings by experts that existing technologies do not fully or effectively detect nuclear material. It is not available yet. And yet we are trying to insist that 100 percent of them be checked for nuclear material. The technology we have today will detect bananas, kitty litter, and tile, just as it does low-level radioactive material. There is new technology on the scene.

This bill includes support for a transformational research and development program to bring major improvements in the technology detection and the cost and ease of use. I also want to point out that this bill directs DNDO to deploy successfully tested technologies to ports of entry within 1 year of certification.

The key to next-generation systems is the likelihood that they will produce lower false alarm rates, thus minimizing disruptions to port operations. Rather than disrupting the flow of commerce to pull open a container of kitty litter, we ought to have the new technology, and we have got to be patient for it to be here.

I want to reiterate that this legislation takes a significant step forward in our Nation's efforts to counter nuclear and radiological threats. As such, I urge my colleagues to join me in supporting it.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

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

I rise in support of the SAFE Port Act, and I applaud Mr. DANIEL E. LUNGREN of California, Ms. HARMAN, Ms. LORETTA SANCHEZ for their tireless work on this critical endeavor. I also want to commend my good friends and their kind remarks this morning, Chairman KING and Ranking Member THOMPSON, for the exemplary leadership they have displayed in navigating this bill through the legislative maze that is Capitol Hill, and it is a maze.

The urgency of securing our ports cannot be overstated. As the 9/11 Commission noted in their report: ''While commercial aviation remains a possible target, terrorists may turn their attention to other models. Opportunities to do harm are as great, or greater, in maritime or surface transportation.''

Let us heed the warning. Let this quote linger in our minds as we proceed with our debate today.

While this measure wisely addresses a variety of concerns that others have noted, there are several provisions within the bill that are of particular interest, I think. For example, in March, Congressman FRANK LOBIONDO and I introduced H.R. 4880, the Maritime Terminal Security Enhancement Act. Components of our bill are now included in the SAFE Port Act. We require a port security operator to resubmit a facility security plan for approval upon transfer of ownership or operational control of that facility. Remember that debate a few weeks ago? This is significant. Having this in place will afford the Coast Guard the needed opportunity to question entities, foreign and domestic, on any changes in security they intend to put into effect at the terminals they intend to purchase.

Likewise, we have included the requirement that facility security operators and officers are United States citizens, unless the Secretary offers a waiver based on a complete background check and a review of terrorist watch lists. The FSO, the facilities security officer, is the individual with the legal responsibility for all aspects of security at each port. We need to do everything we can to make sure that we have the right people in place for these enormously important and sensitive positions. This language helps in this regard.

I am pleased that two amendments I offered with Congressman DAVE REICHERT were accepted when the Homeland Security Committee marked up this legislation last week. This bill now requires the Department of Homeland Security to establish a training program for local port employees on seaport security force operations, security threats and trends, and evacuation procedures.

We have also required DHS to establish an exercise program to test and evaluate the capabilities of Federal, State, local, and foreign governments. Both provisions will enhance our safety and strengthen our security.

This legislation by and large is an enormous step in the right direction. The unfortunate part of it, and we have talked to the Chair and we have talked to the ranking member about this, is what happened to the Markey-Nadler amendment mandating 100 percent screening.

I hope in the near future that we can come to agreement on this issue. It is sensitive enough, it is important enough that we bring the same bipartisanship that we worked with on this bill to a conclusion and resolution of that most important and specific thing.

I hope we can get a commitment from the chairman that we will try to work to that end.

Mr. KING of New York. Madam Chairman, I am privileged to yield 5 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), the former attorney general of California and the sponsor of the bill.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, this day is the reason that I decided to come back to the Congress. An effort to work together on a bipartisan basis to solve one of the great challenges affecting America, that is what this place is all about. There are a lot of cynics and skeptics out there who say that the Congress of the United States is incapable of doing the work that it should do. This day is a refutation of that suggestion. Today is an indication that we can work together. And I want to thank Chairman KING for the work that he has done and the broad flexibility that he granted to our subcommittee to put this bill together. I want to thank my ranking member, LORETTA SANCHEZ, for the work she has done; the ranking member on the full committee, Mr. THOMPSON; and, of course, JANE HARMAN, my chief co-author on this bill.

This is the best of bills: legislation written to make a law, not to make a political statement. Yes, there are political statements that will be made about this bill, but the fact of the matter is we are moving forward in an effective way to solve a challenge that is out there that the American people recognize and that we recognize.

In response to 9/11, the natural response was for us to look at where we were attacked and to focus most of our attention and energy in that direction. That is why we have had, if you will, a heavy response in the area of aviation safety. But that does not mean we can ignore the other areas.

As I said on the floor yesterday, the greatness of our ports as an integral part of our international trade, the fact that we are leaders in the world in international trade, the fact that we benefit from it more than anybody else, but we do so because it is so different than it was 30, 40, 50 years ago.

The instantaneous communication. The ability to deliver products within a short period of time. The fact that inventory is carried on rail, on trucks, in ships, rather than sitting static in a warehouse somewhere. The world has changed and we have been the leaders in changing the world, and we should be pleased and proud of the tremendous contribution that our ports make to our economy and to our everyday living.

But the very things that make that possible make us vulnerable to those who would destroy everything we stand for. The terrorists do not want to see international trade. The terrorists do not want to see an exchange of ideas. The terrorists do not want to see cultures mixing together. The terrorists do not want to see America shown at its best. And that is what we do, as we Americans live every single day with the benefits of the trade. It is not the totality of what we do, but it is an essential part of what we do. And this bill responds to the attack that those would have on us through this very much shining star in our constellation of America. So I thank the Members for work on this.

I would say we are going to have a debate about 100 percent inspection, and I would say we all would hope for that day. But I would just direct people's attention to the National Journal of this last Friday on the inside page where they have something called the ''Reality Check'' and they refer to this effort to have 100 percent container inspection. They say, and this is the National Journal, that ''it is a nice idea but not very feasible with current technology. Eleven million containers are shipped to U.S. ports each year. Of those, U.S. Customs and border protection personnel physically screen only about 6 percent, 660,000. 'It is a noble impulse, but as a practical matter, it can't be accomplished right now,' said Jack Riley, homeland security expert with RAND.''

The key to being able to carry this out in the future is better equipment that stands faster; and that requirement, that impulse, is in this bill as a result of an amendment adopted that was presented by the gentlewoman from Florida. We are attempting to make us safer. Let us rejoice in this day and let us support this bill.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Madam Chairman, I thank my friend for yielding.

I rise in support of H.R. 4954, the Security and Accountability for Every Port Act.

Let me commend the sponsors for their hard work: Representative HARMAN; Representative DANIEL E. LUNGREN of California; Representative LORETTA SANCHEZ, ranking member; and the chairman for their foresight in the drafting of this piece of bipartisan port security legislation.

Although it is a good start, this bill does not go nearly far enough to protect our ports. I am very disappointed that the leadership has denied the American people the opportunity to debate and vote on an amendment that requires the scanning of 100 percent of the containers entering this country. This outrageous high-handedness by the Republican leadership endangers Americans by continuing the wink-and-nod approach of container inspection.

I will vote for H.R. 4954 because it makes modest progress toward safer ports in America. Every farmer, every business person, and every consumer in America relies on the products that come through our Nation's ports. And it is the responsibility of Congress to ensure that our country's maritime commerce is cost-effective; efficient; and above all, safe. I hope, as this legislative process moves forward, Congress can take a more meaningful action to strengthen our port security.

Mr. THOMPSON of Mississippi. Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I yield 2 minutes to the gentleman from Washington (Mr. REICHERT), the former sheriff of King County and chairman of the Subcommittee on Emergency Preparedness.

Mr. REICHERT. Madam Chairman, I thank the chairman for yielding.

Madam Chairman, as a member of the Homeland Security Committee and cosponsor of H.R. 4954, the SAFE Port Act, I am pleased to rise in support of this bipartisan legislation.

My district is home to two of our Nation's most critical seaports, the ports of Seattle and Tacoma. Ensuring their security is one of my highest priorities. The SAFE Port Act is a comprehensive approach that strikes a balance between security and commerce. Unlike other approaches to port security, the SAFE Port Act does not impose technically impossible solutions and mandates.

□ 1100

I was pleased that during committee markup of this legislation, the two amendments that I offered were included in this legislation. These amendments, which were drafted with my good friend from New Jersey, Mr. PASCRELL, will create a Port Security Exercise and Training Program.

As the chairman of the Subcommittee on Emergency Preparedness, I have repeatedly heard from first responders across our Nation about the importance of conducting exercises and training. The exercise portion of this legislation requires that the Secretary of Homeland Security establish a Port Security Exercise and Training Program for the purpose of testing and evaluating emergency capabilities of personnel at our Nation's ports.

The value of exercises cannot be understated. The success or failure of our response to acts of terrorism or catastrophic natural disasters depends on effective coordination and cooperation. As a former law enforcement officer of 33 years, I know the importance of training. The Port Security Training Program will use multiple mediums to provide validated training at the awareness, performance and planning levels to first responders and commercial seaport personnel and management to ensure that they are able to do those things and more.

I would like to thank Chairman KING, Ranking Member THOMPSON, Chairman LUNGREN, Representative HARMAN and Ranking Member SANCHEZ for their bipartisan work on this important legislation.

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

Mr. KING of New York. Mr. Chairman, I am pleased to yield 2 minutes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), who, as has been noted by several of the speakers, has made an extraordinary contribution by her amendment at the full committee level.

Ms. GINNY BROWN-WAITE of Florida. Thank you, Mr. Chairman, for yielding me time.

Mr. Chairman, I rise today in support of the bill before us, the SAFE Port Act.

As a Member from Florida, I am extremely conscious of our Nation's vulnerability in the area of port security. As a former New Yorker, I still am concerned about the ports there. I have several friends who worked for at that time just Customs, who had always expressed a concern about the security at the ports.

The SAFE Port Act certainly pushes us leaps and bounds beyond our current security system. We fund port of entry inspection offices, a port security grant program and port worker identification cards.

I was especially proud to contribute an amendment in committee that does require DHS to aggressively pursue new technology out there for screening within 1 year. Once that is there, the Secretary must work with foreign governments within 6 months to deploy such technology.

This amendment and the underlying bill does not falsely promise some fantastic pie in the sky technology. When the technology is in place, everyone wants to use it. Members of both sides of the aisle want to make sure that we do have it there.

In the meantime, it would be very imprudent to waste taxpayer dollars on an unproven technology. Instead, this bill does require the Department of Homeland Security to implement realistic technology to increase our overseas cargo screening. The bill is the starting line in the race that we are running faster than ever to secure America with realistic technology for real results.

I certainly want to thank Chairman KING as well as Congressman LUNGREN

and Congresswoman HARMAN for the opportunity to work with them on this very significant legislation. I urge all Members to support the SAFE Port Act.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE) for the purpose of a colloquy.

Mr. CASTLE. Mr. Chairman, I appreciate the opportunity to enter into a colloquy with the chairman of the Homeland Security Committee.

Chairman KING, I support your efforts to enhance security at our Nation's seaports. The Port of Wilmington in my home State of Delaware is among our Nation's busiest terminals, and this legislation truly is a comprehensive approach for improving port security. I commend your determination in taking on this challenge.

Unfortunately, Mr. Chairman, we still have not had success in developing a comparable strategy for securing our nation's rail systems. In the wake of attacks on rail lines in London and Madrid, it is clear that terrorist organizations are intent on disrupting surface transportation and mass transit systems around the world.

Despite these continuing threats, we have not made adequate progress in developing a comprehensive national rail security plan. The Federal efforts to bolster rail security have been sporadic and unfocused, while funding for rail and transit security grants in the annual Homeland Security Appropriations bill have remained stagnant.

Since the 2001 terrorist attacks, our government's transportation security efforts have consistently been described as ''fighting the last war.'' Clearly, Congress must change course and get a few steps ahead, rather than constantly reacting to incidents and attacks once they have already occurred. We are very lucky that an attack on rail systems has not taken place in this country, and we now have a great opportunity to be proactive and pass real rail security legislation before it is too late.

I have introduced legislation to begin the process of addressing rail security in this country, and I know we share an interest in fixing this extremely inconsistent and flawed system.

I would appreciate the chairman's thoughts on this.

Mr. KING of New York. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from New York.

Mr. KING of New York. Mr. CASTLE, I share your concerns. The legislation under consideration today is only one part of an aggressive campaign to bring common sense to our homeland security efforts. Rail security has been one of my highest priorities, certainly coming from New York, which has one of the largest subway systems in the world. The terrorist attacks on the rail systems in London and Madrid were very grim reminders that our enemies are not above exploiting civilian targets.

In the next few weeks, we will be moving TSA reform legislation that has provisions designed to enhance rail and transit security. This matter is a priority for the committee, and I thank the gentleman for his leadership in this area.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I thank the gentleman from New York for his comments. I appreciate his consideration of these very important and timely concerns and obviously share his determination to pass effective rail security legislation.

Since becoming chairman, the gentleman from New York has demonstrated strong support for surface transportation security; and I look forward to working with him on this matter.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, today I rise in strong support of the SAFE Port Act. As a member of the Homeland Security Committee and an original cosponsor of this legislation, I understand that port security is national security.

Nearly all the foreign imports that enter this country come through our seaports and we must know who is handling cargo and what goods are being shipped. The port of Providence is located in my district in Rhode Island, and every year a wide variety of goods come through the port, including machinery, lumber and steel products. It is essential to my constituents that our port is secure to prevent unauthorized materials from being smuggled into our country. The SAFE Port Act adds the needed protections and resources to keep us safe.

I am pleased that this bipartisan legislation requires the Secretary of Homeland Security to develop a strategy for cargo and maritime security. This plan will help us prepare for any scenario, as well as create a plan for quickly resuming commerce in the event of an attack.

The legislation doubles the authorized level of port security grants to $400 million. By creating a dedicated funding stream, our ports will no longer be competing with other critical infrastructure for scarce resources.

The bill also establishes new security standards for all cargo containers entering the U.S. Unfortunately, the bill does not go as far as I would like in this area. I am disappointed that the Nadler-Oberstar-Markey amendment was not made in order the rule.

I urge my colleagues to support the motion to recommit to ensure the scanning of every cargo container at foreign ports and make this good bill even better.

As the Ranking Member of the Subcommittee on the Prevention of Nuclear and Biological Attack, I'm pleased that this legislation authorizes the Domestic Nuclear Detection Office for the first time. This important office will oversee the country's global nuclear detection efforts and ensure that the best technology is deployed to find nuclear materials before they enter our borders.

I still believe there is more work to be done, and I will continue working with my colleagues to ensure that DNDO has the funds needed to fully deploy radiation detectors at our borders and ports as soon as possible. We cannot afford to wait any longer.

Overall, this bipartisan legislation is an important step towards securing our ports, and I urge my colleagues to join me in supporting the SAFE Port Act.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield the balance of my time to the author of the Markey amendment, the gentleman from Massachusetts (Mr. MARKEY), a champion for 100 percent cargo screening here in this Congress.

Mr. MARKEY. Mr. Chairman, I thank the gentleman.

This bill has a fatal flaw. It relies upon paperwork checks. If you went to the airport with your bags, showed up, showed the person your ticket and your ID, and then the person just waived you on to the plane with another 150 people and all the bags went on as well, with no scanning, no screening, you would sit petrified in your seat.

Well, that is what is going to happen, unless the recommittal motion which Mr. NADLER and I are going to make later on today is in fact voted upon successfully.

The Republican leadership has refused to allow a debate on 100 percent screening of cargo containers coming into the United States.

Now, why is that important? It is important because of all of the unsecured nuclear material in the former Soviet Union that al Qaeda can purchase, take to a port in Europe, in Asia, in Africa, and then, with a piece of paper and an ID, waive on a 10,000 or 20,000 or 30,000 pound container and, with the nuclear bomb inside of it, send that ship, that container, right to a port in the United States, to New York, to Boston, to California, to any other city in America, without being screened.

President Kennedy took on the Soviet Union technologically in the 1960s. He put a man on the moon in 8 years. The Republicans are saying they can't figure out in 8 years, 8 years, from 2001 to 2009, how to screen cargo containers coming into the United States and how to put tamper-proof seals on them, knowing that al Qaeda has said that bringing a nuclear weapon into the United States is their highest goal, to kill hundreds of thousands of Americans.

So this vote that we have later on today will decide whether or not this fatal flaw in the Republican bill is allowed to stand, if the Bush administration is allowed to turn a blind eye to

the number one threat that al Qaeda poses to our country.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we went through a very long and productive, bipartisan process in arriving at this point today. It trivializes the debate, it demeans the process, to be suggesting that anyone, anyone at all in this body, certainly anyone on this committee, is not absolutely committed to the protection of every American life. Those of us who came from districts who lost large numbers of people on September 11 perhaps have even a more acute interest in doing all we possibly can.

But we also don't want to do the most cruel thing of all, and that is hold out a false hope. The worst thing of all is to adopt legislation which is symbolic rather than real. We want results. We are not looking for sound bites, we are not looking for headlines, we are not looking for the evening news, we are not looking for the tabloids. We are looking to get results to save American lives and to make America safer.

That is exactly what this legislation does, through layers of defense, through layers of security, through well-thought-out processes and urging as quickly as possible the advancement and the use of technology that can be done. Not technology that might work or might not work, but technology that can work and will work and can be implemented in an effective way.

That is what this is about. That is what the debate should be about. As the late morning and early afternoon goes forward, I am sure the American voters who are watching this will see that there are those of us who do want to maintain the level of debate on both sides of the aisle, and that level is going to bring about American security.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I want to compliment Mr. KING in the efforts here and Mr. LUNGREN and, yes, even the minority in this case, on working on this legislation.

I was somewhat taken back by the comments even made by the gentleman from Massachusetts, because this should not be a partisan issue. This should not be railing against the Republicans or should not be railing against Bush. If you want to make headlines, go outside and stand on your head. That is the best way to make headlines.

What we are trying to do, as Mr. KING said, is try to make our ports secure and we are trying to make them secure in a proper time fashion.

We have already done some of this work that should have been done through the Transportation Committee. The Maritime Transportation Security Act does a lot of what is in this bill, and we are implementing it right now. The ports are more secure than what people will say and what you read in the newspapers.

Yes, we can do better and we will. But Members keep in mind that what we are faced with today is how do we do it and do it in a fashion which continues to allow us to have a commerce circle. Without commerce, this country will fail.

Now, I can suggest respectfully that there is a way and we will continue to do it, if the ports wish to do so, that they will unload their ships that have been screened thoroughly 100 percent overseas at point of origin.

□ 1115

It will not take long for those shipping companies to make sure that the containers are screened 100 percent. Keep in mind what I said, that which has been screened will be first unloaded. I guarantee it will happen in the very near future.

But what we have done here under this bill is try to make the right step forward, a good step forward, and to accomplish I believe what is correct, that is, eventually total security for our ports.

I have some concern in the bill, and I have expressed to Mr. LUNGREN and Mr. KING there are, and I understand why; but I hope as we go through this conference that there will be a recognition that the smaller ports will be recognized as much as the larger ports.

Because under this legislation it primarily concentrates on the larger ports. And I do not believe that is what we are seeking. I think we should consider all ports that receive cargo containers from whatever origin they may be. And if they are not screened, they should not be allowed in.

So I am saying the smaller ports should also be recognized. They are not under this bill. And we have to, as time goes by through the conference, try to recognize that those smaller ports have equal concern as well as the larger ports.

And, lastly, I would suggest I have a deep concern about the grant program. We already have a grant program for port security. It is already on the books. It is already down in Homeland Security. And I will say in defense of the committee, the Homeland Committee, that there is in fact a lack of action through the Department itself.

But I am hoping that we do not duplicate, that we do not do something that costs more money but gets less results. We can work this out through the conference, so we will have an opportunity to make sure either the Port Security Act itself, Maritime Transportation Security Act, which has a grant program in it, that if it is not being implemented correctly, that we rectify that, or in fact we might eliminate that so there are not two bills on top of one another causing more confusion and less real security within our ports.

Again, Mr. Chairman, I am somewhat comfortable with this legislation in the sense that it has been well thought out. Again, I want to compliment the minority side and Mr. LUNGREN, Mr. KING, for bringing this to the floor in time. I wish to say, if I can, I am a little concerned. I have been here probably longer than eight other people, and I do not like what I hear in these debates. Because it seems like everybody is saying the other guy is the bad guy, and we are the good guys. I thought we were here to solve some problems. This is a problem. I think this bill does it. I think we ought to keep our eye on the ball and protect our people and provide a flow of commerce, which is necessary.

Mr. Chairman, I urge the people to consider this bill in total. If there would be a recommit, vote against the motion to recommit, and let us get forward and get this job done.

If you only listen to the press outcry over the Dubai Ports World now-aborted takeover of certain U.S. port operations, you would not know that significant actions have been taken since 9/11 to improve the security of U.S. ports.

Nonetheless, congress and the administration have taken important steps towards making our ports safer. These port security initiatives may not be as thorough and complete at this point as we would hope, and the press may choose to only cover the remaining gaps, but significant progress has been made.

In 2002, congress enacted the Maritime Transportation Security Act (MTSA). This legislation originated in the Transportation and Infrastructure Committee and significantly strengthened our ability to prevent and respond to maritime security incidents.

MTSA required U.S. port facilities and the vessels calling at those facilities to prepare and submit detailed security plans to the Coast Guard. Those plans have been submitted and approved by the Coast Guard. This is the first nationwide effort to assess the state of port security and plan for improvements in that security. These plans are required for each and every U.S. port facility and each and every vessel that visits those facilities.

Recently the administration has also completed the long awaited National Maritime Transportation Plan which was mandated by MTSA. In conjunction with the national strategy for maritime security, there is now a meaningful framework for assessing, planning for, preventing and responding to maritime transportation security incidents.

Of course, all the planning in the world is worthless unless real assets are put in place to back up and carry out those plans. Such assets are being put in place, some more quickly than others.

The Administration estimates that spending on maritime security has increased 700 percent since 2001. The Coast Guard has dramatically increased their security-related patrol hours and established 13 maritime safety and security teams as authorized in MTSA.

Congress and the administration have committed to a 20 year rebuilding of the Coast

Guard's ships, planes, and communications infrastructure. These new and upgraded assets will greatly improve the service's ability to carry out its maritime law enforcement missions, including port security.

There are still portions of MTSA that have not been implemented in as timely a manner as I would wish. Transportation worker identity cards are still a work in progress, and virtually no progress has been made by the government on implementing long range vessel tracking.

H.R. 4954, the Safe Port Act, makes some improvements to MTSA. At the request of the Coast Guard sub-committee chairman, Mr. LOBIONDO, and the Transportation and Infrastructure Committee, the bill requires that the facility security officers identified in the security plans be U.S. citizens and that facility security plans be resubmitted when facilities change ownership.

The bill also sets up a temporary system for verifying the identity of individuals with access to secure areas of seaports, and develop timelines for the implementation of transportation worker identification credentials. Perhaps most importantly, it authorizes maritime security command centers. These interagency facilities which already exist at several ports are crucial to coordinated Federal, State and local port security prevention and response efforts.

Concerns remain about the safety of cargo entering the United States. We can all agree that the cargo must be secured at the earliest possible time and monitored throughout its journey.

By the time it reaches our shores, it is too late to find out what is in a container and decide whether it is safe. Much of the Safe Port Act is designed to address these cargo supply chain safety concerns, and I comment Chairman KING for his efforts in this area.

There is one are in which I strongly disagree with the Safe Port Act. The bill removes the existing port security grant program from the Maritime Transportation Security Act and replaces it with a less focused grant program that is accessible only to very few ports—ironically those that have the greatest resources available to pay for port security improvements.

The Maritime Transportation Security Act of 2002 (MTSA), established a grant program to make Federal funding available to assist ports, terminal facilities, and State and local governments meet maritime security requirements imposed by the act.

This port security grant program is designed to address vulnerabilities that are identified through Coast Guard inspections, area maritime transportation security plans, and facility security plans that are all carried out under the MTSA.

The Safe Port Act removes the port security grant program from the MTSA port security framework. If any changes are made to the program, those changes should enhance the connection between the existing maritime security framework under the MTSA and federal assistance.

I hope that as we move towards conference on this bill that we will continue to work together to strengthen the existing port security grant program.

I also disagree with the bill's proposal to restrict federal port security grants to only select ports or select projects.

I do agree that we need to have criteria and a competitive process to determine which ports and projects should receive the funding; however, I object to the idea that any of our ports should be excluded outright from competing for this federal funding.

Each of our Nation's 361 ports is connected to every part of this Nation through our intermodal transportation system.

If we fail to implement real port security at any of our ports, we are failing in our efforts to secure our Nation from threats in the maritime domain.

Under the MTSA, each port is required to operate under the same maritime security standards regardless of size or location.

As a result, dedicated funding in the form of federal port security grants should be available to address security vulnerabilities at each of our Nation's 361 ports.

In order to allow this important bill to move on an expedited schedule, I have decided not to offer an amendment that would return fairness, equity and effectiveness to the port security grant program.

However, I look forward to working with Chairman KING and the other conferees to make these necessary changes as we move to conference on this important bill.

We can improve the grant program without reinventing the grant program.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I concur in the remarks of the distinguished chairman of the full committee of Transportation and Infrastructure, the gentleman from Alaska. He has got his eye on the ball, his eye on the mark. We need more cooperation. We need more sharing and mutual understanding than finger-pointing and sloganeering.

I think left up to him, the Rules Committee would have made in order an amendment. It seems to me that the Rules Committee, maybe the House leadership, fears more our amendment than a container loaded with a potential bomb. What harm is there in debating an amendment that we did debate, we had discussion with in the Transportation Committee?

Why could we not have a debate on it? That does not mean it is going to be accepted. We ought to at least put it in play and have a discussion on it. So now we will put this into the motion to recommit and have a debate there, which is less satisfactory than having a much broader debate.

I am concerned about security in our ports in the maritime arena because of the years that I have spent on aviation security. Eighteen years ago, Pan Am 103 was blown out of the sky nearly on Christmas Eve, December 21, 1988.

I served on the Pan Am 103 Commission, requested by President Bush I, along with our former colleague John Paul Hammerschmidt, Senators Alfonse D'Amato and FRANK LAUTENBERG, and three public members.

As we stood at the abyss in Lockerbie, a trench 14 feet deep, 20 feet wide, 40 feet long, 259 people aboard the aircraft and 11 people on the ground were incinerated in a fire ball that went 10,000 feet into the sky, we vowed we would make aviation safe.

And all it took to bring a 747 down was that much Semtec, stored in a cassette tape recorder, in a suitcase that should never have been forwarded on to the 727 in Frankfurt, after it left Malta, and then on to London. It should never have gotten on the 747. But it did. And with a barometric pressure device and a timer, it blew up over land in Lockerbie, Scotland.

The threat is, yes, to our ports; but it is also to our inland cities. The bomb that could be similarly contained in a TEU could be timed to go off in Boise, Idaho or St. Louis, Missouri.

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

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. LOBIONDO) control the remaining amount of my time.

The Acting CHAIRMAN (Mr. PUTNAM). Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. LOBIONDO. Mr. Chairman, how much time do we have left on our side?

The Acting CHAIRMAN. The gentleman from New Jersey has 5½ minutes remaining.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of this legislation. I want to thank Mr. KING, Mr. LUNGREN, Mr. OBERSTAR, Mr. THOMPSON, all of those involved in helping to make this happen. I think it is a very good step in the right direction.

Mr. Chairman, it makes several additions to our Nation's maritime security program that enhances the law that we passed a couple of years ago. I am very pleased that the bill in the manager's amendment includes several provisions that I and Representative PASCRELL from New Jersey worked on that will help enhance maritime security.

These provisions will amend the law to require American citizens to be in charge of security at each of our ports, require the Coast Guard to reexamine each port terminal security plan when the facility undergoes a change in ownership, and require the periodic reevaluation of security at foreign ports. This will also establish deadlines for the implementation of important maritime security programs that we included in the original bill, including the Transportation Worker Identification Credential program, which the Department has been woefully behind on.

It enhances identification credentials for foreign mariners calling on U.S. ports and also a long-range vessel tracking system to improve our awareness of activities.

These programs will dramatically enhance our ability to protect our ports, will help the Department, and help the Coast Guard. I want to again thank all of the Members responsible.

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

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in very tepid support of this bill. It is a very nice bill. It has some nice provisions. None of it matters very much if we do not at least electronically scan every container before it is put on a ship bound for the United States. All it would take is one atomic bomb, one radiological bomb, to make 9/11 look like a fire cracker, to kill hundreds of thousands of people, to cost hundreds of billions of dollars, to bring commerce to a total halt for weeks or months while every ship, every container is not scanned, but searched, inspected by hand before they are allowed to proceed into this country, because that is what will happen if there is, God forbid, a disaster in this country.

We have no protection against that now. Even with this bill, we depend on risk-based analysis, on paper as Mr. MARKEY said, to defend us. What the motion to recommit does is to say that no container can be put on a ship bound for the United States until it is scanned for radiation and for density, until the result of that scan is transmitted electronically in real-time to American inspectors in the United States, and until a tamper-proof seal that will tell us whether that container has been tampered with after it is scanned is put on that container.

We are told this is not feasible. Mr. KING says the technology does not exist. But it is done in Hong Kong today. It is done in Hong Kong today. The two biggest terminals in Hong Kong have this. Of course, nobody bothers reading the scans because the Department of Homeland Security cannot be bothered. They are on a hard drive in Hong Kong.

It is relatively cheap, $6.50 per container, 10 seconds per container, no delay. But the DHS has no urgency. Mr. GINGREY, a Republican of Georgia at the Rules Committee, said that he had a company in his district that makes those tamper-proof seals that can talk to the global positioning satellite; but he cannot get DHS to talk to them, they are not interested.

The motion to recommit we are told is irresponsible and partisan. It is, in fact, word for word identical as the amendment that was agreed to by the chairman of the Transportation Committee and adopted unanimously by a bipartisan vote in the Transportation Committee. But suddenly when it comes to the floor, it is a partisan amendment.

The Republicans on the Transportation Committee understood the necessity for protecting our homeland. The Republicans on the Homeland Security Committee apparently do not, nor does the Republican leadership, because they will not agree to this obvious thing to do that everyone, bipartisan, on the Transportation Committee agreed to do.

Mr. Chairman, the main risk comes from the so-called low-risk containers, not the high-risk containers. Wal-Mart ships a shipment of sneakers from a factory in Indonesia. And on the truck on the way to the port, the truck driver goes to lunch. And while he is at lunch, someone takes out a package of sneakers and puts in an atomic bomb. The bill of lading is fine. It is a reliable company. It is low-risk, and there is an atomic bomb on that container, and no one sees it because that container is not scanned.

Maybe it is scanned under this bill in Boston or in Los Angeles. It is too late to look at it in Los Angeles if there is an atomic bomb on board.

Mr. Chairman, this motion to recommit, which I hope Members will vote for on the merits, not vote party line against it because it is a procedural motion or some such nonsense, makes this a worthy bill, and makes this a bill that will really protect Americans.

Without the motion to recommit, despite what Mr. KING says, this bill does a number of things that are nice, but does nothing really to protect the United States.

Mr. LOBIONDO. Mr. Chairman, how much time do we have remaining on our side?

The Acting CHAIRMAN. The gentleman has 4 minutes remaining.

Mr. LOBIONDO. Mr. Chairman, I yield 2 minutes to my colleague from New Jersey (Mr. FRELINGHUYSEN).

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong support of the SAFE Port Act, and I commend Chairman KING and Chairman LOBIONDO, Chairman LUNGREN, Chairman YOUNG for all of their work, and certainly the ranking member.

Members of Congress from New York and New Jersey know better than most the horrors of September 11, 2001. We would hate to ever have that wrought again on so many of our citizens who lost their lives. So it is important we get about supporting this legislation.

The SAFE Port Act authorizes programs that will protect the safety of American ports, the personnel literally, hundreds of thousands of people who operate those ports, and the goods that move through them.

In our home State of New Jersey, the Port of New York and New Jersey is literally the commercial gateway to the east coast. This bipartisan legislation takes steps to make sure that the ports security initiatives are as strong as its economic stability.

This bill recognizes the importance of implementing the recommendations of the 9/11 Commission and recommendations of the President and Department of Homeland Security, and, finally, legislation I introduced that port security grants be distributed based on risk.

This legislation is an important step to achieving that version, to ensure port resources are spent wisely and efficiently. This legislation adheres to the need to create a risk-based or a threat-based port security grant program.

This grant program will distribute over $400 million a year to the most strategically significant and economically important ports facing the greatest threats.

Thanks to a 700 percent increase, and I serve on the House Appropriations Committee in port security funding since 9/11, our U.S. Customs and Border Protection offices are now using several interlocking initiatives and new cutting-edge technology to better defend our homeland and protect our citizens.

The SAFE Port Act puts in place a multi-layered port and cargo security strategy that builds upon these programs which Congress has already established. I urge strong support for this bill.

□ 1130

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of our time.

I spoke earlier about our experience with Pan Am 103, the report that the Commission issued, the 63 recommendations of the Commission that did not sit on a shelf gathering dust but were enacted into law by the Committee on Transportation and Infrastructure.

We wanted all checked bags to be screened for explosives, but we did not get it. We did not get it worked out in the operation of the law. So, over the next 13 years, under both Democratic majority in the committee and Republican majority in the committee, we passed bill after bipartisan bill requiring that all checked baggage be screened for explosives, but we did not impose statutory deadlines.

FAA tried to move ahead with the requirements we imposed upon them through the law, but the airlines interceded again and again and again to effectively kill implementation: Technology was too expensive, too high a false alarm rate, caused delays in the baggage handling.

So on the eve of September 11, 2001, there was only limited screening of checked baggage. There was only limited requirement and prohibition on types of materials permitted to board aircraft, such as box cutters. The red flags were gone.

Then came September 11, and no one wanted to get aboard an airplane unless we had better security, and it did not take long for legislation to be passed requiring that all checked luggage be screened. It did not take long for us to get a Federal screener workforce in place. It was a matter of months to get it done.

It was not partisan. It was bipartisan. This was American. This was American security that we were all seeking to improve.

By December 28, 2004, all checked and carry on baggage was screened going

aboard aircraft, tougher standards, higher standards.

What we have in this bill, pilot project, studies, exhortations, is a slow road to good security. The lesson of Pan Am 103, of aviation security in general, was to push the borders of protection further out from our shores overseas, to check airplanes, passengers, luggage before it goes on the plane so that does not come into this country to destroy us, harm us here at home.

The same principle is included in our port security act that our committee and the gentleman from New Jersey, the chairman, who was part of shaping that bill, moving it through conference, getting it to signature by the President 3 years ago, well, we did not have in that bill the one element that is missing that we want to include in, and that is mandatory screening.

The Democratic motion to recommit will require that all screeners be scanned before loading. Vote for this. This is your only opportunity. Vote for it.

Mr. LoBIONDO. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, whatever the merits of the recent controversy surrounding the proposed acquisition of American port terminals by Dubai Ports World, one very good thing came out of that controversy, and that was an enhanced focus on the needs to better defend America's ports.

We recognize that the incredible amount of cargo that passes through our ports could serve as an entry point to be used by terrorists to smuggle in weapons to harm Americans. Of particular concern are nuclear or radiological substances or devices.

During the DP World debate, many came to the erroneous conclusion that we were actually outsourcing port security. Nothing could be further from the truth.

Let me just tell you about a company in my district called Burtek. This is an American company and American workers who are doing great work to enhance our port security.

Burtek is producing something called Mobile Radiation Portal Monitors, the first of which they delivered to the Customs and Border Protection Agency just last week. These devices will be placed at our ports and allow CBP to scan containers quickly and efficiently for any radioactive cargo.

An American company and skilled American workers supplying a very important device to American security personnel to protect America's ports. We are not outsourcing this job to anyone, Mr. Chairman, and the great workers of my district are doing their part to defend our Nation.

I urge my colleagues to support this very important legislation and to continue the effort to better secure our Nation's ports.

Mr. LoBIONDO. Mr. Chairman, in closing, again, I would like to thank Chairman KING for being so open to so many ideas and Congressman LUNGREN also, to again thank Mr. OBERSTAR for all of his help and Mr. YOUNG of Alaska for the hard work in putting this together.

These are serious issues that we are making great progress on, and there is not a Member in this House that would not like to guarantee the American public that we can completely assure everyone that everything is totally 100 percent safe. It is an impossibility to do that.

We are moving forward. This is an extremely good bill. We should move forward with it, and I am asking every Member to please support it.

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise in support of the SAFE Port Act.

My colleagues, this bill is a good start, and I will support it, but it is not a comprehensive solution to port security.

Last year, customs officials screened only five percent of the 11 million cargo containers entering the United States. That rate is both unacceptable and dangerous to our national and economic interests.

I represent the Port of Philadelphia, and I know firsthand the important role that ports play in the national and global economy. I have also seen how simple accidents can have devastating impacts on the port system.

Just 24 days after I was elected to the House of Representatives, an oil tanker struck a submerged object and spilled 265,000 gallons of oil into the Delaware River. This spill halted commerce, temporarily shut down a nuclear power plant, and put area drinking water at risk. All of this was caused by an inanimate and rusty anchor sitting at the bottom of the river.

All told, this incident cost an estimated $150 million. In contrast, the damage and destruction caused by smuggling a weapon of mass destruction into a port could cost as much as $1 trillion.

Democrats have a proposal that would prevent such a devastating device from ever entering U.S. waters or a U.S. port. Under our plan, every cargo container—100 percent—would be screened prior to arrival in the United States.

We put this proposal on the table months ago and, today, the Republican Leadership has refused to embrace it—jeopardizing security at 361 U.S. ports and putting at risk 75 percent of the international trade entering our country.

But we must take a step forward, and the bill under consideration will improve many elements of security at our ports, which I have actively supported such as establishing a risk-based port security grant program and setting deadlines for a mandatory security identification card for port employees.

For this reason, I urge a "yes" vote on the bill. And, I will keep working to ensure security at all American ports.

Mr. CUMMINGS. Mr. Chairman, as a cosponsor of H.R. 4954, I rise today to express my support for the security improvements that this measure would require.

In particular, this bill would require the Department of Homeland Security to develop a strategic plan to resume trade in the event of some type of terrorist attack that disrupted international shipping to the United States.

In addition to providing for national planning, this measure would also strengthen the Coast Guard's oversight of port facility security plans by requiring the Coast Guard to verify the effectiveness of each port's plan at least twice each year.

Further, this measure would significantly increase funding for the federal grants that ports use to meet federal requirements for physical security on terminals, including perimeter security.

Since 9/11, more than $20 billion in federal funding has been directed to aviation security while just over $630 million has been directed to port security. I am therefore pleased that H.R. 4954 would also increase the funding for port security grants by $200 million per year.

Unfortunately, despite the improvements it would make, H.R. 4954 does not do all that could or should be done at this point to increase security at our ports.

The recent discussion over the proposed sale of a terminal operating firm working at several U.S. ports—including the Port of Baltimore—to a firm owned by the government of Dubai has raised awareness across our nation of the inadequacy of our current regime for inspecting cargo—particularly containerized cargo.

At the present time, our nation physically inspects only 5% of the nearly 11 million containers that come into our nation each year. This means that more than 10,400,000 containers enter the U.S. without having been physically inspected—and without any physical proof that the contents of the container are truly those described on the container's manifest.

The motion to recommit that will be offered by my Democratic colleagues would require that all containers destined for the U.S. be scanned before they are loaded on a ship—and that they be sealed in a way that would immediately show if the container had been tampered with prior to its arrival in the United States.

The adoption of this motion to recommit would immeasurably enhance the underlying bill—and would close one of the most significant gaps in our homeland security regime that we have continued to leave open since 9/11.

I therefore urge my colleagues to adopt the Democratic motion to recommit to ensure that H.R. 4954 will truly make our ports SAFE.

Mr. SMITH of Washington. Mr. Chairman, I rise today in support of H.R. 4954, the SAFE Port Act. I am proud to be an original cosponsor of this comprehensive, bipartisan legislation which will address one of the most significant challenges identified by the 9/11 Commission: an attack at our ports. I commend my colleagues for working together to bring forth this important piece of legislation that will enhance our security, improve the efficiency of trade and provide necessary funding for the critical missions of our Coast Guard, Customs and Border Agents, and others involved in the maritime industry.

The Puget Sound region has a long maritime history. As we've moved towards a global economy, Washington state had responded accordingly and has become an important global partner in facilitating and improving international commerce. It is estimated that 95 percent of U.S. trade flows through the nation's 361 ports, equaling almost $1 trillion annually.

As trade with Asia continues to grow, west coast ports, like the Port of Tacoma, are playing an ever larger role. I am proud to have the Port of Tacoma located in my district. It is the nation's sixth largest port by cargo container volume, it handled over 2.1 million containers last year and continues to be a major economic engine in the South Sound region. In addition to its growing capacity, the Port of Tacoma is also one of the nation's strategic military ports, helping to transport Fort Lewis-related cargo overseas in support of our troops. I commend the Port of Tacoma for taking the necessary steps to tighten facility security and continue to serve the vital role in the national homeland security efforts.

With the Port of Seattle to the north and the Port of Olympia to the south, the Port of Tacoma works collaboratively with its sister ports and takes a regional approach to improve the security in and around the facilities. In fact, the Port of Tacoma and Port of Seattle worked together in Operation Safe Commerce, a federal program designed to create the knowledge base required for international standards for containerized shipping. Both ports are actively working with private and public entities to identify supply chain vulnerabilities and develop improved methods and technologies to ensure the security of cargo entering and leaving the United States. Many lessons were learned in working with manufacturing and shipping partners and this knowledge will help us improve our efficiency while protecting our citizens and critical infrastructure. I am pleased to see that additional funds are available in this legislation to continue this important program.

The SAFE Port Act takes many critically important steps to prevent another terrorist attack on U.S. soil. This bill strengthens our domestic and international security efforts by making improvements to high-risk cargo targeting and tracking systems. The bill requires the Department of Homeland Security to deploy nuclear and radiological detection systems to our major ports by the end of next year. Ports will also have the much needed resources they need through the Port Security Grant Program to improve facility security.

Screening containers prior to its arrival at our U.S. ports is critical and I am pleased to see that the Department of Homeland Security is working to evaluate new radiological and other detection devices for use at foreign seaports. I believe these new technologies will arm our security officers with improved information and allow us to better protect our critical infrastructure. The bill also includes improvements to our international screening programs: the Container Security Initiative (CSI) and the Customs-Trade Partnership Against Terrorism (C–TPAT).

The important role that our ports play in security and commerce has too often not received the appropriate level of priority. As a result, funding for the security of our ports has been sorely inadequate. This legislation moves forward in the right direction. We must do all we can to protect our communities, our critical infrastructure and our homeland. I hope my colleagues will join me in supporting the SAFE Port Act today.

Mr. STARK. Mr. Chairman, H.R. 4954, the SAFE Port Act, falls far short of what's needed. Because the Republican majority operates largely as a subsidiary of the U.S. Chamber of Commerce, they refuse to take the only step that will ensure the safety of our ports: 100 percent scanning of containers. Instead, this bill mandates more reports that will tell us what hundreds of experts already have: you can't ensure safety if you don't verify the contents of every container. The studies, further reorganization of the Department of Homeland Security, and micromanaging of port operations in this legislation are a paltry substitute for real security.

Apparently the Majority feared that common sense would prevail, as they won't even allow a vote on a Democratic amendment to scan 100 percent of containers within five years, following the model set by Hong Kong's successful Integrated Container Inspection System, which has operated since 2005 without significantly increasing costs or causing delays. The shipping industry itself admits that the maximum cost of 100 percent scanning would be $125 per container. It could be as low as $6.50 per container. Either way, it's a small price to pay for security when compared to the $4,000 cost of shipping a container from Asia.

I will vote in favor of this bill because it is an improvement over the current system and sends more federal money to ports to improve their security. However, unlike my Republican colleagues, I will not claim ''mission accomplished'' on port security until we know what's in every container entering this country.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to address the ongoing debate of whether our port system can accommodate 100 percent screening of shipping containers headed through United States ports.

The case for 100 percent screening is not hard to make. Approximately 95 percent of our nation's trade, worth nearly $1 trillion, enters or leaves through our seaports. Foreign vessels carry the bulk of the approximately 800 million tons of goods that come into our country. In fiscal year 2005 alone, more than 11 million containers arrived on American soil by sea, and this number is growing at a rate of over 10 percent a year. Given this enormous amount of traffic the need to ensure our nation's security is considerable.

Any assertion that technology does not exist to screen 100 percent of the cargo coming to the United States is simply incorrect. For several years, innovative small businesses have been busy improving upon existing technology. Just this month in my district, TMC Services, a small company located in Los Alamos, unveiled a prototype of an advanced spectroscopic radiation detection system. This mobile platform is designed to provide for 100 percent screening without unduly affecting port operations. The mobile and versatile system provides drive-through or drive-over inspection of containers and is intended for integration into the global detection network connected to a centralized nuclear data analysis center which is being developed by the Domestic Nuclear Detection Office (DNDO) at the Department of Homeland Security.

Mobile Point of Needs Detector System (MPONDS) is a unique systems engineered solution to the container screening problem and ahead of its time in terms of looking at all the pieces necessary to put together a coherent and effective port protection system. I saw first-hand a demonstration of the technology and believe this technology has the potential to contribute to our goal of detecting cargo which would harm the United States.

I believe we should not be focusing on whether 100 percent screening is achievable, as it clearly is, but rather on how rapidly we can deploy this new, existing, advanced technology at all U.S. ports. I was greatly disappointed to learn that the restrictive rule for today's debate of H.R. 4954 did not make in order an amendment offered by Representative NADLER to require that every shipping container be scanned and sealed before being loaded onto a ship destined for the U.S. It is unfortunate that the majority leadership of the Rules Committee continues to ignore the strong need for debate and action on this issue, and I would strongly urge my colleagues to take the responsible step of insisting that the U.S. government protect its citizens by screening all of the cargo entering the United States ports.

Mr. ORTIZ. Mr. Chairman, as a member of the House Armed Services Committee and a representative of a coastal district in South Texas, I rise in support of the SAFE Port Act.

I also want to make a particular point today. This Congress has promised all manner of border security and port security to the tune of billions of dollars . . . yet we have—to date—funded our promises for port security at only $900 million. That's quite a distance between what we say and what we actually do.

I'm for the bill before us today; but more than that, I am for actually spending the bill's $7.4 billion for port and cargo security programs. Many members, including myself, are disappointed that the bill did not contain language to have 100% of port cargo screened. I will support the amendment to add the requirement to screen 100% of port cargo.

Over the last five years, the Administration and the majority in Congress have appropriated less than $900 million for port security grants—despite the Coast Guard's determination that $5.4 billion is needed over 10 years. Over the last five years, the Presidential budget has never requested dedicated funding for port security.

In South Texas, we understand how vital port security is and we fear the day a weapon of mass destruction could be brought into a U.S. port in a container and cause hundreds of thousands of casualties. We cannot continue to tolerate the vulnerabilities in our port system. U.S. seaports handle more than 95 percent of our nation's foreign trade—with millions of containers arriving in our ports each year.

We should include a comprehensive global container scanning system that scans the contents of every single container bound for the United States before it leaves an overseas port. The proposal of 100% scanning of containers is not unrealistic; it is endorsed by two experts in port security—Stephen Flynn, a former commander in the Coast Guard, and Adm. James Loy, the former head of the Coast Guard.

Two of the busiest terminals in the world—both in Hong Kong—scan 100% of cargo containers. Cmdr. Flynn and Adm. Loy wrote in an op-ed in the New York Times

in February saying, ''This is not a pie-in-the-sky idea. Since January 2005, every container entering the truck gates of two of the world's busiest container terminals, in Hong Kong, has passed through scanning and radiation detection devices. Images of the containers' contents are then stored on computers so that they can be scrutinized by American or other customs authorities almost in real time. Customs inspectors can then issue orders not to load a container that worries them.''

If Hong Kong terminals can do it, certainly America can require other terminals to do it. The Hong Kong pilot program has shown that 100% scanning can work without slowing down commerce. If two of the busiest terminals in the world have been successful at 100% scanning, it is time that Congress insists on it for those who wish to ship to our ports—it is what we must do to protect the lives of all Americans.

Mr. HOLT. Mr. Chairman, I rise today in support of Security and Accountability for Every Port (SAFE Port) Act, H.R. 4954. In the wake of the Dubai Ports World controversy, it is long past time to seriously address the issue of port security.

The ports of the United States are an economic gateway to the rest of the globe. They are vital to our economy and to our national security. Today, seaports handle 95 percent of our nation's foreign trade valued at over $1 trillion. This is an issue that is important to my constituents and to all citizens of New Jersey. The security of Port Newark-Elizabeth Marine Terminal, which is the 15th busiest port in the world, is something we need to address.

Yet, five years after the terrible attacks of September 11th, our nation's seaports remain remarkably vulnerable and real security concerns persist. Only 5 percent of the cargo containers that enter the United States are inspected despite the potential presence of dangerous cargo, including nuclear weapons. This national security risk is a result of the failure of the current Administration to seriously address this essential issue. This bill takes important steps necessary to help secure out nation's ports and prevent dangerous materials from entering our country.

However, the bill is far from perfect. The Republican Majority wants to play word games with port security rather than provide real security to all Americans. Today they will try to convince Americans that 100 percent of all cargo containers are screened. But, it is important to notice that they are only talking about screening, meaning a review of the paper manifest of the cargo container—not a physical inspection. I support the inspection of 100 percent of all containers, and tragically we only inspect 5 percent of all cargo containers entering the United States today. That means that 95 percent of the cargo containers entering our country could contain nuclear, biological or chemical weapons but because we have not inspected them we would never know. This needs to change.

Hong Kong has successfully implemented a 100 percent inspection program at its ports. Unfortunately, my Republican colleagues denied Democrats the opportunity to offer an amendment that would require the United States to implement a similar program with 100 percent inspection of containers coming in to our country. Americans want real security, not word games.

The 9/11 Commission recently gave the Administration and Republican-controlled Congress a ''D'' for cargo screening. Still, the Congress has only appropriated a total of $883 million for port security despite the Coast Guard's stated need of $5.4 billion over 10 years to adequately secure our seaports. Last year, I voted for the Democratic Homeland Security substitute that would have appropriated an additional $400 million for port security funding for Fiscal Year 2006, but it was rejected by the Republican Majority, who is more interested in giving tax breaks the wealthiest Americans. We can and must do better for the security of the American people.

That is why I am glad that the SAFE Port Act would authorize $400 million annually for port security grant programs to be distributed based on risk. This money is desperately needed by our nation's ports to ensure that terrorist do not smuggle dangerous materials in to our country. Further, this bill requires the Department of Homeland Security to hire an additional 200 port-of-entry inspectors every year for the next six years. These additional employees will help ensure that high risk containers are actually inspected.

The SAFE Port Act represents a bipartisan and thoughtful effort to address the important issue of port security. I am pleased that this bill authorizes approximately $5 billion over six years to improve port and cargo security programs. This bill requires the Department of Homeland Security to finally develop a plan to deploy radiation detection systems at all American ports. It also strengthens the Container Security Initiative. Further, it authorizes almost $2 billion for the Coast Guard to upgrade and replace its deteriorating equipment and ships.

The SAFE Port Act is a good bill and I urge my colleagues to support it. But we need more work remains to be done. We need to require 100 percent inspection of all cargo coming in to the United States. Anything less jeopardizes the security of the American people.

Ms. WATERS. Mr. Chairman, I rise in strong support of H.R. 4954, SAFE Ports Act. Port Security has been on everyone's lips for the past two months with the proposed sale of the six major U.S. ports to the Dubai World Ports, a state-sponsored company backed by The United Arab Emirates. However, we all realize that port security was not really addressed by the outcome on that deal. What we still have at our ports is the free movement of cargo from just about every place in the world. Something must be done to establish security at our American ports. Today, we have an opportunity to do just that by supporting, H.R. 4954, SAFE Ports Act.

The major provisions of the bill address a number of issues that became even more relevant after the Dubai debacle. One, the bill establishes security standards for all cargo containers entering the U.S. after six months of enactment. This is long overdue, since containers represent the major device being handled by our Ports. The Port of Los Angeles handled 7.3 million containers in 2005, and is expected to handle even more this year, setting new records. The bill also authorizes a study of the current radiation and nuclear detection scanning technology. It came to light that this type of technology in this country is not up to par with many of our trading partners. Moreover, the bill creates a dedicated stream of funding for port security, which is necessary to maintain the level of security recommended by our own Coast Guard.

In addition, the bill would establish a Port security worker training and exercise program. This would ensure the readiness of these workers, particularly in a changing threat environment. Port security personnel must be prepared for these threats. The bill also accelerates the U.S. Coast Guard Deepwater program. Further, the bill established maritime command centers to ensure a coordinated response to our Port security needs.

Similar measures have advanced in the Senate, where Senators STEVENS and INOUYE have introduced S. 1052, the Transportation Security Improvement Act of 2005, and Senators COLLINS and MURRAY the Greenlane Maritime Act, S. 2008. These bills require marine terminal operators to comply with Coast Guard regulations to secure cargo and terminal facilities at all of our nation's ports, regardless of who operates them.

Inspections of all containers and security measures like the security IDs are important to security. Port Security is a major issue in the State of California, and of major concern to me is security at the Port of Los Angeles, one of the nation's busiest ports. The Port of Los Angeles is the largest container complex operating in the U.S., and the 8th busiest container port in the world. When combined with the Port of Long Beach the two ports rank as the 5th busiest in the world. The Los Angeles Port handles 162 million metric tons of cargo (7.3 million containers) in 2005, representing approximately $150 billion.

What is astounding is that the Los Angeles Port covers 7500 areas, 8300—water and—4200 land. This means that the Port of Los Angeles has 43 miles of water front facilities to secure. The City of Los Angeles cannot provide adequate security alone for the Port, but in cooperation with the federal government we can begin to address the concerns of workers, port and terminal operators, and others, by supporting this bill.

Mr. KING of New York, Mr. Chairman, I have discussed this issue with the ranking member, Mr. THOMPSON, and it is important to note today, as we consider the SAFE Port Act, that the Committee on Homeland Security is concerned that the list of criminal offenses that will initially disqualify a worker from holding a maritime transportation security card includes vague and overly broad crimes. The proposed list of disqualifying offenses appears to go significantly beyond the already existing mandate of exclusion and we hope that TSA and the Coast Guard, as it finalizes its rules, will narrow and limit the list of disqualifying criminal offenses to more accurately identify individuals that pose a terrorism security risk and who are therefore unworthy to hold a maritime transportation security card.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, 5 years after the September 11th attack, our nation remains vulnerable to an attack, an attack that could come through our ports. Our maritime system consists of more than 300 sea and river ports with more than 3,700 cargo and passenger terminals nationwide. Additionally, thousands of shipments to the United States originate in the ports of nations that may harbor terrorists. Although Customs and Border Protection analyzes cargo

and other information to target specific shipments for closer inspection, it still physically inspects only a small fraction of the containers under its purview.

We cannot allow the threat that our current port security system allows to continue. Terrorists have already attacked our Nation once. There is every reason to believe that they will try again—possibly with a weapon of mass destruction; a weapon that could be smuggled into our ports. That is why I support the three tiered approach H.R. 4954, the "SAFE Port Act of 2006" takes to address port security.

We must secure our ports and the containers that travel through them at home, abroad and in transit to the United States. H.R. 4954 takes important strides to accomplish this by requiring the Department of Homeland Security to deploy nuclear and radiological detection systems at 22 important seaports by the end of FY07. Additionally, this legislation puts an emphasis on training—a key component to readiness. Our port police, local law enforcement, and longshoremen need an established training program with set guidelines from Homeland Security to deal with security breaches and terrorist attacks. This bill will create one.

For containers in transit to our shores, this legislation requires the Secretary of Homeland Security to develop standards for sealing containers en route to the United States. The SAFE Ports Act boosts private sector investment into security by devoting $25 million a year to forge private/public partnerships to bring new technologies and techniques to market faster.

For overseas ports, this bill realizes that our homeland security does not end at our borders. Instead, we need to take a global approach to the way we protect our nation, including our ports. This legislation requires DHS to gather more information from cargo importers. It codifies the existing Container Security Initiative which enables DHS to examine high risk maritime cargo at foreign ports.

H.R. 4954 represents an important step in enhancing our homeland security systems. As a representative from Southeastern Pennsylvania whose lies within an hour's distance or less from the ports of Philadelphia, and Newark. Additionally, my own district is home to a deepwater port that is badly in need of enhanced security measures. I am voting for this act so that my backyard and the backyards of my constituents will not become the site of the next terrorist attack. I call on my colleagues to support this legislation.

Ms. CORRINE BROWN of Florida. Mr. Chairman, the bill we have on the floor today is a good start to protecting our ports and waterways, but until this Congress has the fortitude to demand total cargo scanning and to dedicating real dollars to fully securing our ports, the American people remain vulnerable to a terrorist attack via our ports.

This legislation should have been on the floor on September 12, 2001, not May 4, 2006. Like so many other security needs of this country, this is too little too late. If we're not scanning cargo before it gets to this county, were closing the barn door long after the horse gets out.

I hear the complaints that scanning all cargo will slow commerce, but I would ask what these people think a nuclear bomb going off in a U.S. port would do to the flow of commerce. The shipping industry would be stopped in its tracks the way the aviation industry was after September 11th.

To me, nowhere is additional port security funding more important than in my home state of Florida, whose 14 major ports are the gateway to the United States. These ports play a crucial role in transporting ammunitions, supplies, and military equipment to our men and women fighting all over the world. In fact, ports serve as the main economic engine for many of the areas in which they're found, making an attack not only extremely dangerous for local citizens, but economically disastrous for the local economy as well.

Unfortunately, the administration's concentration of terrorism prevention funding on the aviation industry has jeopardized the safety of other modes of transportation. Last year TSA spent $4.4 billion alone on Aviation security, while spending only $36 million on all Surface Transportation security programs. Even after the rail bombings in Madrid and London we're still failing to provide adequate funding to protect our rail infrastructure. I just don't understand why it takes a tragedy in this county for us to react to security deficiencies.

I am hopeful that the Administration and this Congress will start to provide real dollars for the protection of our port ,and waterways. The citizens of this nation. deserve no less.

The Acting CHAIRMAN (Mr. PUTNAM). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4954

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

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Security and Accountability For Every Port Act" or "SAFE Port Act".

(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.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

Sec. 101. Definition of transportation security incident.
Sec. 102. Protocols for resumption of trade.
Sec. 103. Requirements relating to maritime facility security plans.
Sec. 104. Unannounced inspections of maritime facilities.
Sec. 105. Verification of individuals with access to secure areas of seaports.
Sec. 106. Clarification on eligibility for transportation security cards.
Sec. 107. Long-range vessel tracking.
Sec. 108. Maritime security command centers.

Subtitle B—Grant and Training Programs

Sec. 111. Port security grant program.
Sec. 112. Port security training program.
Sec. 113. Port security exercise program.
Sec. 114. Reserve officers and junior reserve officers training pilot project.

Subtitle C—Miscellaneous Provisions

Sec. 121. Increase in port of entry inspection officers.
Sec. 122. Acceleration of Integrated Deepwater System.
Sec. 123. Border Patrol unit for United States Virgin Islands.
Sec. 124. Report on ownership and operation of United States seaports.
Sec. 125. Report on security operations at certain United States seaports.
Sec. 126. Report on arrival and departure manifests for certain commercial vessels in the United States Virgin Islands.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Sec. 201. Security of the international supply chain.
Sec. 202. Next generation supply chain security technologies.
Sec. 203. Uniform data system for import and export information.
Sec. 204. Foreign port assessments.
Sec. 205. Pilot program to improve the security of empty containers.
Sec. 206. Study and report on advanced imagery pilot programs.

TITLE III—DIRECTORATE FOR POLICY, PLANNING, AND INTERNATIONAL AFFAIRS

Sec. 301. Establishment of Directorate.

TITLE IV—OFFICE OF DOMESTIC NUCLEAR DETECTION

Sec. 401. Establishment of Office.
Sec. 402. Nuclear and radiological detection systems.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Maritime vessels are the primary mode of transportation for international trade and they carry over 80 percent of international trade by volume.

(2) In 2004, maritime vessels carried approximately 9,700,000 shipping containers into United States seaports at an average of 27,000 containers per day.

(3) The security of the international container supply chain and the maritime transportation system is critical for the prosperity and liberty of all countries.

(4) In its final report, the National Commission on Terrorist Attacks Upon the United States noted, "While commercial aviation remains a possible target, terrorists may turn their attention to other modes of transportation. Opportunities to do harm are as great, or greater in maritime or surface transportation.".

(5) In May 2002, the Brookings Institution estimated that costs associated with United States port closures from a detonated terrorist weapon could add up to $1 trillion from the resulting economic slump and changes in our Nation's inability to trade. Anticipated port closures on the west coast of the United States could cost the United States economy $1 billion per day for the first five days after a terrorist attack.

(6) Significant steps have been taken since the terrorist attacks against the United States that occurred on September 11, 2001:

(A) Congress passed the Maritime Transportation Security Act of 2002 on November 14, 2002.

(B) The Coast Guard issued a comprehensive set of port security regulations on October 22, 2003.

(C) The International Maritime Organization adopted the International Ship and Port Facility (ISPS) Code in December 2002.

(D) The White House issued Homeland Security Presidential Directive-13 in September 2005 which lays out requirements for a comprehensive maritime security policy.

(7) Through both public and private projects, the private sector in the United States and overseas has worked with the Department of Homeland Security to improve the security of the movement of cargo through the international supply chain.

(8) Despite these steps, security gaps in the maritime transportation system remain, resulting in high-risk container systems not being

checked overseas or domestically and ports that are vulnerable to terrorist attacks similar to the attack on the U.S.S. Cole.

(9) Significant enhancements can be achieved by applying a multi-layered approach to supply chain security, in a coordinated fashion. Current supply chain programs within the Federal Government have been independently operated, often falling short of gains which could have been made if such programs were operated in a coordinated manner with clear system standards and a framework that creates incentives for security investments.

(10) While it is impossible to completely remove the risk of a terrorist attack, security measures in the supply chain can add certainty and stability to the global economy, raise investor confidence, and facilitate trade. Some counterterrorism costs are integral to the price that must be paid to protect society. However, counterterrorism measures also present an opportunity to increase the efficiency of the global trade system through international harmonization of such measures. These efficiency gains are maximized when all countries adopt such counterterrorism measures.

(11) Increasing transparency in the supply chain will assist in mitigating the impact of a terrorist attack by allowing for a targeted shutdown of the international supply chain and expedited restoration of commercial traffic.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given the term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) INTERNATIONAL SUPPLY CHAIN.—The term ''international supply chain'' means the end-to-end process for shipping goods from a point of origin overseas to and from the United States.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

SEC. 101. DEFINITION OF TRANSPORTATION SECURITY INCIDENT.

Section 70101(6) of title 46, United States Code, is amended by inserting after ''economic disruption'' the following ''(other than economic disruption caused by acts that are unrelated to terrorism and are committed during a labor strike, demonstration, or other type of labor unrest)''.

SEC. 102. PROTOCOLS FOR RESUMPTION OF TRADE.

(a) IN GENERAL.—Section 70103(a)(2)(J) of title 46, United States Code, is amended—

(1) by striking ''(J)'' and inserting ''(J)(i)''; and

(2) by adding at the end the following new clause:

''(ii) The plan required by clause (i) shall include protocols for the resumption of trade in the event of a transportation security incident that necessitates the suspension of trade through contingency and continuity planning that ensures trade lanes are restored as quickly as possible. The protocols shall provide for—

''(I) coordination with appropriate Federal, State, and local agencies, the private sector, and appropriate overseas entities in developing such contingency and continuity planning;

''(II) coordination with appropriate Federal, State, and local agencies and the private sector on law enforcement actions, inter-modal rerouting plans, and identification and prioritization of goods that may enter the United States; and

''(III) designation of appropriate Federal officials to work with port authorities to reestablish the flow of cargo by prioritizing shipments based on appropriate factors, including factors relating to public health, national security, and economic need.''.

(b) EFFECTIVE DATE.—The Secretary of Homeland Security shall develop the protocols described in section 70103(a)(2)(J)(ii) of title 46, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 103. REQUIREMENTS RELATING TO MARITIME FACILITY SECURITY PLANS.

(a) FACILITY SECURITY PLANS.—The Secretary of Homeland Security shall require that a security plan for a facility required under section 70103(c) of title 46, United States Code, shall be resubmitted for approval upon transfer of ownership or operation of such facility.

(b) FACILITY SECURITY OFFICERS.—

(1) IN GENERAL.—The Secretary shall require that the qualified individual having full authority to implement security actions who is required to be identified under section 70103(c)(3)(B) of title 46, United States Code, for a facility described in section 70103(c)(2) of that title shall be a citizen of the United States.

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watchlists to ensure that the individual is not identified on any such terrorist watchlist.

(c) FACILITY SECURITY ACCESS.—Section 70103(c)(3)(C)(ii) of title 46, United States Code, is amended by adding at the end before the semicolon the following: '', including access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility''.

SEC. 104. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Subparagraph (D) of section 70103(c)(4) of title 46, United States Code, is amended to read as follows:

''(D) verify the effectiveness of each such facility security plan periodically, but not less than twice annually, at least one of which shall be an inspection of the facility that is conducted without notice to the facility.''.

SEC. 105. VERIFICATION OF INDIVIDUALS WITH ACCESS TO SECURE AREAS OF SEAPORTS.

(a) IMPLEMENTATION OF REQUIREMENTS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

(1) not later than July 15, 2006, issue a notice of proposed rulemaking for regulations required to implement section 70105 of title 46, United States Code;

(2) not later than November 15, 2006, issue final regulations required to implement that section; and

(3) begin issuing transportation security cards to individuals at seaports facilities under subsection (b) of that section in accordance with the schedule contained in subsection (b)(2) of this section.

(b) TRANSPORTATION SECURITY CARDS.—

(1) MANAGEMENT.—Final regulations issued under subsection (a)(2) shall provide for Federal management of the system for issuing transportation security cards.

(2) SCHEDULE FOR ISSUING TRANSPORTATION SECURITY CARDS AT SEAPORTS.—

(A) Not later than May 15, 2007, the Secretary shall begin issuing transportation security cards to individuals at the first 25 seaport facilities listed on the facility vulnerability assessment issued by the Secretary under section 70102 of title 46, United States Code.

(B) Not later than November 15, 2007, the Secretary shall begin issuing transportation security cards to individuals at the next 30 seaport facilities listed on that assessment.

(C) Not later than November 15, 2008, the Secretary shall issue transportation security cards to individuals at all other seaport facilities.

(c) INTERIM VERIFICATION OF INDIVIDUALS.—

(1) TERRORIST WATCH LIST COMPARISON AND IMMIGRATION RECORDS CHECK.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(A) complete a comparison of each individual who has unescorted access to a secure area of a seaport facility (as designated in an approved facility security plan in accordance with section 70103(c) of title 46, United States Code) against terrorist watch lists to determine if the individual poses a threat; and

(B) determine whether each such individual may be denied admission to the United States, or removed from the United States, under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CONTINUING REQUIREMENT.—In the case of an individual who is given unescorted access to a secure area of a seaport facility after the date on which the Secretary completes the requirements of paragraph (1) and before the date on which the Secretary begins issuing transportation security cards at the seaport facility, the Secretary shall conduct a comparison of the individual against terrorist watch lists and determine whether the individual is lawfully present in the United States.

(3) INTERIM FINAL REGULATIONS.—In order to carry out this subsection, the Secretary shall issue interim final regulations to require submission to the Secretary of information necessary to carry out the requirements of paragraph (1).

(4) PRIVACY REQUIREMENTS.—Terrorist watch list comparisons and immigration records checks under this subsection shall be carried out in accordance with the requirements of section 552a of title 5, United States Code.

(5) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

(A) RESTRICTION ON DISCLOSURE.—Information obtained by the Secretary in the course of comparing the individual against terrorist watch lists under this subsection may not be made available to the public, including the individual's employer.

(B) CONFIDENTIALITY; USE.—Any information constituting grounds for prohibiting the employment of an individual in a position described in paragraph (1)(A) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section. The Secretary may share any such information with appropriate Federal, State, local, and tribal law enforcement agencies.

(6) TERRORIST WATCH LISTS DEFINED.—In this subsection, the term ''terrorist watch lists'' means all available information on known or suspected terrorists or terrorist threats.

(d) REPORTING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing information on—

(1) the number of matches made in conducting terrorist watch list comparisons, and the number of individuals found to be unlawfully present in the United States, under subsection (c);

(2) the corresponding seaport facilities at which the matches and unlawfully present individuals were identified; and

(3) the actions taken as a result of the terrorist watchlist comparisons and immigration records checks under subsection (c).

(e) TREATMENT OF INDIVIDUALS RECEIVING HAZARDOUS MATERIALS ENDORSEMENTS.—

(1) IN GENERAL.—To the extent the Secretary determines that the background records check conducted under section 5103a of title 49, United States Code, and the background records check conducted under section 70105 of title 46, United States Code, are equivalent, the Secretary shall determine that an individual does not pose a risk warranting denial of a transportation security card issued under section 70105 of title 46, United States Code, if such individual—

(A) has successfully completed a background records check under section 5103a of title 49, United States Code; and

(B) possesses a current and valid hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations.

(2) LIMITATIONS.—Notwithstanding paragraph (1), the Secretary may deny an individual a transportation security card under section 70105 of title 46, United States Code, if the Secretary has substantial evidence that the individual poses a risk to national security.

(3) REDUCTION IN FEES.—The Secretary shall reduce, to the extent practicable, any fees associated with obtaining a transportation security card under section 70105 of title 46, United States Code, for any individual referred to in paragraph (1).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for fiscal year 2007 to carry out this section.

SEC. 106. CLARIFICATION ON ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.

Section 70105(c)(2) of title 46, United States Code, is amended by inserting ''subparagraph (A), (B), or (D) of'' before ''paragraph (1)''.

SEC. 107. LONG-RANGE VESSEL TRACKING.

(a) REGULATIONS.—Section 70115 of title 46, United States Code is amended in the first sentence by striking ''The Secretary'' and inserting ''Not later than April 1, 2007, the Secretary''.

(b) VOLUNTARY PROGRAM.—The Secretary of Homeland Security may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under subsection (a) of such section.

SEC. 108. MARITIME SECURITY COMMAND CENTERS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 70122. Maritime security command centers

''(a) ESTABLISHMENT.—The Secretary shall establish an integrated network of virtual and physical maritime security command centers at appropriate United States seaports and maritime regions, as determined by the Secretary, to—

''(1) enhance information sharing;

''(2) facilitate day-to-day operational coordination; and

''(3) in the case of a transportation security incident, facilitate incident management and response.

''(b) CHARACTERISTICS.—Each maritime security command center described in subsection (a) shall—

''(1) be regionally based and utilize where available the compositional and operational characteristics, facilities and information technology systems of current operational centers for port and maritime security and other similar existing facilities and systems;

''(2) be adapted to meet the security needs, requirements, and resources of the seaport and maritime region the center will cover; and

''(3) to the maximum extent practicable, not involve the construction of new facilities, but shall utilize information technology, virtual connectivity, and existing facilities to create an integrated, real-time communication and information sharing network.

''(c) PARTICIPATION.—The following entities shall participate in the integrated network of maritime security command centers described in subsection (a):

''(1) The Coast Guard.

''(2) U.S. Customs and Border Protection.

''(3) U.S. Immigration and Customs Enforcement.

''(4) Other appropriate Federal, State, and local law enforcement agencies.

''(d) RESPONSIBILITIES.—Each maritime security command center described in subsection (a) shall—

''(1) assist, as appropriate, in the implementation of maritime transportation security plans developed under section 70103;

''(2) implement the transportation security incident response plans required under section 70104;

''(3) carry out information sharing activities consistent with those activities required under section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

''(4) conduct short- and long-range vessel tracking under sections 70114 and 70115; and

''(5) carry out such other responsibilities as determined by the Secretary.

''(e) SECURITY CLEARANCES.—The Secretary shall sponsor and expedite individuals participating in a maritime security command center described in subsection (a) in gaining or maintaining their security clearances. Through the Captain of the Port, the Secretary may identify key individuals who should participate. In addition, the port or other entities may appeal to the Captain of the Port for sponsorship.

''(f) SECURITY INCIDENTS.—During a transportation security incident involving the port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in a maritime security command center described in subsection (a) shall act as the incident commander, unless otherwise directed by the President.

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the normal command and control procedures for operational entities in the Department, unless so directed by the Secretary.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $60,000,000 for each of the fiscal years 2007 through 2012 to carry out this section and section 108(c) of the Security and Accountability For Every Port Act.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 701 of title 46, United States Code, is amended by adding at the end the following:

''70122. Maritime security command centers.''.

(c) IMPLEMENTATION PLAN AND BUDGET ANALYSIS.—The Secretary of Homeland Security shall submit to the appropriate congressional committees a plan for the implementation of section 70122 of title 46, United States Code, as added by subsection (a), and a budget analysis for the implementation of such section, including additional cost-sharing arrangements with other Federal departments and agencies and other participants involved in the maritime security command centers described in such section, not later than 180 days after the date of the enactment of this Act.

Subtitle B—Grant and Training Programs

SEC. 111. PORT SECURITY GRANT PROGRAM.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) by redesignating the second section 510 (as added by section 7303(d) of Public Law 108–458 (118 Stat. 3844)) as section 511; and

(2) by adding at the end the following new section:

''SEC. 512. PORT SECURITY GRANT PROGRAM.

''(a) GRANTS AUTHORIZED.—The Secretary shall establish a grant program to allocate Federal financial assistance to United States seaports on the basis of risk and need.

''(b) PRIORITIZATION PROCESS.—In awarding grants under this section, the Secretary shall conduct an assessment of United States seaports to develop a prioritization for awarding grants authorized under subsection (a) based upon—

''(1) the most current risk assessment available from the Department;

''(2) the national economic and strategic defense considerations of individual ports; and

''(3) any other factors that the Secretary determines to be appropriate.

''(c) APPLICATION.—

''(1) IN GENERAL.—Any entity or facility subject to an Area Maritime Transportation Security Plan required under subsection (b) or (c) of section 70103 of title 46, United States Code, may submit an application for a grant under this section, at such time, in such form, and containing such information and assurances as the Secretary may require.

''(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include—

''(A) a comprehensive description of—

''(i) the purpose of the project for which the applicant seeks a grant under this section and why the applicant needs the grant;

''(ii) the applicability of the project to the Area Maritime Transportation Security Plan and other homeland security plans;

''(iii) the methodology for coordinating the project into the security of the greater port area, as identified in the Area Maritime Transportation Security Plan;

''(iv) any existing cooperation or mutual aid agreements with other port facilities, vessels, organizations, or State, territorial, and local governments as such agreements relate to port security; and

''(v) a capital budget showing how the applicant intends to allocate and expend the grant funds;

''(B) a determination by the Captain of the Port that the project—

''(i) addresses or corrects port security vulnerabilities; and

''(ii) helps to ensure compliance with the Area Maritime Transportation Security Plan.

''(3) PROCEDURAL SAFEGUARDS.—The Secretary, in consultation with the Office of the Inspector General and the Office of Grants and Training, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

''(A) grant funds are used for the purposes for which they were made available;

''(B) grantees have properly accounted for all expenditures of grant funds; and

''(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

''(d) USE OF FUNDS.—Grants awarded under this section may be used—

''(1) to help implement Area Maritime Transportation Security Plans required under section 70103(b) of title 46, United States Code;

''(2) to remedy port security vulnerabilities identified through vulnerability assessments approved by the Secretary;

''(3) for non-Federal projects contributing to the overall security of a seaport or a system of United States seaports, as determined by the Secretary;

''(4) for the salaries, benefits, overtime compensation, and other costs of additional security personnel for State and local agencies for activities required by the Area Maritime Transportation Security Plan for a seaport area if the Secretary—

''(A) increases the threat level under the Homeland Security Advisory System to Code Orange or Code Red; or

''(B) raises the Maritime Security level to MARSEC Level 2 or 3;

''(5) for the cost of acquisition, operation, and maintenance of equipment that contributes to the overall security of the port area, as identified in the Area Maritime Transportation Security Plan, if the need is based upon vulnerability assessments approved by the Secretary or identified in the Area Maritime Security Plan;

''(6) to conduct vulnerability assessments approved by the Secretary;

''(7) to purchase or upgrade equipment, including computer software, to enhance terrorism preparedness;

''(8) to conduct exercises or training for prevention and detection of, preparedness for, response to, or recovery from terrorist attacks;

''(9) to establish or enhance mechanisms for sharing terrorism threat information;

''(10) for the cost of equipment (including software) required to receive, transmit, handle, and store classified information;

''(11) for the protection of critical infrastructure against potential attack by the addition of

barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the grant; and

''(12) to conduct port-wide exercises to strengthen emergency preparedness of Federal, State, territorial, and local officials responsible for port security, including law enforcement personnel and firefighters and other first responders, in support of the Area Maritime Security Plan.

''(e) PROHIBITED USES.—Grants awarded under this section may not be used to—

''(1) supplant State or local funds for activities of the type described in subsection (d);

''(2) construct buildings or other physical facilities;

''(3) acquire land; or

''(4) make any State or local government cost-sharing contribution.

''(f) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in subparagraph (A) or (B) of paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

''(2) EXCEPTIONS.—

''(A) SMALL PROJECTS.—The requirement of paragraph (1) shall not apply with respect to a project with a total cost of not more than $25,000.

''(B) HIGHER LEVEL OF FEDERAL SUPPORT REQUIRED.—The requirement of paragraph (1) shall not apply with respect to a project if the Secretary determines that the project merits support and cannot be undertaken without a higher rate of Federal support than the rate described in paragraph (1).

''(3) IN-KIND CONTRIBUTIONS.—Each recipient of a grant under this section may meet the requirement of paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, as determined by the Secretary, including any necessary personnel expenses, contractor services, administrative costs, equipment, fuel, or maintenance, and rental space.

''(g) MULTIPLE PHASE PROJECTS.—

''(1) IN GENERAL.—The Secretary may award grants under this section for projects that span multiple years.

''(2) FUNDING LIMITATION.—Not more than 20 percent of the total grant funds awarded under this section in any fiscal year may be awarded for projects that span multiple years.

''(h) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under this section—

''(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

''(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

''(i) COORDINATION AND COOPERATION.—The Secretary—

''(1) shall ensure that all projects that receive grant funding under this section within any area defined in an Area Maritime Transportation Security Plan are coordinated with other projects in such area; and

''(2) may require cooperative agreements among users of the seaport and seaport facilities with respect to projects funded under this section.

''(j) REVIEW AND AUDITS.—The Secretary shall require all grantees under this section to maintain such records as the Secretary may require and make such records available for review and audit by the Secretary, the Comptroller General of the United States, or the Inspector General of the Department.

''(k) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $400,000,000 for each of fiscal years 2007 through 2012 to carry out this section.

''(2) SOURCE OF FUNDS.—Amounts authorized to be appropriated under paragraph (1) shall originate from duties collected by U.S. Customs and Border Protection.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135) is amended by inserting after the item relating to section 509 the following:

''Sec. 510. Procurement of security countermeasures for strategic national stockpile.

''Sec. 511. Urban and other high risk area communications capabilities.

''Sec. 512. Port security grant program.''.

(c) REPEAL.—

(1) IN GENERAL.—Section 70107 of title 46, United States Code, is hereby repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70107.

SEC. 112. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Subtitle A of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended by adding at the end the following new section:

''SEC. 802. PORT SECURITY TRAINING PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and U.S. Customs and Border Protection, shall establish a Port Security Training Program (hereinafter in this section referred to as the 'Program') for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

''(b) REQUIREMENTS.—The Program shall provide validated training that—

''(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

''(2) provides training at the awareness, performance, and management and planning levels;

''(3) utilizes multiple training mediums and methods, including—

''(A) direct delivery;

''(B) train-the-trainer;

''(C) computer-based training;

''(D) web-based training; and

''(E) video teleconferencing;

''(4) addresses port security topics, including—

''(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

''(B) seaport security force operations and management;

''(C) physical security and access control at seaports;

''(D) methods of security for preventing and countering cargo theft;

''(E) container security;

''(F) recognition and detection of weapons, dangerous substances, and devices;

''(G) operation and maintenance of security equipment and systems;

''(H) security threats and patterns;

''(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

''(J) evacuation procedures;

''(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

''(6) is evaluated against clear and consistent performance measures; and

''(7) addresses security requirements under facility security plans.

''(c) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—The Secretary shall—

''(1) support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for port security training; and

''(2) ensure that the training provided under this section is consistent with such standards.

''(d) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary shall—

''(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management; and

''(2) utilize, as appropriate, training courses provided by community colleges, public safety academies, State and private universities, and other facilities.

''(e) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training shall consult with—

''(1) a geographic and substantive cross section of governmental and nongovernmental emergency response providers; and

''(2) commercial seaport personnel and management.

''(f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—For purposes of this section, the term 'commercial seaport personnel' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135) is amended by inserting after the item relating to section 801 the following:

''Sec. 802. Port security training program.''.

(c) VESSEL AND FACILITY SECURITY PLANS.—Section 70103(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking ''the training, periodic unannounced drills, and''

(2) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) provide a strategy and timeline for conducting training and periodic unannounced drills for persons on the vessel or at the facility to be carried out under the plan to deter, to the maximum extent practicable, a transportation security incident or a substantial threat of such a transportation security incident;''.

SEC. 113. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—Subtitle A of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361), as amended by section 112, is further amended by adding at the end the following new section:

''SEC. 803. PORT SECURITY EXERCISE PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Port Security Exercise Program (hereinafter in this section referred to as the 'Program') for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary

determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

''(b) REQUIREMENTS.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and U.S. Customs and Border Protection, shall ensure that the Program—

''(1) consolidates all existing port security exercise programs administered by the Department;

''(2) conducts, on a periodic basis, port security exercises at commercial seaports that are—

''(A) scaled and tailored to the needs of each port;

''(B) live in the case of the most at-risk ports;

''(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

''(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

''(E) evaluated against clear and consistent performance measures;

''(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management; governmental and nongovernmental emergency response providers, and the private sector; and

''(G) followed by remedial action in response to lessons learned; and

''(3) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

''(A) conform to the requirements of paragraph (2); and

''(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

''(c) REMEDIAL ACTION MANAGEMENT SYSTEM.—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Remedial Action Management System to—

''(1) identify and analyze each port security exercise for lessons learned and best practices;

''(2) disseminate lessons learned and best practices to participants in the Program;

''(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

''(4) conduct remedial action tracking and long-term trend analysis.

''(d) GRANT PROGRAM FACTOR.—In evaluating and prioritizing applications for Federal financial assistance under section 512, the Secretary shall give additional consideration to those applicants that have conducted port security exercises under this section.

''(e) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training shall consult with—

''(1) a geographic and substantive cross section of governmental and nongovernmental emergency response providers; and

''(2) commercial seaport personnel and management.

''(f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—For purposes of this section, the term 'commercial seaport personnel' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135), as amended by section 112, is further amended by inserting after the item relating to section 802 the following:

''Sec. 803. Port security exercise program.''.

SEC. 114. RESERVE OFFICERS AND JUNIOR RESERVE OFFICERS TRAINING PILOT PROJECT.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating (in this section referred to as the ''Secretary'') may carry out a pilot project to establish and maintain a reserve officers and a junior reserve officers training program in locations determined by the Secretary.

(b) CRITERIA FOR SELECTION.—The Secretary shall establish and maintain a training program under this section in each Coast Guard District, preferably in a location that has a Coast Guard district headquarters. The Secretary shall ensure that at least one program is established at each of an historically black college or university, an hispanic serving institution, and a high school with majority-minority population.

(c) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section shall provide students—

(1) instruction in subject areas relating to operations of the Coast Guard; and

(2) training in skills that are useful and appropriate for a career in the Coast Guard.

(d) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide—

(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(e) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may authorize a selected college, university, or high school to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary.

(2) AUTHORIZED PAY.—

(A) IN GENERAL.—Retired members employed pursuant to paragraph (1) may receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty with the Coast Guard during that period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) PAYMENT TO THE SCHOOL.—The Secretary shall pay to a selected college, university, or high school an amount equal to one half of the amount described in subparagraph (A), from funds appropriated for that purpose.

(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section there is authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2010.

Subtitle C—Miscellaneous Provisions

SEC. 121. INCREASE IN PORT OF ENTRY INSPECTION OFFICERS.

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than 200 the number of positions for full-time active duty port of entry inspection officers of the Department of Homeland Security for each of the fiscal years 2007 through 2012.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a) the following amounts for the following fiscal years:

(1) $20,000,000 for fiscal year 2007.

(2) $40,000,000 for fiscal year 2008.

(3) $60,000,000 for fiscal year 2009.

(4) $80,000,000 for fiscal year 2010.

(5) $100,000,000 for fiscal year 2011.

(6) $120,000,000 for fiscal year 2012.

SEC. 122. ACCELERATION OF INTEGRATED DEEPWATER SYSTEM.

In addition to any other amounts authorized by law, there is authorized to be appropriated to the Secretary of Homeland Security $1,892,000,000 for the acquisition and construction of vessels, aircraft, shore and offshore facilities and other components associated with the Integrated Deepwater System in accordance with the report required by section 888 of the Homeland Security Act of 2002 (116 Stat. 2250).

SEC. 123. BORDER PATROL UNIT FOR UNITED STATES VIRGIN ISLANDS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 124. REPORT ON OWNERSHIP AND OPERATION OF UNITED STATES SEAPORTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report that contains—

(1) the name of each individual or entity that leases, operates, manages, or owns real property or facilities at each United States seaport; and

(2) any other information that the Secretary determines to be appropriate.

SEC. 125. REPORT ON SECURITY OPERATIONS AT CERTAIN UNITED STATES SEAPORTS.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study on the adequacy of security operations at the ten United States seaports that load and unload the largest amount of containers.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the results of the study required by subsection (a).

SEC. 126. REPORT ON ARRIVAL AND DEPARTURE MANIFESTS FOR CERTAIN COMMERCIAL VESSELS IN THE UNITED STATES VIRGIN ISLANDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the impact of implementing the requirements of section 231 of the Immigration and Nationality Act (8 U.S.C. 1221) (relating to providing United States border officers with arrival and departure manifests) with respect to commercial vessels that are fewer than 300 gross tons and operate exclusively between the territorial waters of the United States Virgin Islands and the territorial waters of the British Virgin Islands.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

SEC. 201. SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

''TITLE XVIII—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

''Subtitle A—General Provisions

''SEC. 1801. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

''(a) STRATEGIC PLAN.—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop and implement, and update as appropriate, a strategic plan to enhance the security of the international supply chain.

''(b) REQUIREMENTS.—The strategic plan required under subsection (a) shall—

''(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private sector stakeholders that relate to the security of the movement of containers through the international supply chain;

''(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

''(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

''(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

''(5) build on available resources and consider costs and benefits;

''(6) provide incentives for additional voluntary measures to enhance cargo security, as determined by the Secretary;

''(7) consider the impact of supply chain security requirements on small and medium size companies;

''(8) include a process for sharing intelligence and information with private sector stakeholders to assist in their security efforts;

''(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

''(10) provide a plan for the expeditious resumption of the flow of legitimate trade in accordance with section 70103(a)(2)(J)(ii) of title 46, United States Code;

''(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs; and

''(12) expand upon and relate to existing strategies and plans, including the National Strategy for Maritime Security and the eight supporting plans of the Strategy, as required by Homeland Security Presidential Directive-13 (September 2005).

''(c) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

''(d) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

''(e) REPORT.—

''(1) INITIAL REPORT.—The Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

''(2) FINAL REPORT.—Not later than three years after the date on which the strategic plan is submitted under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report that contains an update of the strategic plan.

''(f) DEFINITION.—In this section, the term 'transportation security incident' has the meaning given the term in section 70101(6) of title 46, United States Code.

"SEC. 1802. TRANSMISSION OF ADDITIONAL DATA ELEMENTS FOR IMPROVED HIGH RISK TARGETING.

''(a) REQUIREMENT.—The Secretary shall require transmission to the Department, through an electronic data interchange system, of additional data elements for improved high risk targeting, including appropriate security elements of entry data, as determined by the Secretary, to be provided as advanced information with respect to cargo destined for importation into the United States prior to loading of such cargo on vessels at foreign seaports.

''(b) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section. In promulgating such regulations, the Secretary shall adhere to the parameters applicable to the development of regulations under section 343(a) of the Trade Act of 2002 (19 U.S.C. 2071 note), including provisions relating to consultation, technology, analysis, use of information, confidentiality, and timing requirements.

"SEC. 1803. PLAN TO IMPROVE THE AUTOMATED TARGETING SYSTEM.

''(a) PLAN.—The Secretary shall develop and implement a plan to improve the Automated Targeting System for the identification of high-risk containers moving through the international supply chain.

''(b) CONTENTS.—

''(1) TREATMENT OF RECOMMENDATIONS.—The Secretary shall include in the plan required under subsection (a) a schedule to address the recommendations of the Comptroller General of the United States, the Inspector General of the Department of the Treasury, and the Inspector General of the Department of Homeland Security with respect to the operation of the Automated Targeting System.

''(2) INFORMATION SUBMISSIONS.—In developing the plan required under subsection (a), the Secretary shall consider the cost, benefit, and feasibility of—

''(A) requiring additional nonmanifest documentation for each container;

''(B) adjusting the time period allowed by law for revisions to a container cargo manifest;

''(C) adjusting the time period allowed by law for submission of entry data for vessel or cargo; and

''(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any other targeting systems in furthering the security and integrity of the international supply chain.

''(3) OUTSIDE REVIEW.—The Secretary shall conduct, through an independent panel, a review of the Automated Targeting System. The results of this review shall be included in the plan required under subsection (a).

''(4) SMART SYSTEM.—The Secretary shall consider future iterations of the Automated Targeting System, which would incorporate smart features, such as more complex algorithms and real-time intelligence, instead of relying solely on rule sets that are periodically updated. The Secretary shall also consider how the Automated Targeting System could be improved through linkages with targeting systems in existence on the date of the enactment of the Security and Accountability For Every Port Act for travel security and terrorism finance programs.

''(c) NEW OR EXPANDED INFORMATION SUBMISSIONS.—In considering any new or expanded information submission requirements, the Secretary shall consult with stakeholders and identify the need for such information, appropriate confidentiality requirements with respect to such information, and appropriate timing of the submission of such information, in the plan required under subsection (a).

''(d) SECURE TRANSMISSION OF CERTAIN INFORMATION.—All information required by the Department from supply chain partners shall be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2012 to carry out this section.

"SEC. 1804. CONTAINER STANDARDS AND VERIFICATION PROCEDURES.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish minimum standards and verification procedures for securing containers in transit to the United States relating to the sealing of containers.

''(2) DEADLINE FOR ENFORCEMENT.—Not later than two years after the date on which the standards and procedures are established pursuant to paragraph (1), all containers bound for ports of entry in the United States shall meet such standards and procedures.

''(b) REVIEW AND ENHANCEMENT.—The Secretary shall regularly—

''(1) review the standards and procedures established pursuant to subsection (a); and

''(2) enhance the security standards and procedures, as appropriate, based on tests of technologies as they become commercially available to detect container intrusion and the highest consequence threats, particularly weapons of mass destruction.

''(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

''(d) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out this section, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under this section do not violate international trade obligations or other international obligations of the United States.

"SEC. 1805. CONTAINER SECURITY INITIATIVE (CSI).

''(a) AUTHORIZATION.—The Secretary is authorized to establish and implement a program (to be known as the 'Container Security Initiative' or 'CSI') to identify and examine maritime containers that pose a risk for terrorism at foreign ports before the containers are shipped to the United States.

''(b) ASSESSMENT.—Before the Secretary designates any foreign port under CSI, the Secretary, in consultation with other Federal officials, as appropriate, shall conduct an assessment of the port, including—

''(1) the level of risk for the potential compromise of containers by terrorists or terrorist weapons;

''(2) the volume of regular container traffic to United States ports;

''(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

''(4) the commitment of the host nation to cooperating with the Department in sharing critical data and risk management information and to maintain programs to ensure employee integrity; and

''(5) the potential for validation of security practices by the Department.

''(c) NOTIFICATION.—The Secretary shall notify the appropriate congressional committees prior to notifying the public of the designation of a foreign port under CSI.

''(d) INSPECTIONS.—

''(1) REQUIREMENTS AND PROCEDURES.—The Secretary shall—

''(A) establish technical capability criteria and standard operating procedures for the use of nonintrusive inspection and nuclear and radiological detection systems in conjunction with CSI;

''(B) require each port designated under CSI to operate nonintrusive inspection and nuclear and radiological detection systems in accordance with the technical capability criteria and standard operating procedures established under subparagraph (A); and

''(C) continually monitor the technologies, processes, and techniques used to inspect cargo at ports designated under CSI.

''(2) CONSISTENCY OF STANDARDS AND PROCEDURES.—The Secretary shall ensure that the technical capability criteria and standard operating procedures established under paragraph (1)(A) are consistent with such standards and procedures of any other department or agency of the Federal government with respect to deployment of nuclear and radiological detection systems outside the United States.

''(3) FOREIGN ASSISTANCE.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and the heads of other Federal agencies, shall identify foreign assistance programs that could facilitate the implementation of cargo security antiterrorism measures at ports designated under CSI and foreign ports not designated under CSI that lack effective antiterrorism measures.

''(B) ACQUISITION.—The Secretary is authorized to loan or otherwise assist in the deployment of nonintrusive inspection or nuclear and radiological detection systems for cargo containers at each designated CSI port under such terms and conditions as the Secretary determines to be appropriate and to provide training for foreign personnel involved in CSI.

''(e) PROHIBITION.—

''(1) IN GENERAL.—The Secretary shall issue a 'do not load' order to each port designated under CSI to prevent the onload of any cargo that has been identified as higher risk by the Automated Targeting System unless the cargo—

''(A) is scanned with a non intrusive imagery device and nuclear or radiological detection equipment;

''(B) is devanned and inspected with nuclear or radiological detection equipment; or

''(C) is determined to be of lower risk following additional inquiries by appropriate personnel of U.S. Customs and Border Protection.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the ability of the Secretary to deny entry of any cargo into the United States.

''(f) REPORT.—The Secretary shall submit to the appropriate congressional committees not later than March 1 of each year a report on the status of CSI, including—

''(1) a description of the security improvements gained through CSI;

''(2) the rationale for the continuance of each port designated under CSI;

''(3) an assessment of the personnel needs at each port designated under CSI; and

''(4) a description of the potential for remote targeting to decrease the number of personnel who are deployed at foreign ports under CSI.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $196,000,000 for each of the fiscal years 2007 through 2012 to carry out this section.

"SEC. 1806. INFORMATION SHARING RELATING TO SUPPLY CHAIN SECURITY COOPERATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to establish continuing liaison and to provide for supply chain security cooperation between Department and the private sector; and

''(2) to provide for regular and timely interchange of information between the private sector and the Department concerning developments and security risks in the supply chain environment.

''(b) SECURE SYSTEM.—The Secretary shall develop a secure electronic data interchange system to collect from and share appropriate risk information related to securing the supply chain with the private sector entities determined appropriate by the Secretary.

''(c) CONSULTATION.—In developing the system under subsection (b), the Secretary shall consult with the Commercial Operations Advisory Committee and a broad range of public and private sector entities likely to utilize the system, including importers, exporters, carriers, customs brokers, and freight forwarders, among other parties.

''(d) PROCEDURES.—The Secretary shall establish uniform procedures for the receipt, care, and storage of supply chain security information that is voluntarily submitted to the Department through the system developed under subsection (b).

''(e) LIMITATIONS.—The voluntary information collected through the system developed under subsection (b) shall be used exclusively for ensuring security and shall not be used for determining entry or for any other commercial enforcement purpose. The voluntary information submitted to the Department through the system developed under subsection (b) shall not be construed to constitute compliance with any requirement to submit such information to a Federal agency under any other provision of law.

''(f) PARTICIPANTS.—The Secretary shall develop protocols for determining appropriate private sector personnel who shall have access to the system developed under subsection (b). Such personnel shall include designated security officers within companies that are determined to be low risk through participation in the Customs-Trade Partnership Against Terrorism program established pursuant to subtitle B of this title.

''(g) CONFIDENTIALITY.—Notwithstanding any other provision of law, information that is voluntarily submitted by the private sector to the Department through the system developed under subsection (b)—

''(1) shall be exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

''(2) shall not, without the written consent of the person or entity submitting such information, be used directly by the Department or a third party, in any civil action arising under Federal or State law if such information is submitted in good faith; and

''(3) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this section, except—

''(A) in furtherance of an investigation or other prosecution of a criminal act; or

''(B) when disclosure of the information would be—

''(i) to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee thereof or subcommittee of any such joint committee; or

''(ii) to the Comptroller General, or any authorized representative of the Comptroller General, in the course of the performance of the duties of the Comptroller General.

''(h) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this section shall be construed to limit or otherwise affect the ability of a Federal, State, or local, government entity, under applicable law, to obtain supply chain security information, including any information lawfully and properly disclosed generally or broadly to the public and to use such information in any manner permitted by law.

''(i) PENALTIES.—Whoever, being an officer or employee of the United States or of any department or agency thereof, knowingly publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law, any supply chain security information protected in this section from disclosure, shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both, and shall be removed from office or employment.

''(j) AUTHORITY TO ISSUE WARNINGS.—The Secretary may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general public regarding potential risks to the supply chain as appropriate. In issuing a warning, the Secretary shall take appropriate actions to protect from disclosure—

''(1) the source of any voluntarily submitted supply chain security information that forms the basis for the warning; and

''(2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

"Subtitle B—Customs-Trade Partnership Against Terrorism (C-TPAT)

"SEC. 1811. ESTABLISHMENT.

''(a) ESTABLISHMENT.—The Secretary is authorized to establish a voluntary program (to be known as the 'Customs-Trade Partnership Against Terrorism' or 'C–TPAT') to strengthen and improve the overall security of the international supply chain and United States border security.

''(b) MINIMUM SECURITY REQUIREMENTS.—The Secretary shall review the minimum security requirements of C–TPAT at least once every year and update such requirements as necessary.

"SEC. 1812. ELIGIBLE ENTITIES.

''Importers, brokers, forwarders, air, sea, land carriers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C-TPAT.

"SEC. 1813. MINIMUM REQUIREMENTS.

''An applicant seeking to participate in C–TPAT shall—

''(1) demonstrate a history of moving commerce in the international supply chain;

''(2) conduct an assessment of its supply chains based upon security criteria established by the Secretary, including—

''(A) business partner requirements;

''(B) container security;

''(C) physical security and access controls;

''(D) personnel security;

''(E) procedural security;

''(F) security training and threat awareness; and

''(G) information technology security;

''(3) implement and maintain security measures and supply chain security practices meeting security criteria; and

''(4) meet all other requirements established by the Secretary.

"SEC. 1814. TIER ONE PARTICIPANTS.

''(a) BENEFITS.—The Secretary may offer limited benefits to C–TPAT participants whose security measures and supply chain security practices have been certified in accordance with the guidelines established pursuant to subsection (b).

''(b) GUIDELINES.—The Secretary shall update guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under this section.

"SEC. 1815. TIER TWO PARTICIPANTS.

''(a) IN GENERAL.—Not later than one year after a C-TPAT participant has been certified under section 1814, the Secretary shall validate, directly or through third party entities certified in accordance with section 1817, the security measures and supply chain security practices of that participant. Such validation shall include assessments at appropriate foreign locations utilized by the participant as part of the supply chain.

''(b) CONSEQUENCES FOR FAILED VALIDATION.—If a C–TPAT participant's security measures and supply chain security practices fail to meet the validation requirements under this section, the Commissioner of U.S. Customs and Border Protection may—

''(1) deny the participant benefits under C–TPAT on a temporary or permanent basis; or

''(2) suspend or expel the participant from C–TPAT.

''(c) RIGHT OF APPEAL.—A C–TPAT participant described in subsection (b) may file an appeal with the Secretary of the Commissioner's

decision under subsection (b)(1) to deny benefits under C–TPAT or under subsection (b)(2) to suspend or expel the participant from C–TPAT.

''(d) BENEFITS.—The Secretary shall extend benefits to each C-TPAT participant that has been validated under this section, which may include—

''(1) reduced examinations; and

''(2) priority processing for searches.

"SEC. 1816. TIER THREE PARTICIPANTS.

''(a) IN GENERAL.—The Secretary shall establish a third tier of C-TPAT that offers additional benefits to C-TPAT participants that demonstrate a sustained commitment beyond the minimum criteria for participation in C-TPAT.

''(b) ADDITIONAL CRITERIA.—The Secretary shall designate criteria for C-TPAT participants under this section that may include criteria to ensure—

''(1) cargo is loaded on a vessel with a vessel security plan approved under section 70103(c) of title 46, United States Code, or on a vessel with a valid International Ship Security Certificate as provided for under part 104 of title 33, Code of Federal Regulations;

''(2) container security devices and related policies and practices that exceed the standards and procedures established by the Secretary are utilized; and

''(3) cargo complies with any other requirements determined by the Secretary.

''(c) BENEFITS.—The Secretary, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, may provide benefits to C-TPAT participants under this section, which may include—

''(1) the expedited release of tier three cargo into destination ports within the United States during all threat levels designated by the Secretary;

''(2) reduced or streamlined bonding requirements that are consistent with obligations under other applicable provisions of law;

''(3) preference to vessels;

''(4) further reduced examinations;

''(5) priority processing for examinations;

''(6) further reduced scores in the Automated Targeting System; and

''(7) streamlined billing of any customs duties or fees.

''(d) DEFINITION.—In this section, the term 'container security device' means a mechanical or electronic device designed to, at a minimum, detect unauthorized intrusion of containers.

"SEC. 1817. CONSEQUENCES FOR LACK OF COMPLIANCE.

''(a) IN GENERAL.—If a C–TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Secretary may deny the participant benefits in whole or in part under this subtitle.

''(b) FALSE OR MISLEADING INFORMATION.—If a C-TPAT participant intentionally provides false or misleading information to the Secretary or a third party entity during the validation process of the participant under this subtitle, the Commissioner of U.S. Customs and Border Protection shall suspend or expel the participant from C-TPAT for a period of not less than five years.

''(c) RIGHT OF APPEAL.—A C–TPAT participant described in subsection (a) may file an appeal with the Secretary of the Secretary's decision under subsection (a) to deny benefits under this subtitle. A C-TPAT participant described in subsection (b) may file an appeal with the Secretary of the Commissioner's decision under subsection (b) to suspend or expel the participant from C-TPAT.

"SEC. 1818. VALIDATIONS BY THIRD PARTY ENTITIES.

''(a) IN GENERAL.—In conducting the pilot program under subsection (f), and if the Secretary determines to expand the use of third party entities to conduct validations of C-TPAT participants upon completion of the pilot program under subsection (f), the Secretary shall—

''(1) develop, document, and update, as necessary, minimum standard operating procedures and requirements applicable to such entities for the conduct of such validations; and

''(2) meet all requirements under subtitle G of the title VIII of this Act to review and designate such minimum standard operating procedures as a qualified anti-terrorism technology for purposes of such subtitle.

''(b) CERTIFICATION OF THIRD PARTY ENTITIES.—

''(1) ISSUANCE OF CERTIFICATE OF CONFORMANCE.—In accordance with section 863(d)(3) of this Act, the Secretary shall issue a certificate of conformance to a third party entity to conduct validations under this subtitle if the entity—

''(A) demonstrates to the satisfaction of the Secretary the ability to perform validations in accordance with standard operating procedures and requirements (or updates thereto) designated as a qualified anti-terrorism technology by the Secretary under subsection (a); and

''(B) agrees—

''(I) to perform validations in accordance with such standard operating procedures and requirements (or updates thereto); and

''(ii) to maintain liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864 of this Act; and

''(C) signs an agreement to protect all proprietary information of C-TPAT participants with respect to which the entity will conduct validations.

''(2) LITIGATION AND RISK MANAGEMENT PROTECTIONS.—A third party entity that maintains liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864 of this Act and receives a certificate of conformance under paragraph (1) shall receive all applicable litigation and risk management protections under sections 863 and 864 of this Act.

''(3) RECIPROCAL WAIVER OF CLAIMS.—A reciprocal waiver of claims shall be deemed to have been entered into between a third party entity that receives a certificate of conformance under paragraph (1) and its contractors, subcontractors, suppliers, vendors, customers, and contractors and subcontractors of customers involved in the use or operation of the validation services of the third party entity.

''(c) INFORMATION FOR ESTABLISHING LIMITS OF LIABILITY INSURANCE.—A third party entity seeking a certificate of conformance under subsection (b)(1) shall provide to the Secretary necessary information for establishing the limits of liability insurance required to be maintained by the entity under section 864(a) of this Act.

''(d) ADDITIONAL REQUIREMENTS.—The Secretary shall ensure that—

''(1) any third party entity under this section—

''(A) has no beneficial interest in or any direct or indirect control over the C-TPAT participant that is contracting for the validation services; and

''(B) has no other conflict of interest with respect to the C-TPAT participant; and

''(2) the C-TPAT participant has entered into a contract with the third party entity under which the C-TPAT participant agrees to pay all costs associated with the validation.

''(e) MONITORING.—

''(1) IN GENERAL.—The Secretary shall regularly monitor and inspect the operations of a third party entity conducting validations under this subtitle to ensure that the entity is meeting the minimum standard operating procedures and requirements for the validation of C-TPAT participants established under subsection (a) and all other applicable requirements for validation services under this subtitle.

''(2) REVOCATION.—If the Secretary finds that a third party entity is not meeting the minimum standard operating procedures and requirements, the Secretary shall—

''(A) revoke the entity's certificate of conformance issued under subsection (b)(1); and

''(B) review any validations conducted by the entity.

''(f) PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a pilot program to test the feasibility, costs, and benefits of utilizing third party entities to conduct validations of C-TPAT participants. In conducting the pilot program, the Secretary shall comply with all applicable requirements of this section with respect to eligibility of third party entities to conduct validations of C-TPAT participants.

''(2) REPORT.—Not later than 30 days after the completion of the pilot program conducted pursuant to paragraph (1), the Secretary shall submit to the appropriate congressional committees a report that contains—

''(A) the results of the pilot program; and

''(B) the determination of the Secretary whether or not to expand the use of third party entities to conduct validations of C-TPAT participants.

"SEC. 1819. REVALIDATION.

''The Secretary shall establish a process for revalidating C-TPAT participants under this subtitle. Such revalidation shall occur not less frequently than once during every 3-year period following the initial validation.

"SEC. 1820. NON-CONTAINERIZED CARGO.

''The Secretary may consider the potential for participation in C-TPAT by importers of non-containerized cargoes that otherwise meet the requirements under this subtitle.

"SEC. 1821. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $75,000,000 for each of the fiscal years 2007 through 2012 to carry out this subtitle.

"Subtitle C—Miscellaneous Provisions

"SEC. 1831. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS IN FURTHERANCE OF MARITIME AND CARGO SECURITY.

''(a) IN GENERAL.—The Secretary shall—

''(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

''(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

''(3) evaluate such technologies.

''(b) COORDINATION.—The Secretary, in coordination with the Undersecretary for Science and Technology, the Director of the Domestic Nuclear Detection Office of the Department, and the heads of other appropriate offices or entities of the Department, shall ensure that—

''(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

''(2) the results of such efforts are shared throughout the Department and other Federal, State, and local agencies, as appropriate.

"SEC. 1832. GRANTS UNDER OPERATION SAFE COMMERCE.

''(a) IN GENERAL.—The Secretary shall provide grants, as part of Operation Safe Commerce, to—

''(1) integrate nonintrusive imaging inspection and nuclear and radiological detection systems with automatic identification methods for containers, vessels, and vehicles;

''(2) test physical access control protocols and technologies to include continuous tracking devices that provide real-time monitoring and reporting;

''(3) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

''(4) otherwise further maritime and cargo security, as determined by the Secretary.

''(b) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—In providing grants under subsection (a), the Secretary shall establish demonstration projects that further the security of the international supply chain, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo, through real-time, continuous tracking technology for special or high-risk container cargo that poses unusual potential for human or environmental harm.

''(c) COMPETITIVE SELECTION PROCESS.—The Secretary shall select recipients of grants under subsection (a) through a competitive process on the basis of the following criteria:

''(1) The extent to which the applicant can demonstrate that personnel, laboratory, and organizational resources will be available to the applicant to carry out the activities authorized under this section.

''(2) The applicant's capability to provide leadership in making national and regional contributions to the solution of maritime and cargo security issues.

''(3) The extent to which the applicant's programs, projects, and activities under the grant will address highest risk priorities as determined by the Secretary.

''(4) The extent to which the applicant has a strategic plan for carrying out the programs, projects, and activities under the grant.

''(5) Any other criteria the Secretary determines to be appropriate.

''(d) ADMINISTRATIVE PROVISIONS.—

''(1) PROHIBITION ON DUPLICATION OF EFFORT.—Before providing any grant under subsection (a), the Secretary shall coordinate with other Federal departments and agencies to ensure the grant will not duplicate work already being carried out with Federal funding.

''(2) ACCOUNTING, REPORTING, AND REVIEW PROCEDURES.—The Secretary shall establish accounting, reporting, and review procedures to ensure that—

''(A) amounts made available under a grant provided under subsection (a)—

''(i) are used for the purpose for which such amounts were made available; and

''(ii) are properly accounted for; and

''(B) amounts not used for such purpose and amounts not expended are recovered.

''(3) RECORDKEEPING.—The recipient of a grant under subsection (a) shall keep all records related to expenditures and obligations of amounts provided under the grant and make such records available upon request to the Secretary for audit and examination.

''(4) REVIEW.—The Secretary shall annually review the programs, projects, and activities carried out using amounts made available under grants provided under subsection (a) to ensure that obligations and expenditures of such amounts are consistent with the purposes for which such amounts are made available.

''(e) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit to the appropriate congressional committees a report detailing the results of Operation Safe Commerce.

''(f) DEFINITION.—In this section, the term 'Operation Safe Commerce' means the research, development, test, and evaluation grant program that brings together private sector shareholders, port officials, and Federal, State, and local representatives to analyze existing security procedures for cargo and develop new security protocols that have the potential to increase the security of cargo shipments by monitoring the movement and integrity of cargo through the international supply chain.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated $25,000,000 for each of fiscal years 2007 through 2012 to carry out this section.

''(2) EFFECTIVE DATE.—Paragraph (1) shall be effective beginning on the date on which the Secretary submits to the appropriate congressional committees a report on the implementation and results of grants provided under Operation Safe Commerce before the date of the enactment of the Security and Accountability For Every Port Act.

"SEC. 1833. DEFINITIONS.

''In this title, the following definitions apply:

''(1) AUTOMATED TARGETING SYSTEM.—The term 'Automated Targeting System' means the rules-based system incorporating intelligence material and import transaction history, established by U.S. Customs and Border Protection to target high risk shipments of cargo.

''(2) EXAMINATION.—The term 'examination' means a physical inspection or the imaging and radiation screening of a conveyance using nonintrusive inspection (NII) technology, for the presence of contraband.

''(3) INSPECTION.—The term 'inspection' means the comprehensive process used by U.S. Customs and Border Protection for assessing goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. This process may include screening, conducting an examination, or conducting a search.

''(4) INTERNATIONAL SUPPLY CHAIN.—The term 'international supply chain' means the end-to-end process for shipping goods from a point of origin overseas to and from the United States.

''(5) NUCLEAR AND RADIOLOGICAL DETECTION SYSTEM.—The term 'nuclear and radiological detection system' means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

''(6) SCREENING.—The term 'screening' means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine or assess the threat of such cargo.

''(7) SEARCH.—The term 'search' means an intrusive examination in which a container is opened and its contents are de-vanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135) is amended by adding at the end the following:

''TITLE XVIII—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

''Subtitle A—General Provisions

''Sec. 1801. Strategic plan to enhance the security of the international supply chain.

''Sec. 1802. Transmission of additional data elements for improved high risk targeting.

''Sec. 1803. Plan to improve the Automated Targeting System.

''Sec. 1804. Container standards and verification procedures.

''Sec. 1805. Container Security Initiative (CSI).

''Sec. 1806. Information sharing relating to supply chain security cooperation.

''Subtitle B—Customs-Trade Partnership Against Terrorism (C-TPAT)

''Sec. 1811. Establishment.

''Sec. 1812. Eligible entities.

''Sec. 1813. Minimum requirements.

''Sec. 1814. Tier one participants.

''Sec. 1815. Tier two participants.

''Sec. 1816. Tier three participants.

''Sec. 1817. Consequences for lack of compliance.

''Sec. 1818. Validations by third party entities.

''Sec. 1819. Revalidation.

''Sec. 1820. Non-containerized cargo.

''Sec. 1821. Authorization of appropriations.

''Subtitle C—Miscellaneous Provisions

''Sec. 1831. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security.

''Sec. 1832. Grants under Operation Safe Commerce.

''Sec. 1833. Definitions.''.

(c) EFFECTIVE DATES.—The Secretary of Homeland Security shall—

(1) submit to the appropriate congressional committees the report required by section 1801(e)(1) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of enactment of this Act;

(2) promulgate regulations under section 1802(b) of the Homeland Security Act of 2002, as added by subsection (a), not later than one year after the date of the enactment of this Act;

(3) develop and implement the plan to improve the Automated Targeting System under section 1803(a) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act,

(4) develop the standards and verification procedures described in section 1804(a)(1) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act;

(5) begin exercising authority to issue a ''do not load'' order to each port designated under CSI pursuant to section 1805(e) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act;

(6) develop the secure electronic data interchange system under section 1806(b) of the Homeland Security Act of 2002, as added by subsection (a), not later than one year after the date of the enactment of this Act;

(7) update guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under section 1814(b) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act;

(8) develop a schedule and update guidelines for validating a C-TPAT participant's security measures and supply chain security practices under section 1815 of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of enactment of this Act;

(9) provide appropriate benefits described in subsection (d) of section 1816 of the Homeland Security Act of 2002, as added by subsection (a), to C-TPAT participants under section 1816 of

such Act beginning not later than two years after the date of the enactment of this Act; and

(10) carry out the pilot program described in section 1818(f) of the Homeland Security Act of 2002, as added by subsection (a), beginning not later than one year after the date of the enactment of this Act for a duration of not less than a one-year period.

SEC. 202. NEXT GENERATION SUPPLY CHAIN SECURITY TECHNOLOGIES.

(a) EVALUATION OF EMERGING TECHNOLOGIES.—While maintaining the current layered, risk-based approach to screening, scanning, and inspecting cargo at foreign ports bound for the United States in accordance with existing statutory provisions, the Secretary of Homeland Security shall evaluate the development of nuclear and radiological detection systems and other inspection technologies for use at foreign seaports to increase the volume of containers scanned prior to loading on vessels bound for the United States.

(b) EMERGING TECHNOLOGY.—Not later than one year after the date of the enactment of this Act, the Secretary shall, having evaluated emerging technologies under subsection (a), determine if more capable, commercially available technology exists, and whether such technology—

(1) has a sufficiently low false alarm rate for use in the supply chain;

(2) is capable of being deployed and operated at ports overseas;

(3) is capable of integrating, where necessary, with existing systems;

(4) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(5) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(c) CONTINGENT IMPLEMENTATION.—If the Secretary determines the available technology meets the criteria outlined in subsection (b), the Secretary, in cooperation with the Secretary of State, shall within 180 days of such determination, seek to secure the cooperation of foreign governments to initiate and maximize the use of such technology at foreign ports to scan all cargo possible.

(d) INTERNATIONAL COOPERATION.—If the Secretary determines that a proposed technology meets the requirements of subsection (b), but cannot be implemented as a result of a foreign government's refusal to cooperate in the phased deployment, the Secretary may refuse to accept containerized cargo from that port.

(e) REPORT.—The Secretary shall submit to the appropriate congressional committees on an annual basis a report on the evaluation performed under subsections (a) and (b), the status of any implementation initiated in accordance with subsection (c), and a detailed assessment of the level of cooperation of foreign governments, as well as any actions taken by the Secretary under subsection (d).

(f) DEFINITION.—In this section, the term ''nuclear and radiological detection system'' means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

SEC. 203. UNIFORM DATA SYSTEM FOR IMPORT AND EXPORT INFORMATION.

(a) ESTABLISHMENT.—The President shall establish and implement a single, uniform data system for the electronic collection, dissemination, and sharing of import and export information to increase the efficiency of data submission and the security of such data related to border security, trade, and public health and safety of international cargoes.

(b) PRIVATE SECTOR CONSULTATION.—The President shall consult with private sector stakeholders in developing uniform data submission requirements, procedures, and schedules under the system established pursuant to subsection (a).

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the schedule for full implementation of the system established pursuant to subsection (a).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent any Federal department or agency from collecting import and export information under any other provision of law.

SEC. 204. FOREIGN PORT ASSESSMENTS.

Section 70108 of title 46, United States Code, is amended by adding at the end the following:

''(d) PERIODIC REASSESSMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall reassess the effectiveness of antiterrorism measures maintained at ports as described under subsection (a) and of procedures described in subsection (b) not less than every 3 years.''.

SEC. 205. PILOT PROGRAM TO IMPROVE THE SECURITY OF EMPTY CONTAINERS.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a one-year pilot program to evaluate and improve the security of empty containers at United States seaports to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers. The pilot program shall include the use of visual searches of empty containers at United States seaports.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under paragraph (1), the Secretary shall prepare and submit to the appropriate congressional committees a report that contains—

(1) the results of pilot program; and

(2) the determination of the Secretary whether or not to expand the pilot program.

SEC. 206. STUDY AND REPORT ON ADVANCED IMAGERY PILOT PROGRAMS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Commissioner of U.S. Customs and Border Protection, shall conduct a study of the merits of current container inspection pilot programs which include nuclear or radiological detection, non-intrusive imagery, and density scanning capabilities.

(2) REQUIREMENTS.—The study required under paragraph (1) shall include, at a minimum—

(A) an evaluation of the cost, personnel, and infrastructure required to operate the pilot programs, as well as the cost, personnel, and infrastructure required to move the pilot programs into full-scale deployment to screen all cargo imported from foreign ports;

(B) an evaluation of the cost, personnel, and infrastructure required by U.S. Customs and Border Protection to validate the data generated from the pilot programs;

(C) a summary of best practices and technological advances of the pilot programs that could be integrated into the Container Security Initiative and other container security programs; and

(D) an assessment of the impact of technology or processes utilized in the pilot programs on improving cargo operations and security.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains—

(1) the results of the study required under subsection (a); and

(2) recommendations to improve container security programs within the Department of Homeland Security.

TITLE III—DIRECTORATE FOR POLICY, PLANNING, AND INTERNATIONAL AFFAIRS

SEC. 301. ESTABLISHMENT OF DIRECTORATE.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title VI as title XIX, and moving such title so as to appear after title XVIII, as added by section 201;

(2) by striking the heading for such title and inserting the following:

''TITLE XIX—MISCELLANEOUS PROVISIONS''.

(3) by redesignating section 601 as section 1901; and

(4) by inserting after title V the following new title:

''TITLE VI—POLICY, PLANNING, AND INTERNATIONAL AFFAIRS

''SEC. 601. DIRECTORATE FOR POLICY, PLANNING, AND INTERNATIONAL AFFAIRS.

''(a) ESTABLISHMENT.—There shall be in the Department a Directorate for Policy, Planning, and International Affairs.

''(b) UNDER SECRETARY FOR POLICY.—

''(1) IN GENERAL.—The head of the Directorate shall be the Under Secretary for Policy, who shall be appointed by the President.

''(2) QUALIFICATIONS.—No individual shall be appointed Under Secretary for Policy under paragraph (1) unless the individual has, by education and experience, demonstrated knowledge, ability, and skill in the fields of policy and strategic planning.

''(c) RESPONSIBILITIES OF UNDER SECRETARY.—

''(1) POLICY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the policy responsibilities of the Under Secretary for Policy shall be as follows:

''(A) To serve as the principal policy advisor to the Secretary.

''(B) To provide overall direction and supervision of policy development for the programs, offices, and activities of the Department.

''(C) To establish and implement a formal policymaking process for the Department.

''(D) To analyze, evaluate, and review the completed, ongoing, and proposed programs of the Department to ensure they are compatible with the statutory and regulatory responsibilities of the Department and with the Secretary's priorities, strategic plans, and policies.

''(E) To ensure that the budget of the Department (including the development of future year budgets and interaction with the Office of Management and Budget and with Congress) is compatible with the statutory and regulatory responsibilities of the Department and with the Secretary's priorities, strategic plans, and policies.

''(F) To represent the Department in any development of policy that requires the Department to consult with another Federal agency, the Office of the President, a foreign government, or any other governmental or private sector entity.

''(G) To supervise and oversee policy development undertaken by the component agencies and offices of the Department.

''(2) STRATEGIC PLANNING RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the strategic planning responsibilities of the Under Secretary for Policy shall be as follows:

''(A) To conduct long-range, strategic planning for the Department.

''(B) To prepare national and Department strategies, as appropriate.

''(C) To conduct net assessments of issues facing the Department.

''(3) INTERNATIONAL RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the international responsibilities of the Under Secretary for Policy shall be as follows:

''(A) To promote the exchange of information and the sharing of best practices and technology relating to homeland security with nations friendly to the United States, including—

''(i) the exchange of information on research and development on homeland security technologies;

''(ii) joint training exercises of first responders in coordination with the Assistant Secretary for Grants and Training; and

''(iii) exchanging expertise and information on terrorism prevention, response, and crisis management.

''(B) To identify any homeland security-related area in which the United States and other nations and appropriate international organizations could collaborate to improve capabilities and to encourage the exchange of information or sharing of best practices and technology relating to that area.

''(C) To plan and participate in international conferences, exchange programs (including the exchange of scientists, engineers, and other experts), and other training activities with friendly nations

''(D) To manage international activities within the Department in coordination with other Federal officials with responsibility for counterterrorism matters.

''(E) To oversee the activities of Department personnel operating in other countries or traveling to other countries,

''(F) To represent the Department in international negotiations, working groups, and standards-setting bodies.

''(4) PRIVATE SECTOR.—

''(A) To create and foster strategic communications with the private sector to enhance the primary mission of the Department to protect the United States.

''(B) To advise the Secretary on the impact on the private sector of the policies, regulations, processes, and actions of the Department.

''(C) To create and manage private sector advisory councils composed of representatives of industries and associations designated by the Secretary—

''(i) to advise the Secretary on private sector products, applications, and solutions as they relate to homeland security challenges; and

''(ii) to advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations.

''(D) To promote existing public-private partnerships and develop new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges.

''(E) To identify private sector resources and capabilities that could be effective in supplementing functions of the Department and State and local governments to prevent or respond to acts of terrorism.

''(F) To coordinate among the Department's operating entities and with the Assistant Secretary for Trade Development of the Department of Commerce on issues related to the travel and tourism industries.

''SEC. 602. OFFICE OF INTERNATIONAL AFFAIRS.

''(a) ESTABLISHMENT.—There is established within the Directorate of Policy, Planning, and International Affairs an Office of International Affairs. The Office shall be headed by an Assistant Secretary, who shall be appointed by the Secretary.

''(b) DUTIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary shall have the following duties:

''(1) To promote information and education exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security. Such exchange shall include the following:

''(A) Exchange of information on research and development on homeland security technologies.

''(B) Joint training exercises of first responders.

''(C) Exchange of expertise on terrorism prevention, response, and crisis management.

''(2) To identify areas for homeland security information and training exchange where the United States has a demonstrated weakness and another friendly nation or nations have a demonstrated expertise.

''(3) To plan and undertake international conferences, exchange programs, and training activities.

''(4) To manage international activities within the Department in coordination with other Federal officials with responsibility for counter-terrorism matters.

''SEC. 603. OTHER OFFICES AND OFFICIALS.

''(a) IN GENERAL.—The Under Secretary for Policy shall establish the following offices in the Directorate for Policy, Planning, and International Affairs:

''(1) The Office of Policy, which shall be administered by an Assistant Secretary for Policy.

''(2) The Office of Strategic Plans, which shall be administered by an Assistant Secretary for Strategic Plans and which shall include—

''(A) a Secure Border Initiative Program Office; and

''(B) a Screening Coordination and Operations Office.

''(3) The Office of the Private Sector, which shall be administered by an Assistant Secretary for the Private Sector.

''(4) The Victim Assistance Officer.

''(5) The Tribal Security Officer.

''(6) Such other offices as considered necessary by the Under Secretary for Policy.

''(b) DIRECTOR OF CARGO SECURITY POLICY.—

''(1) IN GENERAL.—There shall be in the Directorate for Policy, Planning, and International Affairs a Director of Cargo Security Policy (hereinafter in this section referred to as the 'Director'), who shall be subject to the direction and control of the Under Secretary for Policy.

''(2) RESPONSIBILITIES.—The Director shall—

''(A) advise the Assistant Secretary for Policy regarding all aspects of Department programs relating to cargo security;

''(B) develop Department-wide policies regarding cargo security; and

''(C) coordinate the cargo security policies and programs of the Department with other Federal departments and agencies, including by working with officials of the Department of Energy and the Department of State, as appropriate, in negotiating international agreements relating to cargo security.''.

(b) CONFORMING AMENDMENTS.—Section 879 of the Homeland Security Act of 2002 (6 U.S.C. 459) is repealed.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended—

(1) by striking the item relating to section 879;

(2) by striking the items relating to title VI and inserting the following:

''TITLE VI—POLICY, PLANNING, AND INTERNATIONAL AFFAIRS

''Sec. 601. Directorate for Policy, Planning, and International Affairs.

''Sec. 602. Office of International Affairs.

''Sec. 603. Other offices and officials.''; and

(3) by inserting after the items relating to title XVIII the following:

''TITLE XIX—MISCELLANEOUS PROVISIONS

''Sec. 1901. Treatment of charitable trusts for members of the armed forces of the United States and other governmental organizations.''.

TITLE IV—OFFICE OF DOMESTIC NUCLEAR DETECTION

SEC. 401. ESTABLISHMENT OF OFFICE.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

''TITLE XX—OFFICE OF DOMESTIC NUCLEAR DETECTION

''SEC. 2001. DOMESTIC NUCLEAR DETECTION OFFICE.

''(a) IN GENERAL.—There shall be in the Department of Homeland Security a Domestic Nuclear Detection Office.

''(b) PURPOSE.—The purpose of the Office shall be to protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material against the United States.

''(c) DIRECTOR.—The Office shall be headed by a Director of Domestic Nuclear Detection, who shall be appointed by the President from among individuals nominated by the Secretary.

''(d) LIMITATION.—This title shall not be construed to affect the performance, by directorates and agencies of the Department other than the Office, of functions that are not related to detection and prevention of nuclear and radiological terrorism.

''SEC. 2002. FUNCTIONS OF DIRECTOR OF THE DOMESTIC NUCLEAR DETECTION OFFICE, GENERALLY.

''(a) IN GENERAL.—The Secretary shall vest in the Director the primary responsibility in the Department for—

''(1) administering all nuclear and radiological detection and prevention functions and assets of the Department, including those functions vested in the Department before the enactment of the Security and Accountability For Every Port Act; and

''(2) for coordinating such administration with nuclear and radiological detection and prevention activities of other Federal departments and agencies.

''(b) TRANSFER OF FUNCTIONS.—The Secretary shall transfer to the Director the authority to administer, or supervise the administration of, all functions, personnel, assets, and liabilities of all Department programs and projects relating to nuclear and radiological detection research, development, testing, and evaluation, and nuclear and radiological detection system acquisition and deployment, including with respect to functions and assets transferred by section 303(1)(B), (C), and (E) and functions, assets, and personnel transferred pursuant to section 2010(c).

''SEC. 2003. GLOBAL NUCLEAR DETECTION ARCHITECTURE.

''(a) IN GENERAL.—The Director shall coordinate the Federal Government's implementation of a global nuclear detection architecture.

''(b) FUNCTIONS OF DIRECTOR.—The Director shall, under subsection (a)—

''(1) design a strategy that will guide deployment of the global nuclear detection architecture;

''(2) implement the strategy in the United States; and

''(3) coordinate Department and Federal interagency efforts to deploy the elements of the global nuclear detection architecture outside the United States.

''(c) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Director under this section shall not affect an authority or responsibility of any other department or agency of the Federal Government with respect to the deployment of nuclear and radiological detection systems outside the United States under any program administered by that department or agency.

''SEC. 2004. RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Director shall carry out a research and development program to achieve transformational and evolutionary improvements in detection capabilities for shielded and unshielded nuclear explosive devices and radiological dispersion devices.

''(b) HIGH-RISK PROJECTS.—The program shall include funding for transformational research and development projects that may have a high risk of failure but have the potential to provide significant benefits.

''(c) LONG-TERM PROJECTS.—In order to reflect a long-term commitment to the development of more effective detection technologies, the program shall include the provision of funding for projects having a duration of more than 3 years, as appropriate.

''(d) COORDINATION WITH OTHER FEDERAL PROGRAMS.—The Director shall coordinate implementation of the program with other Federal

agencies performing similar research and development in order to accelerate the development of effective technologies, promote technology sharing, and to avoid duplication, including through the use of the interagency coordination council established under section 2013.

"SEC. 2005. SYSTEM ASSESSMENTS.

''(a) IN GENERAL.—The Director shall carry out a program to test and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.

''(b) PERFORMANCE METRICS.—The Director shall establish performance metrics for evaluating the effectiveness of individual detectors and detection systems in detecting nuclear explosive devices or fissile or radiological material—

''(1) under realistic operational and environmental conditions; and

''(2) against realistic adversary tactics and countermeasures.

''(c) PROVISION OF TESTING SERVICES.—

''(1) IN GENERAL.—The Director may, under the program, make available testing services to commercial developers of detection devices.

''(2) FEES.—The Director may charge fees, as appropriate, for performance of services under this subsection.

''(d) SYSTEM ASSESSMENTS.—

''(1) IN GENERAL.—The Director shall periodically perform system-wide assessments of the global nuclear detection architecture to identify vulnerabilities and to gauge overall system performance against nuclear and radiological threats.

''(2) INCLUDED ACTIVITIES.—The assessments shall include—

''(A) red teaming activities to identify vulnerabilities and possible modes of attack and concealment methods; and

''(B) net assessments to determine architecture performance against adversary tactics and concealment methods.

''(3) USE.—The Director shall use the assessments to guide deployment of the global nuclear detection architecture and the research and development activities of the Office.

"SEC. 2006. TECHNOLOGY ACQUISITION, DEPLOYMENT, SUPPORT, AND TRAINING.

''(a) ACQUISITION STRATEGY.—

''(1) IN GENERAL.—The Director shall develop and, subject to the availability of appropriations, execute a strategy for the acquisition and deployment of detection systems in order to implement the Department components of the global nuclear detection architecture developed under section 2003.

''(2) USE OF AVAILABLE CONTRACTING PROCEDURES.—The Director shall make use of all contracting procedures available to the Secretary to implement the acquisition strategy.

''(3) DETERMINATION OF QUALIFIED ANTI-TERRORISM TECHNOLOGY.—The Director shall make recommendations based on the criteria included in section 862(b) as to whether the detection systems acquired pursuant to this subsection shall be designated by the Secretary as anti-terrorism technologies that qualify for protection under the system of risk management set forth in subtitle G of title VIII. The Undersecretary for Science and Technology shall consider the Director's recommendations and expedite the process of determining whether such detection systems shall be designated as anti-terrorism technologies that qualify for such protection.

''(b) DEPLOYMENT.—The Director shall deploy detection systems for use by Department operational units and other end-users in implementing the global nuclear detection architecture.

''(c) OPERATIONAL SUPPORT AND PROTOCOLS.—

''(1) OPERATIONAL SUPPORT.—The Director shall provide operational support for all systems acquired to implement the acquisition strategy developed under subsection (a).

''(2) OPERATIONAL PROTOCOLS.—The Director shall develop operational protocols for detection technology acquired and deployed to implement the acquisition strategy, including procedures for alarm resolution and notification of appropriate response agencies in the event that illicit nuclear, radioactive, or fissile materials are detected by such a product or service.

''(3) TECHNICAL REACHBACK.—The Director will ensure that the expertise necessary to accurately interpret detection data is made available in a timely manner for all technology deployed to implement the global nuclear detection architecture.

''(d) TRAINING.—The Director shall develop and distribute training materials and provide training to all end-users of technology acquired by the Director under the acquisition strategy.

''(e) SOLICITATION OF END-USER INPUT.—In developing requirements for the research and development program of section 2004 and requirements for the acquisition of detection systems to implement the strategy in subsection (a), the Director shall solicit input from end-users of such systems.

''(f) STATE AND LOCAL SUPPORT.—Upon request, the Director shall provide guidance regarding radiation detection technology acquisitions to be made by State, territorial, tribal and local governments and emergency response providers.

"SEC. 2007. SITUATIONAL AWARENESS.

''(a) DETECTION INFORMATION.—The Director—

''(1) shall continuously monitor detection information received from foreign and domestic detection systems to maintain for the Department a situational awareness of all nuclear threats;

''(2) shall gather and archive—

''(A) detection data measurements taken of benign activities in the normal flows of commerce; and

''(B) alarm data, including false alarms and nuisance alarms.

''(b) INFORMATION SHARING.—The Director shall coordinate with other governmental agencies to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to all appropriate Federal response agencies including the Attorney General, the Director of the Federal Bureau of Investigation, the Secretary of Defense, and the Secretary of Energy.

''(c) INCIDENT RESOLUTION.—The Director shall assess nuclear threats communicated by Federal, State, tribal, or local officials and provide adequate technical reachback capability for swift and effective incident resolution.

''(d) SECURITY.—The Director shall—

''(1) develop and implement security standards and protocols for the control and protection of all classified or sensitive information in possession of the Office; and

''(2) ensure that relevant personnel of the Office have the required security clearances to properly handle such information.

"SEC. 2008. FORENSIC ANALYSIS.

''The Director shall perform all research, development, and acquisition activities of the Department pertaining to forensic analysis and attribution of nuclear and radiological attacks.

"SEC. 2009. THREAT INFORMATION.

''(a) THREAT ASSESSMENTS.—The Director shall utilize classified and unclassified nuclear and radiological threat assessments in designing the global nuclear detection architecture under section 2003, prioritizing detection system deployments, and testing and optimizing system performance of that architecture, including assessments of—

''(1) smuggling routes;

''(2) locations of relevant nuclear and radiological material throughout the world;

''(3) relevant terrorist tradecraft and concealment methods;

''(4) relevant nuclear and radiological threat objects in terms of possible detection signatures.

''(b) ACCESS TO INFORMATION.—The Secretary shall provide the Director access to all information relating to nuclear and radiological threats, including reports, assessments, analyses, and unevaluated intelligence, that is necessary to successfully design, deploy, and support the operation of an effective global detection architecture under section 1903.

''(c) ANALYTICAL SUPPORT.—The Director shall request that the Secretary provide to the Director, pursuant to section 201(d)(18), the requisite intelligence and information analysis support necessary to effectively discharge the Director's responsibilities.

''(d) ANALYTICAL EXPERTISE.—For the purposes of performing any of the assessments required under subsection (a), the Director, subject to the availability of appropriations, may hire professional personnel who are analysts with experience in performing nuclear and radiological threat assessments.

''(e) COLLECTION REQUESTS.—The Director shall recommend to the Secretary consultation that should occur pursuant to section 201(d)(10) regarding intelligence collection to design, deploy, and support the operation of the global detection architecture under section 2003.

"SEC. 2010. ADMINISTRATIVE AUTHORITIES.

''(a) HIRING.—In hiring personnel for the Office, the Secretary shall have hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261). The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before granting any extension under subsection (c)(2) of that section.

''(b) DETAIL OF PERSONNEL.—In order to assist the Director in discharging the Director's responsibilities, personnel of other Federal agencies may be detailed to the Office for the performance of analytic functions and related duties.

''(c) TRANSFER OF SCIENCE AND TECHNOLOGY FUNCTIONS, PERSONNEL, AND ASSETS.—

''(1) TRANSFER REQUIRED.—Except as provided in paragraph (2), the Secretary shall transfer to the Director the functions, assets, and personnel of the Department relating to radiological and nuclear countermeasures, including forensics of contaminated evidence and attack attribution.

''(2) EXCEPTIONS.—The Secretary shall not transfer under paragraph (1) functions, assets, and personnel relating to consequence management and recovery.

''(3) ELIMINATION OF DUPLICATION OF EFFORT.—The Secretary shall ensure that to the extent there are complementary functions vested in the Directorate of Science and Technology and the Office with respect to radiological and nuclear countermeasures, the Under Secretary for Science and Technology and the Director coordinate the programs they administer to eliminate duplication and increase integration opportunities, particularly with respect to technology development and test and evaluation.

"SEC. 2011. REPORT REQUIREMENT.

''The Director shall submit to the appropriate congressional committees an annual report on the following:

''(1) The global detection strategy developed under section 2003.

''(2) The status of implementation of such architecture.

''(3) The schedule for future detection system deployments under such architecture.

''(4) The research and development program of the Office.

''(5) A summary of actions taken by the Office during the reporting period to counter nuclear and radiological threats.

"SEC. 2012. ADVISORY COUNCIL ON NUCLEAR DETECTION.

''(a) ESTABLISHMENT.—Pursuant to section 871 of this Act, the Secretary shall establish within the Office an Advisory Council on Nuclear Detection, which shall report to the Director (in this section referred to as the 'Advisory Council').

''(b) FUNCTIONS.—The Advisory Council shall, at the request of the Director—

''(1) advise the Director on recommendations for the global nuclear detection architecture developed under section 2003(a);

''(2) identify research areas for development of next-generation and transformational nuclear and radiological detection technologies; and

''(3) and have such additional responsibilities as the Director may assign in furtherance of the Department's homeland security mission with respect to enhancing domestic and international nuclear and radiological detection capabilities.

''(c) MEMBERSHIP.—The Advisory Council shall consist of 5 members appointed by the Director, who shall—

''(1) be individuals who have an eminent knowledge and technical expertise related to nuclear and radiological detection research and development and radiation detection; and

''(2) be selected solely on the basis of their established record of distinguished service; and

''(3) not be employees of the Federal Government, other than employees of National Laboratories.

''(d) CONFLICT OF INTEREST RULES.—The Advisory Council shall establish rules for determining when one of its members has a conflict of interest in a matter being considered by the Advisory Council, and the appropriate course of action to address such conflicts of interest.

''SEC. 2013. INTERAGENCY COORDINATION COUNCIL.

''The President—

''(1) shall establish an interagency coordination council to facilitate interagency cooperation for purposes of implementing this title;

''(2) shall appoint the Secretary to chair the interagency coordination council; and

''(3) may appoint the Attorney General, the Secretary of Energy, the Secretary of State, the Secretary of Defense, and the heads of other appropriate Federal agencies to designate members to serve on such council.

''SEC. 2014. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this title—

''(1) $536,000,000 for fiscal year 2007; and

''(2) such sums as may be necessary for each subsequent fiscal year.

''SEC. 2015. DEFINITIONS.

''In this title:

''(1) The term 'Director' means the Director of the Domestic Nuclear Detection Office.

''(2) The term 'fissile materials' means materials capable of sustaining a nuclear chain reaction.

''(3) The term 'global nuclear detection architecture' means a multi-layered system of detectors deployed internationally and domestically to detect and interdict nuclear and radiological materials intended for illicit use.

''(4) The term 'nuclear and radiological detection system' means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

''(5) The term 'Office' means the Domestic Nuclear Detection Office.

''(6) The term 'radiological material' means material that emits nuclear radiation.

''(7) The term 'nuclear explosive device' means an explosive device capable of producing a nuclear yield.

''(8) The term 'technical reachback' means technical expert support provided to operational end users for data interpretation and alarm resolution.

''(9) The term 'transformational' means that, if successful, will produce dramatic technological improvements over existing capabilities in the areas of performance, cost, or ease of use.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by adding at the end the following:

''(5) A Director of the Domestic Nuclear Detection Office.''.

(2) Section 302 of such Act (6 U.S.C. 182) is amended—

(A) in paragraph (2) by striking ''radiological, nuclear,''; and

(B) in paragraph (5)(A) by striking ''radiological, nuclear,''.

(3) Section 305 of such Act (6 U.S.C. 185) is amended by inserting ''and the Director of the Domestic Nuclear Detection Office'' after ''Technology''.

(4) Section 308 of such Act (6 U.S.C. 188) is amended in each of subsections (a) and (b)(1) by inserting ''and the Director of the Domestic Nuclear Detection Office'' after ''Technology''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135) is amended by adding at the end the following:

''TITLE XX—OFFICE OF DOMESTIC NUCLEAR DETECTION

''Sec. 2001. Domestic Nuclear Detection Office.
''Sec. 2002. Functions of Director of the Domestic Nuclear Detection Office, generally.
''Sec. 2003. Global nuclear detection architecture.
''Sec. 2004. Research and development.
''Sec. 2005. System assessments.
''Sec. 2006. Technology acquisition, deployment, support, and training.
''Sec. 2007. Situational awareness.
''Sec. 2008. Forensic analysis.
''Sec. 2009. Threat information.
''Sec. 2010. Administrative authorities.
''Sec. 2011. Report requirement.
''Sec. 2012. Advisory Council on Nuclear Detection.
''Sec. 2013. Interagency coordination council.
''Sec. 2014. Authorization of appropriations.
''Sec. 2015. Definitions.''.

SEC. 402. NUCLEAR AND RADIOLOGICAL DETECTION SYSTEMS.

(a) DEPLOYMENT.—Not later than September 30, 2007, the Secretary of Homeland Security shall deploy nuclear and radiological detection systems at 22 United States seaports. To the extent feasible, the Secretary shall deploy the next-generation radiation portal monitors tested in the pilot program under subsection (d) at such United States seaports.

(b) STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, shall submit to the appropriate congressional committees a strategy for the deployment of nuclear and radiological detection systems at all remaining United States seaports.

(c) CONTENTS.—The strategy submitted under subsection (b) shall include—

(1) a risk-based prioritization of United States seaports at which nuclear and radiological detection systems will deployed;

(2) a proposed timeline of when nuclear and radiological detection systems will be deployed at each of the seaports identified under paragraph (1);

(3) the type of systems to be used at each of the seaports identified under paragraph (1);

(4) standard operating procedures for examining containers with such systems;

(5) the Department policy for using nuclear and radiological detection systems;

(6) a classified annex that details plans for covert testing; and

(7) a classified annex that outlines the risk-based prioritization of seaports used under paragraph (1).

(d) SAFETY PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan that—

(1) details the health and safety impacts of nuclear and radiological detection systems; and

(2) describes the policy of U.S. Customs and Border Protection for using nuclear and radiological detection systems.

(e) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 2007, the Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, shall initiate a pilot program to deploy and test the operational performance of next-generation radiation portal monitors at one or more United States seaports with a high-volume of containerized cargo.

(2) REPORT.—Not later than March 31, 2007, the Secretary shall submit to the appropriate congressional committees a report that contains—

(A) a description of the next-generation radiation portal monitors deployed at United States seaports under the pilot program;

(B) a description of the operational characteristics of the pilot program at selected United States seaports; and

(C) an evaluation of the operational performance of the next-generation radiation portal monitors, including nuisance alarm rates, and a description of the standards used in such evaluation.

(f) DEPLOYMENT OF NEXT-GENERATION RADIATION PORTAL MONITORS.—

(1) IN GENERAL.—If the Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, determines that the operational performance of the next-generation radiation portal monitors under the pilot program carried out under subsection (e) has met the standards described subsection (e)(2)(C), the Secretary shall deploy next-generation radiation portal monitors, in fixed or other configurations, at all United States seaports with a high-volume of containerized cargo to improve cargo screening capabilities at such seaports not later than September 30, 2007.

(2) CONGRESSIONAL NOTIFICATION.—If any deployment of next-generation radiation portal monitors is deemed by the Secretary to be operationally infeasible or would result in ineffective, inefficient, or otherwise wasteful use of resources, the Secretary shall notify the appropriate congressional committees and recommend alternative actions.

(g) ENHANCING OVERSEAS DETECTION CAPABILITIES.—The Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, shall work with appropriate Federal departments and agencies to coordinate the installation of nuclear and radiological detection systems at foreign seaports.

(h) DEFINITIONS.—In this section:

(1) NEXT-GENERATION RADIATION PORTAL MONITORS.—The term ''next-generation radiation portal monitors'' means non-intrusive, containerized cargo examination technologies that possess radionuclide isotope identification capabilities.

(2) NUCLEAR AND RADIOLOGICAL DETECTION SYSTEM.—The term ''nuclear and radiological detection system'' means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–450. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment, 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. KING OF NEW YORK

Mr. KING of New York. 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 109–450 offered by Mr. KING of New York:

Page 6, after line 23, insert the following new paragraphs:

(12) International trade is vital to the Nation's economy and the well-being and livelihood of United States citizens.

(13) The Department of Homeland Security's missions, including those related to United States and international borders, involve both building security for United States citizens and facilitating legitimate trade that is critical to the Nation.

(14) In creating the Department of Homeland Security, Congress clearly mandated in section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) that the customs revenue functions described in paragraph (2) of such section shall not be diminished.

Page 9, strike line 11 and all that follows through line 5 on page 10 and insert the following new subsections:

(a) FACILITY SECURITY PLANS.—Section 70103(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility.''.

(b) FACILITY SECURITY OFFICERS.—Section 70103(c) of title 46, United States Code, is amended by adding at the end the following:

''(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

''(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watchlists to ensure that the individual is not identified on any such terrorist watchlist.''.

Page 16, after line 19, insert the following new section (and redesignate subsequent sections of subtitle A of title I of the bill, and conform the table of contents of the bill, accordingly):

SEC. 107. ENHANCED CREWMEMBER IDENTIFICATION.

Section 70111 of title 46, United States Code, is amended—

(1) in subsection (a) by striking ''The'' and inserting ''Not later than May 15, 2007, the''; and

(2) in subsection (b) by striking ''The'' and inserting ''Not later than May 15, 2007, the''.

Page 18, strike line 13 and all that follows through line 21 and insert the following new subsection:

''(c) PARTICIPATION.—

''(1) FEDERAL PARTICIPATION.—The following entities shall participate in the integrated network of maritime security command centers described in subsection (a):

''(A) The Coast Guard.

''(B) U.S. Customs and Border Protection.

''(C) U.S. Immigration and Customs Enforcement.

''(D) Other appropriate Federal agencies.

''(2) STATE AND LOCAL PARTICIPATION.—Appropriate State and local law enforcement agencies may participate in the integrated network of maritime security command centers described in subsection (a).''.

Page 24, line 8, insert at the end before the semicolon the following: ''or the vessel or facility security plans required under section 70103(c) of title 46, United States Code''.

Page 39, strike line 1 and all that follows through line 14 on page 41.

Page 42, strike line 9 and all that follows through line 18.

Page 44, after line 9, insert the following new section:

SEC. 127. CENTER OF EXCELLENCE FOR MARITIME DOMAIN AWARENESS.

(a) ESTABLISHMENT.—The Secretary of the Homeland Security shall establish a university-based Center for Excellence for Maritime Domain Awareness following the merit-review processes and procedures that have been established by the Secretary for selecting university program centers of excellence.

(b) DUTIES.—The Center shall—

(1) prioritize its activities based on the ''National Plan to Improve Maritime Domain Awareness'' published by the Department of Homeland Security in October 2005;

(2) recognize the extensive previous and ongoing work and existing competence in the field of maritime domain awareness at numerous academic and research institutions, such as the Naval Postgraduate School;

(3) leverage existing knowledge and continue development of a broad base of expertise within academia and industry in maritime domain awareness; and

(4) provide educational, technical, and analytical assistance to Federal agencies with responsibilities for maritime domain awareness, including the Coast Guard, to focus on the need for interoperability, information sharing, and common information technology standards and architecture.

Page 51, beginning on line 4, strike ''appropriate confidentiality requirements'' and insert ''provide safeguards that ensure confidentiality''.

Page 51, line 6, insert ''identify'' before ''appropriate timing''.

Page 52, line 23, strike ''to'' and insert ''and''.

Page 62, line 2, after ''carriers,'' insert ''contract logistics providers,''.

Page 65, beginning on line 5, strike ''and related policies and'' and insert '', policies, or''.

Page 84, beginning on line 3, strike ''uniform data system for import and export information'' and insert ''international trade data system''.

Page 84, line 6, after ''implement'' insert ''the International Trade Data System,''.

Page 84, line 8, insert a comma after ''export information''.

Page 90, after line 6, insert the following new subparagraph:

''(H) To provide for the coordination and maintenance of the trade and customs revenue functions of the Department.''.

Page 93, after line 17, insert the following new paragraph:

''(5) TRADE AND CUSTOMS REVENUE FUNCTIONS.—The Under Secretary for Policy shall—

''(A) ensure that the trade and customs revenue functions of the Department are coordinated within the Department and with other Federal departments and agencies, and that the impact on legitimate trade is taken into account in any action impacting these functions; and

''(B) monitor and report to Congress on the Department's mandate to ensure that the trade and customs revenue functions of the Department are not diminished, including how spending, operations, and personnel related to these functions have kept pace with the level of trade entering the United States.''.

Page 95, line 25, strike ''section'' and insert ''subsection''.

Page 96, after line 15, insert the following new subsection:

''(c) DIRECTOR OF TRADE POLICY.—

''(1) IN GENERAL.—There shall be in the Directorate for Policy, Planning, and International Affairs a Director of Trade Policy (hereinafter in this subsection referred to as the 'Director'), who shall be subject to the direction and control of the Under Secretary for Policy.

''(2) RESPONSIBILITIES.—The Director shall—

''(A) advise the Assistant Secretary for Policy regarding all aspects of Department programs relating to the trade and customs revenue functions of the Department;

''(B) develop Department-wide policies regarding trade and customs revenue functions and trade facilitation; and

''(C) coordinate the trade and customs revenue-related programs of the Department with other Federal departments and agencies. ''.

Page 96, after line 15, insert the following new section:

''SEC. 604. CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS.

''(a) IN GENERAL.—The Secretary and the Under Secretary for Policy shall consult with representatives of the business community involved in international trade, including seeking the advice and recommendations of the Commercial Operations Advisory Committee (COAC), on Department policies and actions that have a significant impact on international trade and customs revenue functions.

''(b) COAC CONSULTATION AND NOTIFICATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall seek the advice and recommendations of COAC on any proposed Department policies, initiatives, actions, or organizational reforms that will have a major impact on trade and customs revenue functions not later than 45 days prior to the finalization of the policies, initiatives, actions, or organizational reforms.

''(2) EXCEPTION.—If the Secretary determines that it is important to the national security interest of the United States to finalize any proposed Department policies, initiatives, actions, or organizational reforms prior to the provision of advice and recommendations described in paragraph (1), the Secretary shall—

''(A) seek the advice and recommendations of COAC on the policies, initiatives, actions, or organizational reforms not later than 30 days after the date on which the policies, initiatives, actions, or organizational reforms are finalized; and

''(B) to the extent appropriate, modify the policies, initiatives, actions, or organizational reforms based upon the advice and recommendations of COAC.

''(c) CONGRESSIONAL CONSULTATION AND NOTIFICATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall consult with and provide any recommendations of COAC received under subsection (b) to the appropriate congressional committees not later than 30 days prior to the finalization of any Department policies, initiatives, actions or organizational reforms that will have a major impact on trade and customs revenue functions.

''(2) EXCEPTION.—If the Secretary determines that it is important to the national security interest of the United States to finalize any Department policies, initiatives, actions, or organizational reforms prior to the consultation described in paragraph (1), the Secretary shall—

''(A) consult with and provide any recommendations of COAC received under subsection (b) to the appropriate congressional committees not later than 45 days after the

date on which the policies, initiative, actions, or organizational reforms are finalized; and

''(B) to the extent appropriate, modify the policies, initiatives, actions, or organizational reforms based upon the consultations with the appropriate congressional committees.''.

Page 97, after line 2, insert the following new section:

SEC. 302. STUDY AND REPORT ON CUSTOMS REVENUE FUNCTIONS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study evaluating the extent to which the Department of Homeland Security is meeting its obligations under section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) with respect to the maintenance of customs revenue functions.

(2) ANALYSIS.—The study shall include an analysis of —

(A) the extent to which the customs revenue functions carried out by the former U.S. Customs Service have been consolidated with other functions of the Department (including the assignment of non-customs revenue functions to personnel responsible for customs revenue collection), discontinued, or diminished following the transfer of the U.S. Customs Service to the Department;

(B) the extent to which staffing levels or resources attributable to customs revenue functions have decreased since the transfer of the U.S. Customs Service to the Department; and

(C) the extent to which the management structure created by the Department ensures effective trade facilitation and customs revenue collection.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report on the results of study conducted under subsection (a).

(c) DEFINITION.—In this section, the term ''customs revenue functions'' means the functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)).

Page 99, line 11, after ''implement'' insert ''Department components of''.

Page 99, line 21, strike ''outside the United States''.

Page 101, beginning on line 12, strike ''commercial''.

Page 101, line 13, strike ''devices'' and insert ''technologies''.

Page 101, line 13, add at the end the following new sentence: ''The results of the tests performed with services made available under this subsection shall be confidential and may not be disclosed to individuals or entities outside of the Federal government without the consent of the developer for whom the tests are performed.''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from New York (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, the manager's amendment makes technical changes, adds several new findings on the importance of maintaining vibrant international trade, clarifies that port security funds can be used to address vulnerabilities in vessel and facility plans in addition to maritime security plans, and clarifies that the Domestic Nuclear Detection Office is responsible for implementing Department of Homeland Security requirements under the Global Nuclear Architecture and that any private testing performed by DNDO will be confidential.

Additionally, the manager's amendment includes two provisions at the request of Chairman LOBIONDO to set deadlines for the enhanced crew member identification cards so that the rollout is on the same expedited schedule as the Transportation Worker Identification Credential, TWIC, in the base bill. The second provision is the establishment of a Center of Excellence for Maritime Domain Awareness.

The base bill represents the work of the Homeland Security Committee and also input from several other committees: Science, Ways and Means, Transportation and Infrastructure, Government Reform and others. The manager's amendment also includes several changes to the base bill at the request of our colleagues from other committees.

Specifically, given that H.R. 889, the Coast Guard Authorization Bill Conference Report, is complete and likely to be considered on the floor in the near future, the amendment removes two provisions accepted during full committee consideration that relate to the Coast Guard. The first establishes a pilot program for training Coast Guard reserve officers and, two, the funding for the acceleration of Deepwater. Finally, the manager's amendment establishes a Director of Trade Policy in the Department of Homeland Security's Office of Policy.

The changes and additions made in the manager's amendment are consistent with the overall goals in the base bill and represent perfecting changes at the requests of several of our colleagues. I ask my colleagues for their support for the amendment and the underlying bill.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Mississippi is recognized to control the 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment. The provisions on trade and maritime domain awareness it contains are strong improvements to the bill.

However, I must express my deep disappointment with one provision in the bill removed by this amendment. In committee, we included language that would have assured that the Coast Guard did not have to use bubble gum, bailing wire, and buckets in the coming years. This language was stripped out of the bill, meaning that we are going to have to make the Coast Guard spend the next two decades fighting a 21st century war on terror with assets built during the Vietnam War.

The Deepwater Program must be accelerated if our ports and coastlines are going to be safe. I know that if Chairman KING had had his way this would have stayed in, and I thank him for that.

I am a strong supporter of this program. As a conferee on the last two Coast Guard authorization bills, I supported more funding for the Deepwater Program each year.

At one time during Hurricane Katrina, the Coast Guard used 78 Deepwater assets in Hurricane Katrina relief to save 33,000 people. One would think that the administration would be asking for more money for this type of equipment, not less.

The Commandant of the Coast Guard, ADM Thomas Collins, told me in February of this year that the Coast Guard can accelerate the completion of the Deepwater Program if given the funding, and that it would result in a large savings to the taxpayers.

I hope this Congress will reconsider accelerating Deepwater in the conference on this bill.

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

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Chairman, I would like to thank the gentleman from Mississippi and assure him that we strongly support the acceleration of the Deepwater Program, but we are very concerned with the way this provision is written. As written, the language would require any new ships, aircraft and communications equipment procured under the Deepwater Program to be used to support the Coast Guard's homeland security mission only.

As my colleagues know, the Coast Guard is a multimission service. Their assets need to be multimission. If, in fact, there is a national emergency that is unrelated to homeland security, they need to be able to use their assets for that.

I assure my colleagues that when the Committee on Transportation and Infrastructure meets to mark up the 2007 Coast Guard authorization bill in a few weeks that I will be offering an amendment, as I have each year since I have been subcommittee chair, to significantly increase the funding for Deepwater.

This critical program needs to be accelerated. Current Coast Guard assets are rapidly aging and failing, as has been noted, under intense operation tempos. The Coast Guard is forced to sink more and more funding into obsolete legacy assets. We need to increase funding and get these critically needed new and more capable assets into the hands of our men and women in the Coast Guard as soon as possible, but this provision would tie their hands behind their back.

I look forward to working with my colleagues to accelerate Deepwater as the Committee on Transportation and Infrastructure moves forward with the 2007 authorization bill, and I look forward to support from all of my colleagues to see Deepwater accelerated.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman from Mississippi, the ranking member, for yielding, and I rise in support of H.R. 4954 but to raise some concerns about this amendment.

I also want to thank him and the chairman of the Homeland Security Committee, Chairman King, for their support of two amendments that I proposed during consideration of this bill in the committee: One, the establishment of a border patrol unit for the Virgin Islands; and the other, a study for the impact of the Advanced Passenger Information System on the owners and operators of small charter boats in the Virgin Islands, which are very important to my constituents and to me.

While I am pleased that these two amendments continue to be in the base bill, I am very disappointed that the third amendment that I offered was removed from it by the Rules Committee and not in the manager's amendment, even though it was approved by the Homeland Security Committee by a voice vote.

□ 1145

This amendment to authorize an additional $1.8 billion to accelerate funding for the Coast Guard's integrated Deepwater program was unfortunately not made in order under the rule. This program was designed to replace the Coast Guard's aging fleet of cutters and aircraft and enable them to operate with the speed and agility required to protect our ports from terrorist attacks as well as better perform their other missions.

Accelerating Deepwater would also strengthen the Coast Guard's Homeland Security mission by giving those cutters and aircrafters the surveillance capability needed to detect and intercept suspicious vessels before they reach our shores and harm us.

America witnessed the heroism of the Coast Guard during Hurricane Katrina. They should be rewarded for that heroism by ensuring that they don't have to wait two decades or more to have modern cutters and aircraft.

My amendment was removed from the bill and not made in order because of questions raised about the ability of the Coast Guard to utilize this additional funding. But, Mr. Chairman and Members, the Commandant of the Coast Guard indicated in response to a question at a subcommittee hearing that, based on this very comprehensive report to the Congress of the feasibility of accelerating the integrated Deepwater system, that they would be able to spend that additional money if they received it as well as receive additional benefits and savings through the acceleration.

I am also very concerned that the Markey amendment that would have provided 100 percent of cargo screening within a time certain was not adopted or made in order, and I am sure our fellow Americans share that concern as well as the one about the funding on Deepwater.

In spite of this, it is not a perfect bill, but it is a good bill. I commend the chairman of the subcommittee, Mr. LUNGREN, and ranking member, Ms. SANCHEZ, for crafting this bipartisan bill; and I urge support of H.R. 4954.

Mr. KING of New York. Mr. Chairman, may I inquire how much time is remaining?

The Acting CHAIRMAN. The gentleman from New York has 1½ minutes remaining. The gentleman from Mississippi has 1 minute remaining.

Mr. THOMPSON of Mississippi. Mr. Chairman, in support of the amendment, I would like to compliment our chairman on really pulling together a good bill. Even though there were differences, we did the best we could to work those differences out in what I consider a very fair and reasonable manner; and I want to compliment him for that. I was able to in the course of this discussion go to New York and look at some of the fine things going there. So, Mr. Chairman, thank you very much.

The gentleman from New Jersey has indicated support for the Deepwater Program, additional monies for the assets. I look forward to supporting that effort.

The Coast Guard, as we know, serves a wonderful purpose. We need to make sure they have the assets to get the job done. So I look forward to working with him on that.

Mr. Chairman, I yield back the balance of the time.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, at the outset, let me thank the gentleman from Mississippi for his very kind and generous remarks, and I want to again return the compliment by saying it has been an outstanding privilege to work with him as the bill has worked its way to this present stage.

I also want to thank the gentleman from New Jersey for once again reaffirming his support of the Deepwater Program and pledging to work to get the necessary funding for the Coast Guard. All of us saw the outstanding job in Katrina, the outstanding job. They were the true heroes of Katrina, certainly from the Federal level. So I think we stand as one in urging full funding for the Coast Guard.

Mr. Chairman, I thank the gentleman for his support of the amendments.

Mr. Chairman, I yield back the balance of my time and urge adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KING).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. RUPPERSBERGER

Mr. RUPPERSBERGER. 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 109–450 offered by Mr. RUPPERSBERGER:

Page 87, after line 12, insert the following new section:

SEC. 207. REPORT ON NATIONAL TARGETING CENTER.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study to assess the activities of U.S. Customs and Border Protection's National Targeting Center (NTC).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains—

(1) the results of the study conducted under subsection (a); and

(2) recommendations to improve and strengthen the activities of NTC.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Maryland (Mr. RUPPERSBERGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I commend Chairman KING, Ranking Member THOMPSON, Congressman LUNGREN, and Congresswoman HARMAN for their hard work on this legislation. Their work has brought this very important issue to the forefront here in Congress.

This amendment requires the Department of Homeland Security to conduct a study and to provide recommendations to make sure that the National Targeting Center is doing all it can to protect our country. I am a co-chair of the Congressional Port Security Caucus and represent the Second District of Maryland that includes the Port of Baltimore. The Baltimore Port is one of the biggest economic engines in the State of Maryland. It employs more than 30,000 and generates more than $1.5 billion in revenue each year.

There are 539 ports in this country, and I believe Congress must work to keep our Nation's ports safe while keeping commerce flowing.

In November, 2001, Congress created the National Targeting Center. The NTC has been operating around the clock collecting and analyzing intelligence information, everything from Customs logs to crew manifests to preventing a terrorist attack. The NTC conducts counterterrorism, it collects targets and identifies potentially dangerous cargo at the ports of embarkation. The Center flags high-threat cargo for further examination and physical inspection.

The NTC is also working on a demonstration project that will analyze scanned images of cargo like the non-invasive screening that is under way at the Port of Hong Kong.

I believe actually analyzing these images is an important step in preventing a terrorist attack. Identifying potentially dangerous cargo when it is loaded on a ship at the foreign port is one of the best ways to protect our families and our communities.

The NTC is working well right now, but we live in a world where threats change every day. This amendment requires the Department of Homeland Security to conduct a study and provide recommendations to make sure that the NTC is using all of its resources and manpower in the most effective way to catch terrorists before they strike. We must ensure that the NTC is using the latest in technology and employing the best and brightest in the field.

The NTC goes a long way to protect our country and our Nation's ports, but we could always do better. We must always keep improving our security operations to be prepared for the future. I believe this study and its recommendations will help us do that. I ask that my colleagues support this amendment, and let us make sure the National Targeting Center is ready for the threats of today as well as the threats of tomorrow.

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

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York will control the 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I want to thank the gentleman from Maryland for proposing a study of an important Customs and Border Protection initiative. The study of the NTC will assist Congress in determining whether the NTC in its current form is accomplishing its mission of better coordinating CBP field operations and communications.

Improving ATS is essential for a robust container security regime. As the home to ATS, the National Targeting Center must have appropriate resources and management to sufficiently operate the system. As stated, I thank the gentleman for offering his amendment, and I am willing to accept it.

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

Mr. RUPPERSBERGER. Mr. Chairman, I would urge my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. RUPPERSBERGER

Mr. RUPPERSBERGER. 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 109–450 offered by Mr. RUPPERSBERGER:

Page 17, line 12, after ''The Secretary'' insert '', in consultation with appropriate Federal, State, and local officials,''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Maryland (Mr. Ruppersberger) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

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

This bill is a good start that will help America in securing their ports. This amendment will strengthen the bill and make our seaports safer.

The legislation before us today instructs the Secretary of the Department of Homeland Security to create maritime security centers. These centers will bring together the Coast Guard, Customs, and Border Patrol and, in many cases, the Navy, National Guard, and State and local law enforcement. These centers integrate the technologies and personnel of these agencies into one system.

This amendment directs the Secretary to consult with Federal, State, and local officials on where these centers should be placed and what should be the appropriate level of coordination. This provides a critical link and an open dialogue with DHS.

Historically, there has been a lack of communication not only between government agencies and the private sector but between various levels of government. We can't let the lack of communication stop us from securing our ports.

My concern is that this bill allows the Secretary of DHS to solely determine where and to what level coordination must occur. He alone will decide where the command centers will be located and who should be a part of that team. My fear is that DHS will treat our 539 ports the same.

The Port of Baltimore, which has not had a naval presence, does not need the same amount of coordination with the Navy as the Port of L.A.-Long Beach, with their large military deployments. DHS must gather input from Navy, Coast Guard, Customs, Border Patrol, National Guard, and local and State law enforcement. This amendment provides for and requires this coordination.

Mr. Chairman, these maritime security centers should be created, but they should be organized in a way that makes sense. A blanket policy or a one-size-fits-all approach is not the best solution. This amendment will bring all of the critical players to the table to determine where these centers should be placed and how integrated they should be. All ports do not need the same level of integration.

Mr. Chairman, we should be asking the Coast Guard, the Navy, Customs, Border Patrol, the FBI, and every other group with a hand in port security how they currently interact with other agencies and how we can make improvements for the future. I urge my colleagues to support this amendment.

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

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment even though I am not opposed.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

I want to thank my friend from Maryland for all his efforts in relation to this amendment and to his commitment to the establishment of maritime security command centers.

These centers will be vital tools in the war on drugs, will assist in preventing illegal immigration, and will monitor possible terrorist activity in each region by tracking shipping movements.

I agree that the close cooperation and coordination between the Federal, State, and local governments is an integral part of a successful command center structure, and I will be pleased to accept the amendment.

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

Mr. RUPPERSBERGER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. Debbie Wasserman Schultz).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, we cannot overestimate the importance and vulnerability of the maritime domain. Maritime security involves hundreds of ports, thousands of miles of coastlines, tens of thousands of commercial and private craft, and millions of shipping containers. In addition, many major population centers and critical infrastructure are in close proximity to U.S. ports or accessible by waterways.

In the 20th District of Florida that I represent, our ports, including Port Everglade in Ft. Lauderdale and the Port of Miami, serve as an entryway to millions of tons of cargo and people each year. It is clear that our country still needs an adequate overarching approach to the challenges of maritime security.

□ 1200

That is why I am standing today in support of the Ruppersberger amendment. Security command centers are vital to the protection of our ports and to the safety of all Americans. This

amendment would help make these centers more efficient, better organized, and promote better coordination among the various entities responsible for security.

This amendment just makes sense. Why wouldn't the Secretary of Homeland Security seek input and advice from those most intimately familiar with the specific mission and needs of a seaport? We must have a broad and comprehensive maritime security strategy, and this amendment is one step to help us get closer to that goal.

I urge my colleagues to support the Ruppersberger amendment on security command centers. I am pleased that the chairman of the committee is in favor of it as well.

Mr. RUPPERSBERGER. Mr. Chairman, I yield back the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. RUPPERSBERGER

Mr. RUPPERSBERGER. 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 109–450 offered by Mr. RUPPERSBERGER:

Page 8, line 12, insert after ''as quickly as possible.'' the following new sentence: ''The protocols shall be developed by the Secretary, in consultation with appropriate Federal, State, and local officials, including the Coast Guard Captain of the Port involved in the transportation security incident, and representatives of the maritime industry.''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Maryland (Mr. RUPPERSBERGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

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

Mr. Chairman, today I rise in support of an amendment that requires the Secretary of DHS to consult with State and local agencies to create a system to reopen the port. Congress should do everything possible to prevent an incident from occurring at our seaports.

A major event would endanger countless Americans and stop commerce for weeks. An attack on a U.S. port would result in economic damages ranging from $58 billion to $1 trillion. The U.S. Coast Guard estimates that for every month just one American port is closed, $60 billion in revenue could be lost. We must do everything in our power to prevent accidents and attacks on our ports.

This amendment brings all of the parties involved, the State and local governments, the U.S. Coast Guard and the maritime industry, to the table to create a plan for how to get our ports up and running again in the case there is a terrorist attack or at any time commerce is stopped at our ports.

Historically, there has been a lack of communication between government agencies and the private sector, and also between various levels of government. The security of our ports is too important to allow that kind of limited information sharing. Congress needs to ensure that all critical players, those players who know their ports best, have a say in how to get the ports back in operation.

The bill currently allows for protocols to be established to determine how Federal, State, and local agencies should work together. But DHS is the only agency in the room making those decisions. There is no representation from any other Federal agency other than DHS, no State or local input, no input from the Coast Guard or those whose livelihoods depend upon this maritime industry.

Currently, all the agencies and organizations and industries will be under the sole direction of the Secretary of Homeland Security. They will have to rely on the Secretary and hope that he will know their agencies and industries well enough to know how and when they should work together.

Mr. Chairman, I do not want to leave port security up to just the DHS Secretary. It makes sense that all the partners who have a vested interest in getting the ports up and running sit down and determine how they should work together before a crisis occurs.

This amendment plays a critical role in ensuring that the Secretary of Homeland Security works together as a team with the appropriate Federal, State, and local officials. I urge my colleagues to support this amendment.

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

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Chairman, I rise to speak on this amendment and also the previous amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER), the co-chair of the Port Security Caucus.

I strongly believe that security command centers are a vital piece of the blueprint for the future of port security for our Nation.

I am proud to represent the Port of Charleston, South Carolina. It is the fourth largest port in the Nation, and it is growing every day. Within the Port of Charleston, we have our own security command center called Project Seahawk.

Project Seahawk has brought Federal, State, and local officials into the process to work together for a common cause, which is the safety of the Port of the Charleston. Project Seahawk has proven to be a tremendous success, and has helped eliminate the turf wars between the many Federal, State, and local officials that have jurisdiction over port security.

I strongly encourage my fellow colleagues to vote in favor of this amendment sponsored by the gentleman from Maryland. I believe that by incorporating security command centers as part of a broader port security policy, we will have a strong plan for the future of how we secure our Nation's ports.

Mr. RUPPERSBERGER. Mr. Chairman, first, I want to acknowledge and thank the gentleman from South Carolina (Mr. BROWN) for his involvement as the co-chair of the Port Security Caucus. I again urge my colleagues to support this amendment.

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

Mr. KING of New York. Mr. Chairman, I yield the balance of our time to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I speak in support of this amendment as a member of the Port Security Caucus.

There is a port in my district, the Port of Beaumont, that ships out one-third of the military cargo that goes to Iraq and Afghanistan. Also, that port is largely responsible for 11 percent of the refinery capacity in the United States.

Due to those concerns and the expertise of the people that run the refineries, the people that run the port facilities, I think it is imperative that we have input from local officials on how to secure the safety of our ports. So I support this amendment in its entirety.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CUELLAR

Mr. CUELLAR. 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 109–450 offered by Mr. CUELLAR:

Page 44, after line 9, insert the following new section:

SEC. 127. REPORT ON SECURITY AND TRADE AT UNITED STATES LAND PORTS.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study on the challenges to balance the need for greater security while maintaining the efficient flow of trade at United States land ports.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the results of the study required by subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, first of all I want to thank the chairman of the Homeland Security Committee and the ranking member, Mr. THOMPSON, for allowing me to present this particular amendment. I believe this amendment is acceptable to both gentlemen.

Ensuring national security and promoting economic trade is critical to our Nation's future. Balancing security aspects while maintaining the efficient flow of trade at the United States land ports is critical.

My amendment provides that the Secretary of Homeland Security look at the challenges for implementing border security programs while not hindering or negatively impacting the flow of trade and business at land ports. This is critical to land ports because in 2004, for example, the top 10 U.S. land ports for land trade with Canada and Mexico totaled over $635 billion. Land ports handle more than 20,000 containers coming through international ports of entry every day.

The Port of Laredo in my hometown, for example, is the fourth busiest port overall in the United States, and the Nation's busiest inland port with $131 billion worth of goods and merchandise processed in 2004 alone.

The Transportation Bureau of Statistics report for Laredo for 2004 reveals crossings of over 1.4 million commercial trucks, 3,400 trains with 317,000 containers, 38,000 buses, 4.5 million pedestrians, and 6.7 million private vehicles that cross the Laredo area.

These statistics show the urgent need to examine and address the unique security challenges faced at land ports. H.R. 4954 is a good bill, and I certainly support this bill. I hope we can add this amendment, which is acceptable to both the chairman and the ranking member.

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

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset let me thank the gentleman from Texas for introducing this amendment and doing it in such a spirit of bipartisanship. To me, it typifies what this issue should be about: good people from both parties working together to resolve one of the most serious issues facing our country today.

I agree that such a study is necessary primarily because of the sharp increase of trade that the United States has experienced through its ports in recent years. All forecasts seem to indicate this trend will continue.

While this debate largely focuses on seaports, our land ports play a vital role in our economy. Therefore, a comprehensive strategy is needed to address the challenges of efficient trade and land port security. The balance between trade efficiency and adequate security is central to the future success of the United States economy. I urge adoption of the amendment.

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

Mr. CUELLAR. Again, Mr. Chairman, I want to thank Chairman KING and Mr. THOMPSON, also, for working in a bipartisan approach. I ask for approval of my amendment.

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. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. 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 109–450 offered by Mr. RYUN of Kansas:

Page 82, line 12, add at the end the following new sentence: ''In carrying out this section, the Secretary's evaluation shall include an analysis of battery powered portable neutron and gamma-ray detection devices that can be inexpensively mass produced.''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Kansas (Mr. RYUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that will help us find ways to identify and stop shipping containers that contain nuclear material.

Section 202 of this bill requires the Secretary of Homeland Security to evaluate emerging technologies for container security. My amendment simply stipulates that as part of the Secretary's evaluation of emerging technology, he should analyze portable battery powered nuclear detection devices that can be mass produced inexpensively.

We have a clear need to know what is in the containers coming into our country. Many of the available technologies to screen nuclear devices, however, are difficult and are very expensive.

To my knowledge, the Department of Homeland Security has focused on detection devices that are large, expensive, use a large amount of energy, and cannot easily be placed in or on a shipping container. These technologies may work, but it may not be easy for them to be used, and it may not be possible to procure enough of these types of devices to examine shipping containers headed into our ports. That is why we need to review emerging technology, including portable devices.

I know this type of technology exists because Kansas State University in my district is doing some exciting research in this area. In fact, they have developed nuclear detection devices that are the size of a dime which they believe they can produce for about $20 each. These types of devices are easily placed in shipping containers, and can be used to detect nuclear material before it enters any port.

For this reason, it is prudent to ask the Secretary to thoroughly review this type of technology. We all know that rogue nations and terrorist cells may try at some point in the future to send nuclear materials to our shores. In fact, Iran's pursuit of nuclear materials makes the need to secure our shipping containers even more urgent.

This is a simple amendment that only asks the Secretary of Homeland Security to examine portable nuclear detection devices when he evaluates emerging technology. I ask my colleagues to support this amendment.

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

Mr. KING of New York. Again, Mr. Chairman, I ask unanimous consent to control the time even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Including mobile detection capabilities in the evaluation process is vital and will aid search capabilities. Also, these potentially cheap sensors will allow for more widespread application. This detection equipment will be considered under the same criteria and measured against the same real-world performance criteria before they are deployed.

The gentleman's amendment raises responsible questions that must be addressed prior to asking our allies to deploy new inspection equipment or for domestic use.

I appreciate this thoughtful addition to the bill offered by the gentleman from Kansas, and I am prepared to accept the amendment.

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

□ 1215

Mr. RYUN of Kansas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. HOOLEY

Ms. HOOLEY. 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. 7 printed in House Report 109–450 offered by Ms. HOOLEY:

Page 66, beginning on line 5, strike ''detect unauthorized intrusion of containers.'' and insert ''positively identify containers and detect and record unauthorized intrusion of containers. Such devices shall have false alarm rates that have been demonstrated to be below one percent.''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. HOOLEY. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman of the committee and the ranking member.

Container Security Devices, or CSDs, represent a ''today'' solution to secure the 14 million containers in circulation worldwide. The technology has been developed in conjunction with Customs and Border Protection and has been extensively tested and determined to be reliable.

Container Security Devices are a vast improvement over the bolt seal, which is the low-tech guard against tampering used today.

In addition to guarding against unauthorized container intrusions, many CSDs will be able to provide a wealth of additional data to U.S. Customs and DHS officials at U.S. ports. They can provide data on where a container has traveled from, the ports it has traveled through, and provide a unique, encrypted container ID.

Throughout its journey, the status of a CSD, tampered with or not, can be verified.

The amendment I am offering today is simple and straightforward. Currently, the bill, as written, simply defines a Container Security Device as a ''mechanical or electronic device designed to detect unauthorized intrusion of containers.''

My amendment changes that definition of a Container Security Device so it accomplishes three things. It will require a CSD positively identifies the container; that it detect and record any unauthorized intrusion of the container; have a false alarm rate that is demonstrated to be below 1 percent. Now, this is a minimum requirement. As written right now, this bill doesn't put a minimum requirement for the performances of container security devices.

Over the past year, DHS has conducted tests on multiple technologies from multiple vendors that would be capable of tracking, monitoring and securing containers against compromise. The Department has been very clear that, before incorporating these devices into government-sponsored programs, the device must meet a strict 1 percent false-positive threshold.

In addition to DHS, a coalition of industry groups supports this minimum requirement. The group includes the U.S. Chamber of Commerce, Worldwide Shipping Council, National Customs Brokers and Forwarders Association of America, Business Alliance for Customs Modernization, and the American Trucking Association.

In the comments the coalition submitted to Senator COLLINS and Senator MURRAY of the Senate Committee on Homeland Security on the GreenLane Maritime Cargo Security Act, the companion bill to the SAFE Port Act, they explicitly state, ''Only Container Security Devices that meet the Department of Homeland Security's 99 percent false-positive and overall reliability requirements should be deemed qualified under this legislation.''

I urge my colleagues to support this commonsense amendment.

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I seek to obtain the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in reluctant opposition because of some lack of clarity on this amendment, and perhaps I can be relieved of my concern.

The gentlewoman, in her comments, suggested that the World Shipping Council and the Pacific Maritime Association were in support of this amendment. And yet I have a letter with a contrary conclusion, not based on the fact that they object to the objective of the gentlewoman's amendment but rather some concern that the gentlewoman's amendment would be too restrictive in bringing us to the point of having the best technology available as soon as possible.

As I understand the gentlewoman's amendment, it changes the definition of Container Security Device from ''a mechanical or electronic device designed to, at a minimum, detect unauthorized intrusions of containers'' to, ''a mechanical or electronic device designed to, at a minimum, positively identify containers and detect and record unauthorized intrusion of containers'', and then goes on to say, such devices shall have false alarm rates that have been demonstrated to be below 1 percent.

In the letter that we received from the Coalition for Secure Ports, they were concerned that the 1 percent false alarm rate may be unacceptable, in that we have between 11 and 12 million containers coming into the United States per year. If you had this device on all of them, a 1 percent false alarm rate would create as many as 120,000 false security alarms in U.S. ports.

My concern is whether we are straitjacketing the Secretary into accepting a device, if, in fact, it reached that 1 percent false alarm rate, or whether it would be at least 1 percent false alarm rate that is the intention of the author.

Secondly, the question is whether or not the gentlewoman's language requiring this to be a, ''device that positively identifies containers,'' whether that would restrict this to RFID, or Radio Frequency Identification, systems and not allow, for instance, optical character recognition or similar systems.

If that is the gentlewoman's intent and if that is, in fact, the impact of this amendment, I would have to oppose it, because it seems to me it would restrict us to one particular type of device. And I don't have the technology background to understand whether that one device is the silver bullet in this area.

I understand that one manufacturer, GE, uses it. They think it works well. But, as I understand, there are other manufacturers that are trying to work in other areas.

So those are the concerns I have.

And with that, I would reserve the balance of my time.

Ms. HOOLEY. Mr. Chairman, if I may, I would like to answer the gentleman's question.

First of all, there is a definition in this bill.

Secondly, it doesn't have a minimum standard.

Now, the 1 percent is what the Department of Homeland Security asked for, that it is 99 percent accurate. However, it can be more than that. It can be 99.2, 99.5. That is the very minimum that has to happen. So it can go well beyond that.

Again, it is trying to make sure that you can take into account anything that has either been developed or on the market today or will be on the market so you have some flexibility and some competition amongst the companies.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. So your intent in using the language ''positively identify containers'' is not to eliminate the possibility of optical character recognition or similar systems in meeting this particular demand.

Ms. HOOLEY. No, it doesn't mandate that it needs to be an RFID device. It doesn't mandate that.

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

Mr. DANIEL E. LUNGREN of California. I would just say that, with that understanding that they do not have those limitations of which I have concern, I would not object to this amendment. But I want to make it clear that the record reflect, number one, that if the Secretary believes we have to have a standard that is more precise than a 1 percent false alarm rate, that he have the discretion to do that.

Ms. HOOLEY. Absolutely.

Mr. DANIEL E. LUNGREN of California. And, secondly, that we are not limiting this to RFID systems or similar systems to RFID, that other systems of technology could also meet the gentlewoman's amendment.

Ms. HOOLEY. Correct.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, with that I yield back the balance of my time.

Ms. HOOLEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Mr. Chairman, I ask unanimous consent to offer the Stupak amendment at this time.

The Acting CHAIRMAN. The gentleman may rise as the designee for the Stupak amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109–450 offered by Mr. THOMPSON of Mississippi:

Page 25, beginning on line 10, after ''including'' insert the following: ''communications equipment that is interoperable with Federal, State, and local agencies and''.

Page 25, line 17, insert at the end before the semicolon the following: ''and to ensure that the mechanisms are interoperable with Federal, State, and local agencies''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I support this amendment which will ensure that port security grant funds be used by ports to purchase communication equipment that is interoperable with Federal, State and local communication systems.

I have been in countless hearings in the Department of Homeland Security Committee where first responders have told us how year after year they have not been able to communicate with each other.

I have also heard testimony from the operators of critical infrastructure such as hospitals affected by Hurricane Katrina who also still cannot communicate with government officials in an emergency.

We have not yet had a terrorist attack on a port in the United States, but I do not want to wait until one occurs to find out whether port operators face similar challenges.

Allowing port security grants funds to be used by ports to build interoperable communication systems will ensure that if an attack does occur at a U.S. port we are ready for it.

As a result, Mr. Chairman, I support this amendment.

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

Mr. REICHERT. Mr. Chairman, I ask unanimous consent to claim the time in opposition to this amendment even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. REICHERT. Mr. Chairman, as the chairman of the Subcommittee of Emergency Preparedness, Science and Technology, I rise in support of this amendment.

When I came here to Washington and first participated in one of many hearings on interoperability and operability, I learned from one of witnesses that this has been a struggle that Congress has been mulling over and struggling with more 10 years. And I interrupted the witness and said, this has been a problem that first responders have been struggling with for over 30 years.

□ 1230

As a new police officer in 1972, interoperability and operability was a huge problem for us and still is today. It is intolerable that first responders are still struggling with this issue.

The current language in the bill provides that grants may be used to purchase or upgrade equipment and to establish or enhance mechanisms for sharing terrorism threat information. This amendment supplements that language by providing that all equipment purchased be interoperable with Federal, State, and local agencies. Additionally, this amendment ensures mechanisms for sharing terrorism threat information, that they be interoperable with all Federal, State, and local agencies.

The Department of Homeland Security has already spent $2 billion in moving this country forward to become interoperable. It is time that we make this commitment.

I congratulate Mr. STUPAK for bringing this amendment to the floor, and I support it.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. STUPAK).

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

Mr. STUPAK. Mr. Chairman, I thank both the subcommittee Chair and ranking member for taking care of this matter for me as I was trying to get here from a committee as we are dealing with high fuel prices, energy prices, gas prices. I just did not make it in time, but I appreciate the assistance of the ranking member and chairman.

Mr. Chairman, I rise to offer an amendment that would add to the Congress's efforts to strengthen communications interoperability.

The SAFE Port Act creates a new Port Security Grant Program. These grants may be awarded for twelve different purposes, including purchasing equipment and creating threat information systems.

My amendment makes two simple improvements to the bill. The amendment requires that communications equipment authorized for purchase under the Grant Program is interoperable with local, state, and federal governments.

Second, my amendment would require that the "mechanisms for sharing terrorism threat information" funded under these grants are also interoperable with local, state, and federal agencies.

We know that the problem of interoperability has plagued this country for too long. The lack of interoperability contributed to the death of 121 firefighters on September 11th. It contributed to the chaos after Hurricane Katrina.

Our ports are vulnerable targets for attack. As we work to give our ports the tools they need to prevent and respond to attacks, we must ensure that port systems are interoperable with the federal, state, and local agencies that work everyday with these ports.

Adding an interoperable standard to the equipment and threat information systems authorized under these grants is consistent with efforts by the Administration and Congress.

An interoperable communications standard is already required under the Urban Area Securities Initiative, the State Homeland Security, and the Law Enforcement Terrorism Prevention Grant Programs.

I fear without this amendment we may have every port in the United States purchasing equipment that does not communicate with local, state, and federal officials on the ground. What good does this do the next time there is a terrorist attack or natural disaster involving a U.S. port?

I urge my colleagues to support my amendment to add an interoperable standard to the equipment and threat information systems authorized under these grants.

This is a good bill that would be made better with the adoption of my amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. SHAYS

Mr. SHAYS. 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. 9 printed in House Report 109–450 offered by Mr. SHAYS:

Page 87, after line 12, insert the following new section:

SEC. 207. INTEGRATED CONTAINER INSPECTION SYSTEM PILOT PROJECT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a pilot project at an overseas port similar to the Integrated Container Inspection System being tested at the port in Hong Kong.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

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

The amendment I have introduced would require the Department of Homeland Security to conduct a pilot project at an overseas port similar to the Integrated Container Inspection System, ICIS, in Hong Kong.

In Hong Kong, the second busiest port in the world behind Singapore, the ICIS program scans every container of cargo at the two terminals of the facility with advanced radiation and gamma-ray screening.

In Hong Kong, container trucks pass under two giant portals. The first portal scans for radioactivity. The second portal uses gamma-ray imaging to check for odd-sized objects that might conceal weapons. An optical scanner retrieves the ID numbers on the container while a computer integrates data into a database that could be accessed by ports worldwide.

Since late 2004, this program has generated 1.4 million digital profiles of outbound containers at the port. The ICIS system can scan nearly 400 container trucks an hour and provide real-time data to help identify suspicious cargo, all the while keeping detailed records of what passes through the port.

It is not my intention, I want to point out, to limit this pilot program to one company. I understand that Science Applications International Corporation designed the ICIS program currently being run in Hong Kong, but other companies have begun to develop similar technology. In the text of my amendment, the language states the program must be similar to the ICIS program, but it does not mandate that it be the program developed by Science Applications International.

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

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I thank Mr. SHAYS for offering his amendment, and I support his efforts to enhance our Nation's ability to detect the movement of illicit nuclear material at foreign ports before it reaches the United States.

Also, like the gentleman, I believe in testing and validating a detection system's performance before we fund a large-scale deployment, as a great deal of money can be wasted on systems that do not work as advertised.

I believe the gentleman's amendment could be improved if we stipulate that the technology tested in the pilot program goes beyond that which has been used in the ICIS program in Hong Kong. We should look to validate the performance of other more advanced systems, which I should note is the goal of the language for a radiation detection pilot program for high-volume domestic ports, which is already in this bill.

My hope is that the foreign pilot program in this amendment will be strengthened by incorporating next-generation technology and that coordination of this amendment with the domestic pilot program will be considered during conference. This approach would, I believe, build confidence among our foreign partners in the technology and help us expand our detection capabilities around the globe.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I would just like to thank him for his keen work on the subcommittee that oversees a good part of the issue and to say that it would clearly be the intention of this amendment to do that. I certainly will be advocating that the conference committee do it. I know the chairman would and the main sponsor of this whole bill. So I think we all agree it needs to happen, and I thank the gentleman for pointing that out.

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I thank the gentleman from Connecticut for yielding me the time.

Mr. Chairman, I support the amendment. Many Democrats on the Homeland Security Committee have been asking for a long time why DHS is not more seriously looking at the ICIS system, and we have never gotten an answer from them.

The ICIS system proves that we can scan every container leaving for the U.S. without interrupting the flow of commerce. The Markey-Nadler amendment would exactly use technology like this if it had been allowed to have been debated here today. Unfortunately, we could not.

We cannot accept anything less than 100 percent container screening coming into this country. So I am in support of Mr. SHAYS's amendment. This at least moves us forward. It is unfortunate that we have to take baby steps rather than giant steps. But for the sake of moving forward, we support the amendment, and I compliment the gentleman from Connecticut for offering the amendment.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

I rise in support of the gentleman from Connecticut's amendment. The type of technology to which he is referring certainly has extraordinary promise. The measured approach he is proposing here, I believe, is the way we should go forward. I understand the Department of Homeland Security may have some concerns, but the fact is, I think, all of us agree the government does not always have the right answer to a particular problem. I believe that the gentleman from Connecticut should be commended for pushing this matter forward and for using his energies and abilities to bring that about.

I know that this technology is said to have limitations, but a thorough operational test by independent evaluators will enable us to look at it much more objectively.

So with that, I strongly urge the adoption of the gentleman's amendment.

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

Mr. SHAYS. Mr. Chairman, I yield myself the balance of my time.

I want to thank Mr. KING, the chairman of the committee, for working with both sides of the aisle and even working with members within his own committee who sometimes have disagreements. He has done an extraordinary job.

I also want to thank his staff that has been very patient in working with all of us and then to particularly thank Mr. LUNGREN, who has kind of taken this bill and marshaled it all along the way, has provided opportunities for us to cosponsor and also to provide input into the bill, to which he has allowed a tremendous amount of input, and I thank him for that as well.

This is an excellent bill, and I think Congress should be proud of it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BASS

Mr. BASS. 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. 10 printed in House Report 109–450 offered by Mr. BASS:

Page 26, after line 9, insert the following new subsection:

''(e) REIMBURSEMENT OF COSTS.—An applicant for a grant under this section may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency. ''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from New Hampshire (Mr. BASS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

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

I thank Chairman KING and his staff of the Homeland Security Committee and my own staff person, Jennifer Warren, for help on this.

This amendment would add another use of funds received under the new port security grant program created in H.R. 4954. I fully support the new grant program and want to emphasize that my amendment does nothing to change the prioritization in which awards are granted for port security that is based on risk and national economic strategic defense considerations.

What my amendment would do is to allow a State or local agency to petition the Secretary of the Department of Homeland Security to use Federal funds from this program for any port security activity relating to prevention, detection, preparedness, responsiveness, or recovery from acts of terrorism that is a Federal duty usually performed by a Federal agency.

Additionally, an agreement between the State and local organizations and Federal agency would have to exist in order for the cost of activities to be eligible for reimbursement. This proposed change would allow State and local agencies to petition for reimbursement of expenses such as salaries, overtime, maintenance, and other overhead costs that a State or local agency is spending to perform the Federal port security duties that would otherwise not be covered by the existing language in the bill we have before us today.

I think it is really critical in ensuring that funds under this new program will be eligible to go to more resources than just Federal agencies. I will give you an example: in my home State of New Hampshire, the Port of Portsmouth, it is a busy port. Although small, it is busy. There is a nuclear power plant nearby, and the New Hampshire Marine Patrol does a considerable amount of surveillance and spends over $200,000 annually in additional costs relating to the port security duties that would otherwise not have to be covered by the U.S. Coast Guard. This is just one example.

The Port of Miami apparently has seen an increase in their responsibilities of almost $12 million per year over the past 5 years in annual operating security costs and has been advised by the U.S. Coast Guard that they now may be responsible for waterborne surveillance. So we do have situations in which those other than Federal agencies do actually perform these responsibilities and should be eligible for compensation under this bill.

So I hope that the committee will see fit to accept the bill and that it will be made a part of this legislation. I urge the adoption of this amendment.

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

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition even though I am not opposed.

The Acting CHAIRMAN. Without objection, the gentleman will control the time in opposition.

There was no objection.

Mr. KING of New York. Mr. Chairman, let me just say that I commend the gentleman from New Hampshire for his proposal. It is something that is needed. It fills a very vital need, and I urge the adoption of his amendment.

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

Mr. BASS. Mr. Chairman, I want to thank the chairman again for his support, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. 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. 11 printed in House Report 109–450 offered by Ms. MILLENDER-McDONALD:

Page 26, line 3, strike ''and''.

Page 26, line 9, strike the period and insert ''; and''.

Page 26, after line 9, insert the following new paragraph:

''(13) to establish or enhance truck inspection stations for seaports and communities with a high percentage of container traffic in coordination with ports, States, and local governments to enable seaport and highway security around seaports.''.

Page 29, line 6, add at the end the following new sentence: ''Of the amount appropriated pursuant to the authorization of appropriations under this paragraph for a fiscal year, up to $20,000,000 is authorized to be made available to provide grants for activities described in subsection (d)(13).''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from California (Ms. MILLENDER-McDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

MODIFICATION TO AMENDMENT NO. 11 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I ask unanimous consent to modify my amendment.

The Acting CHAIRMAN. The Clerk will report the modification.

MODIFICATION OFFERED BY MS. MILLENDER-McDONALD

Strike line 1 and all that follows and insert in lieu thereof the following:

(13) for the purpose of enhancing supply-chain security at truck inspection stations in or near high volume seaports in coordination with States and local government.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Ms. MILLENDER-McDONALD. Mr. Chairman, at this time let me thank Chairman LUNGREN, the subcommittee Chair, as well as the full committee Chair, Chairman KING, for accepting this amendment and its modification, along with the ranking member, Congressman BENNIE THOMPSON, for his guidance and advice during the process of all of this.

□ 1245

I am happy that this bill has language that was in a port security bill that I had for the past 2 years that speaks to the multi-level funding for larger port security projects.

Mr. Chairman, I offer this amendment because I do represent the region that has the largest port complex in the country and the third largest in the world, and it is important that we enhance truck inspection facilities located on trade corridors that lead to port complexes that support a heavy volume of cargo containers.

In 2005, 11.4 million containers entered our country and traveled along our interstate highway system. On average, that is an increase of 500,000 containers annually entering our country. In the Ports of Los Angeles and Long Beach, 80 percent of goods that come into this country from the Pacific rim come through these ports, and 45 percent of containerized goods come through these ports. So, Mr. Chairman, it is important that we recognize the vital components in our efforts to secure these ports, our trade corridors and our communities. It is another layer of security. It is about securing the entire supply chain.

In our ongoing efforts as a Nation to establish and maintain a security infrastructure, this amendment does make sense. Truck inspection facilities have the potential to integrate new technology that will make our supply lines safer as well as more secure and efficient. In short, truck inspection facilities have the potential to be high-tech weight stations. More importantly, this is another tool in the toolbox in ensuring that our ports and supply chains are secure.

Many of you have come out to the Ports of Los Angeles and Long Beach and seen the Alameda Corridor. When trucks go down that Alameda Corridor, we have to make sure they are secure and that the goods that are being moved from that point to the point of distribution are safe and secure. This is why this amendment is extremely important.

I will say that while I cannot go on as a cosponsor at this time, given that I would have wanted to, this particular bill is extraordinarily important for us and I support the bill.

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I ask unanimous consent to obtain the time in opposition even though I do not oppose this amendment.

The Acting CHAIRMAN (Mr. PUTNAM). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I would like to congratulate the gentlewoman from Southern California for working with us to modify the language of her original amendment so it achieves the purpose to which she intends and is not objectionable in any way.

There is no doubt that we want to make sure that we have layers of security, starting at the foreign ports,

through the period of time in which the containers are shipped, to just outside our ports, in our ports, and then as the containers leave our ports.

One of the things we have to do in this entire effort is to insert a notion of uncertainty in the minds of would-be terrorists. One the ways we do that is having layers of security all across the globe.

The gentlelady has suggested that we be explicit in our language with respect to the possibility of utilizing another tool in our toolbox, as she suggests, where we might be able to devise certain programs that utilize facilities that may exist just outside the port for purposes of looking at trucks for safety purposes, and we might be able to incorporate the terrorist security review at that point as well. If in conjunction with the authorities, local and state authorities, this kind of a grant request is made, we want to make sure that the Department of Homeland Security can, in fact, take a look at it. If it seems to serve the purpose to which we are all dedicated, then it would be allowed under this bill.

So I congratulate the gentlelady for introducing the bill. I also congratulate her for representing my hometown, the place I was born and lived in for 42 years.

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

Ms. MILLENDER-McDONALD. Mr. Chairman, it is great to have my friend who once served so admirably in the southern California area now being a part and parcel of this bill that is just so vital. He knows, as I know, that our California Highway Patrol commissioner is also amenable to this bill as well.

Mr. Chairman, truck inspection stations will be a consolidation and coordination of seaports, community and trade corridors, and both local and state representatives are all in favor of this. I am very pleased about this important amendment. I thank all of those, the chairmen and the ranking members, for accepting this.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE 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. 12 printed in House Report 109–450 offered by Ms. JACKSON-LEE of Texas:

Page 32, line 11, strike ''and''.

Page 32, line 13, strike the period and insert ''; and''.

Page 32, after line 13, insert the following new paragraph:

''(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a 'citizen corps', if necessary.''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, allow me to offer my appreciation to the chairman of the full committee and the ranking member of the full committee and Ms. SANCHEZ, Ms. HARMAN and Mr. LUNGREN of California for the work that they have done on this legislation. My good friend, Mr. REICHERT from Washington, let me thank you very much as we have had an opportunity to work together.

This bill is about port security. In securing the ports, the reason is to prevent a horrific tragedy from occurring similar to the tragedy of 9/11. We have come to understand that through containers, or ships that are carrying containers, weapons of mass destruction, nuclear materials, can be inserted into these particular items coming into our ports and a horrific act of terror can occur, killing thousands.

Mr. Chairman, this chart shows an example of the Nation's ports, a port that is surrounded by population, thriving neighborhoods, neighborhoods which understand that they are surrounding a local asset and a national asset. But they, too, deserve security and deserve protection.

My amendment today, which I urge my colleagues to support, includes communities in disaster preparedness by providing for an annual update to the Homeland Security Training Program described in this bill. The Port Security Training Program is designed for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against and recover from threatened or actual acts of terrorism, natural disasters and other emergencies.

What I would say to you is, having visited a number of ports, including the port in Washington, I am aware of its treasure to the community and to the Nation, but I am also aware that it looks just like this, populations surrounding our ports. So a danger to ports and port security is a danger to our neighborhoods.

The amendment I offered today extends this training program to include communities and neighborhoods in proximity to the seaports by educating, training and involving populations at risk, neighborhoods around the ports, including training on an annual basis, and, of course, collaboration with our local authorities.

This is to include our neighborhoods in somewhat of a neighborhood watch concept, continuing the idea of the citizen corps. It is a moral public safety and public health imperative that we assist the public to prepare for disasters in order to help facilitate response and relief.

The point is to be prepared. Local responders are not the only ones who can help in time of need. They need help, and we are here to help with them in the idea of collaborating with the port and our local first responders.

While 44 percent of Americans say their neighborhood has a plan to help reduce crime, only 13 percent report that they have a neighborhood plan for disasters. Nearly two-thirds of respondents, 63 percent, believe it is important for neighborhoods to have a way to work together on emergency preparedness.

The Port of Houston, for example, is a 25-mile-long complex of public and private facilities located just a few hours sailing time from the Gulf of Mexico. The port is ranked first in the United States in foreign waterborne commerce and second in total tonnage and sixth in the world. The Port of Houston is made up of the Port Authority and the 150-plus private industrial companies along the ship channel. Altogether, the Port Authority and its neighbors along the ship channel are a large, vibrant community.

I say that, because of this vibrant community, there is a great need, if you will, to provide this nexus in this bill to ensure this kind of safety plan. I ask my colleagues to look and see this as a port in your neighborhood and to join me in supporting the Jackson-Lee amendment.

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

Mr. REICHERT. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, even though I do not oppose it.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. REICHERT. Mr. Chairman, I would like to thank the gentlelady for offering this amendment during committee markup last week on the underlying legislation. The committee added language that would establish a port security training program.

Training is essential to our Nation's success in the war on terror. It is imperative that our Nation's first responders, longshoremen, seaport management and those in the private sector and others learn and master the skills necessary to respond to a terrorist attack in our Nation's ports, especially those involving weapons of mass destruction.

This current amendment will provide for the education and training of persons in neighborhoods surrounding at-risk ports to learn what to be watchful

for in order to be a citizen corps, if necessary.

As a former law enforcement officer for over 33 years and the current Chair of the Subcommittee on Emergency Preparedness, Science and Technology, I certainly appreciate the intent of this amendment.

While I generally support this amendment and am willing to accept it, I do have a few reservations. I have concerns that this amendment could potentially divert funds and training away from ports in favor of establishing an ad hoc citizen corps. No determination has been made that developing a citizen corps would be a more effective use of resources. Moreover, unlike the port personnel, a proposed citizen corps would not be a full-time service but only a used-as-necessary service.

The amendment lends no guidance as to the level of training that would be necessary, the function of the citizens corps or the circumstances under which a citizens corps would be necessary.

While I believe port authorities should undoubtedly perform outreach to affected neighborhoods, where appropriate, I am concerned about the amendment that requires the training of citizens at the expense of most crucial training for port personnel.

In addition, local law enforcement are currently responsible for conducting outreach plans and for training and educating local businesses and communities around our Nation's ports. While local law enforcement currently work in coordination with our ports, this amendment would take some authority away, I believe, from the local law enforcement in conducting community outreach.

I therefore ask to work diligently with the gentlelady as we move forward in this process to ensure communities surrounding our ports are adequately involved without taking resources away from the training of port personnel.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from Mississippi (Mr. THOMPSON), the distinguished ranking member.

Mr. THOMPSON of Mississippi. Mr. Chairman, I appreciate the gentlelady allowing me to speak in support of her amendment. We absolutely need to work with communities around ports. Those communities, just like other communities, are at risk, not only to what comes into those communities but also many of the people who live in the communities.

So we are happy to support the gentlelady's amendment. Citizen preparedness is what we should be about. It is absolutely important. We support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member, Mr. REICHERT. Let me just say we want a seamless connection on security and port security, working with local law enforcement, working with the neighborhoods around the poverty and working with port security. I look forward to working with you to ensure that it is collaborative and that the resources are spent in a balanced way for the port personnel but also in very effective outreach methods that I have seen utilized around the country with effective neighborhood and citizens corps, local first responders, as you have served for a number of years, and, of course, port security. I ask my colleagues to support it.

Mr. REICHERT. Mr. Chairman, I look forward to working with the gentlewoman, and certainly agree we need a seamless operation when it comes to protecting this Nation's borders and ports. I think the training and exercises in and around our port areas, including our communities, is essential to the protection and the safety of the citizens that live there, and again look forward to working with you and appreciate you offering this amendment.

□ 1300

Ms. JACKSON-LEE of Texas. We will work together. I ask my colleagues to support this amendment to protect the neighborhoods that surround our ports. Port security and secure neighborhoods.

Mr. Chairman, I rise today to urge my colleagues to support an amendment I am offering that includes communities in disaster preparedness by providing for an annual community update to the Homeland Security Training program described in this bill.

The Port Security Training Program is designed for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

The amendment I offer today extends this training program to include communities and neighborhoods in proximity of the seaports by educating, training, and involving populations of at-risk neighborhoods around ports, including training on an annual basis to learn what to watch for.

Many communities across the country also have a "Neighborhood Watch" program that teaches citizens to watch for suspicious activity or other signs of danger. This amendment provides for a similar "citizens corps" preparation in anticipation of a national security threat. The intent is to mimic the Citizen Corps initiative begun by the White House and the Department of Homeland Security in 2002.

It is a moral, public safety and public health imperative that we assist the public to prepare for disasters in order to help facilitate response and relief.

The point is to be prepared. Local responders are not the only ones who can help in a time of need.

While 44 percent of Americans say their neighborhood has a plan to help reduce crime, only 13 percent report having a neighborhood plan for disasters. Nearly two thirds of respondents, 63 percent, believe it is important for neighborhoods to have a way to work together on emergency preparedness.

The Port of Houston is a 25-mile-long complex of public and private facilities located just a few hours' sailing time from the Gulf of Mexico. The port is ranked first in the United States in foreign waterborne commerce, second in total tonnage, and sixth in the world.

The Port of Houston is made up of the port authority and the 150-plus private industrial companies along the ship channel. All together, the port authority and its neighbors along the Houston Ship Channel are a large and vibrant component to the regional economy.

About 200 million tons of cargo moved through the Port of Houston in 2005. A total of 7,057 vessel calls were recorded at the Port of Houston during the year 2003.

Economic studies reveal that ship channel-related businesses support more than 287,000 direct and indirect jobs throughout Texas while generating nearly $11 billion in economic impact. Additionally, more than $649 million in state and local tax revenues are generated by business activities related to the port. Approximately 87,000 jobs are connected with the Port of Houston itself, and over 80 percent of those people live in the Houston metropolitan area.

Centrally located on the gulf coast, Houston is a strategic gateway for cargo originating in or destined for the U.S. West and Midwest. Houston lies within close reach of one of the nation's largest concentrations of consumers. More than 17 million people live within 300 miles of the city, and approximately 60 million live within 700 miles.

The danger is very real that we may be escorting a weapon of mass destruction to its target. For every mile along the Houston Ship Channel that dangerous cargo passes, an additional 2000 people are at risk. Clearly, once the cargo reaches the city, the risk is greatest.

In 2002, the Department of Homeland Security established the Citizens Corps initiative, and in 2004, over 1,000 communities around the country, encompassing 40 percent of the U.S. population, had established Citizen Corps Councils to help inform and train citizens in emergency preparedness and to coordinate and expand opportunities for citizen volunteers to participate in homeland security efforts and make our communities safer.

Fifty-two States and territories have formed state level Citizen Corps Councils to support local efforts.

Maybe before the next disaster, our citizens can be aware and trained to react effectively and timely, and perform as local responders themselves. Support this amendment, and include the neighborhood in disaster preparedness.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. WEINER

Mr. WEINER. 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. 13 printed in House Report 109–450 offered by Mr. WEINER:

Page 29, after line 2, insert the following new subsection:

''(k) QUARTERLY REPORTS REQUIRED AS A CONDITION OF HOMELAND SECURITY GRANTS.—

''(1) EXPENDITURE REPORTS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the grant recipient to submit quarterly reports to the Secretary that describe each expenditure made by the recipient using grant funds.

''(2) DEADLINE FOR REPORTS.—Each report required under paragraph (1) shall be submitted not later than 30 days after the last day of a fiscal quarter and shall describe expenditures made during that fiscal quarter.

''(3) PUBLICATION OF EXPENDITURES.—

''(A) IN GENERAL.—Not later than one week after receiving a report under this subsection, the Secretary shall publish and make publicly available on the Internet website of the Department a description of each expenditure described in the report.

''(B) WAIVER.—The Secretary may waive the requirement of subparagraph (A) if the Secretary determines that it is in the national security interests of the United States to do so.''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. Mr. Chairman, I won't take the full balance of my time.

Mr. Chairman, we create in this bill a port grant program which provides allocation to go to States and localities to take steps to ensure homeland security around ports.

But frankly without this amendment, we will not really have any good way of knowing how the moneys are being spent. We have learned through grant programs in other elements of the homeland security bill that we are finding that once States and localities get the money for these grants, they are not spending them in a very wise way.

For example, when Converse, Texas, got funds for homeland security, they used it to spend $3,000 for a trailer which was used to transport lawn mowers to lawn mower drag races in that county.

We found that in Columbus, Ohio, over $7,000 was used to purchase bulletproof vests for dogs. In fact, when the Department of Homeland Security Inspector General looked at one State, Indiana, to try find out if the funds were being spent prudently, they found that the county emergency preparedness coordinator had purchased a $30,000 emergency hazardous material trailer truck that he was using as a commuter vehicle back and forth to work.

We found out about a lot of these things not because the process was transparent, but because often States and localities bragged about them. My amendment would simply say, once we give the money, we have to hear back from the States and localities how they spent it, allow transparency to be the best disinfectant for boondoggles.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I ask unanimous consent to control the time in opposition to the amendment, even though I am not opposed.

The Acting CHAIRMAN (Mrs. BIGGERT). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Chairman, I would like to raise several points. I want to commend my good friend from New York for offering the amendment. Obviously, more oversight is needed. This amendment serves that purpose.

I did have some concerns about the danger of potential national security information being listed. But the language of the amendment does provide an exception on that. There is also some concerns about whether or not this could prove burdensome on some local governments.

I just want to work with him to ensure the amendment does not impose unnecessary burdens on State and local governments.

Madam Chairman, I yield the balance of my time to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. I thank the gentleman for yielding. I will be very brief in support of the amendment, but also the underlying legislation which I think is a natural extension of where this country has gone over the last several years as we seek to ensure the safety and security of the American people.

We know that the most fundamental responsibility of our Federal Government is to ensure the safety of its people and to protect and ensure our National security. And clearly port security has been left in limbo.

But not until today have we seen a more comprehensive and in a way bipartisan approach that acknowledges that indeed we are vulnerable in our ports. And events over the last couple of months obviously have catapulted this to the top of the headlines, if you will.

But for someone who represents Staten Island and Brooklyn, proudly, the mouth of New York-New Jersey Harbor, practically every cargo container that comes and finds its way into the northeastern region goes underneath the Verrazano Bridge. And I want to know, as much as I can, that the people that I represent are safe and secure.

We recognize the importance of commerce. We recognize the importance of jobs and what that cargo means to consumers across the country, especially in New York and New Jersey and Connecticut and the northeast. But that does not mean we have to keep safety at the door.

So I commend Chairman KING and all of those Members who have worked so diligently over the last couple of months to bring this bill to the floor. I think, as I say, this is a natural extension to let those who want to or are contemplating ways to wreak havoc on the American people know that we are serious about protecting its people here, and that we are going to do everything possible to ensure that cargo that comes into our ports is safe and nonthreatening.

Mr. KING of New York. Madam Chairman, I yield back the balance of our time.

Mr. WEINER. Madam Chairman, I would point out to my colleagues that under this legislation we are going to be considering, containers will continue to come under all of the bridges in New York and the New Jersey area unchecked, uninspected.

We had an opportunity in this House to have a discussion about whether or not that was a desirable state of affairs, and we chose not to have it. There is no reason, none whatsoever, why we should not have it as the law of the land: any container, of the millions and millions of containers that come here, should not be prescreened in their home country before they arrive here.

We chose not to do it. We made a decision. It is not because the technology does not exist. It is not because the desire does not exist. It is not because of anything except our decision in this House not even to have a discussion on it.

You know, there are concerns that have been raised. Is the technology ready? The answer is, yes. Is it overly burdensome in cost? The answer is, no. But that is what we have this Chamber for, to have a discussion of these issues.

If there is one thing that makes Americans scratch their head about port security, it is, are we leaving ourselves vulnerable to a contaminated container with fissionable material, with nuclear material, with just a bomb in there? And they say, check it. And we are saying here, not only will we not do it, we will not even have a discussion about whether we are going to do it.

And I think that is most regrettable. I think we should have had a chance here today to vote up or down, should we screen containers or not? And I think the answer would have been a bipartisan ''yes.''

But then again, the people who control this House say they will not even debate it. So maybe there were going to be people on that side. We have to assume then that they were going to vote ''no.''

But irrespective of that, this is too important an issue at least not to debate in the context of this important bill.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 printed in House Report 109–450 offered by Mr. FLAKE:

Page 21, line 5, insert ''**REPEAL OF**'' before ''**PORT SECURITY GRANT PROGRAM**''.

Page 21, strike line 6 and all that follows through line 14 on page 29.

Page 29, strike line 15.

Page 29, line 16, redesignate paragraph (1) as subsection (a).

Page 29, line 18, redesignate paragraph (2) as subsection (b).

Page 37, strike line 23 and all that follows through line 2 on page 38.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

Madam Chairman, in 2005, the Ports of New York and New Jersey received $6.7 million for port security. Seattle-Tacoma received $7.3 million, and the State of California received $33 million.

The Long Beach-L.A. port received $24.2 million alone from Homeland Security. All of these came from Homeland Security grants. These funds are also in addition to the funds raised by security fees charged by these ports on shipping to pay for port homeland security costs.

This is a mechanism that the ports can use to cover their costs if they need additional money. No major U.S. shipping port is not in compliance with Coast Guard security requirements.

If $400 million is not to get them in compliance, I think we really need to ask, what is it for? Now, the White House has some ideas on this. They just released the ''Statement of Administration Policy.'' And the White House says: ''Given the significant resources dedicated to port security today, and requested in the budget, the administration believes that a new grant authorization would duplicate existing authorities and may inhibit the administration's ability to target resources most effectively to the sectors of the Nation's infrastructure that face the highest risk.''

Rather than creating a new Federal homeland security grant program, we need to first get control over the grant programs that we have. The gentleman from New York (Mr. WEINER) just listed some of the grants that have been issued.

And it is simply appalling to see how this money is often being spent. In Kentucky, an anti-terror grant was awarded to the State to probe bingo halls. Over $500,000 was spent so that the Town of North Pole, Alaska, could get security rescue and communications equipment.

In my home State of Arizona, the town of Peoria got a homeland security grant to buy a tactical robot. In my own district, the City of Apache Junction received nearly $300,000 for 19 traffic preemption devices which are remote controls that change a street light from green to red or red to green.

Madam Chairman, I am not saying that these things are not needed, but I am saying that we ought to question whether it is the Federal Government's responsibility to fund them or if this money ought to be spent in areas with a greater threat.

I would submit that if we create this new program without first getting ahold on the grant programs that we have, we are going to see the same problems in port security. We are going to see grants frittered away on things that we do not need, rather than things that are truly a threat.

I simply do not believe there has been a clear case made as to why the taxpayers should pay $400,000 for this new program given the existence of all of the other programs as well.

Let me just restate. All major ports are in compliance with Coast Guard security requirements. The President says that it is duplicative and unnecessary and that $173 million has yet to be awarded from 2006 grants. The fiscal year 2007 budget includes $600 million for targeted infrastructure protection grants which include ports.

Also I point out again that ports charge fees to the shippers. If they believe and if they need to increase their security to come into compliance, they can charge extra fees, as it should be. Then the users are actually paying rather than the taxpayers as a whole and the money will be far better spent.

Madam Chairman, I believe that we need this amendment. We ought to have this amendment to have a little fiscal responsibility. Some may say, this is just an authorization. It is not saying that we will appropriate it. But as soon as we authorize it, then if we do not fully appropriate for it, then we are accused of not fully funding the program.

We are bitten by that all the time. I would say, let's step back now and say, let's be as fiscally responsible as we can.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I rise to claim the time in opposition to the amendment, and I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Chairman, I oppose the Flake amendment to eliminate the port security grant program in this bill. The third largest port in the United States, Long Beach-Los Angeles, in the first year after 9/11, the Federal Government actually spent $1.8 million to help them with their security.

The fact of the matter is that that local port, those two cities, put up their money to fortify, to study, to think about, and to do something about port security. The Federal Government basically was not even there. $1.8 million.

Now I remind my colleagues in the House, we spend $1.5 billion a week in Iraq. We have not stood up and done the right thing and protected our critical infrastructure. That port when it is shut down, because we have seen it, is about $2 billion worth of commerce a day. It is thousands of jobs. It affects every city and every State in our Nation. We need to have moneys directly going to port security.

Mr. FLAKE. Madam Chairman, in response to that, the Long Beach Port received $24.2 million, I believe, the following year from the Federal Government. This is in addition to the moneys that they receive by charging a fee on shipping.

The money that the Federal Government pays is minuscule compared to that amount that comes charged by fee. What this amendment is about is saying that as the President has said, as the White House has said, let us target our homeland security money where it is actually needed.

When we continue to dole out money, these kinds of grants, the kind of formula grants that we have, we continue to see the money spent in ways like buying fitness facilities for fire departments or whatever else.

We simply have higher priorities. And heaven knows, we have got a tight budget and we ought to prioritize here.

□ 1315

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I just say in response to the gentleman from Arizona, we have taken into consideration concerns that he has expressed. We have implemented in this bill an at-risk, that is a risk-based, assessment for grant programs. Not everybody gets something.

Secondly, I would assure the gentleman that Apache Junction will not get a grant under this program, nor any landlocked city in Kentucky. This is a port bill.

The third thing I would say is this is based on the assessment by the Coast Guard of what is necessary for the capital investment improvements from a security standpoint for all the ports in the United States. As a matter of fact, we only provide funds for half of the amount that has been identified by the Coast Guard.

This is not one of those grant programs that lasts forever. We have a 6-year sunset on this, and we have a specified revenue stream in this bill to take care of it. So I would suggest that we have looked at the complaints that the gentleman has, but this is a particular area of national security.

Mr. FLAKE. Madam Chairman, I like sunsets, everybody in Arizona likes sunsets; but if we truly believe that this is really going to be sunsetted,

then we are kidding ourselves, and if we spend $400 million on a grant program that the President even says that we do not need here, then the sun has set on fiscal responsibility.

Madam Chairman, I yield back.

Mr. KING of New York. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), the coauthor of the legislation.

Ms. HARMAN. Madam Chairman, I thank the gentleman for yielding and want to say to the amendment sponsor how much I admire him, how much I agree with his point that growing debt and deficits are irresponsible; but in this case, the dollars we are talking about are much smaller than he may believe.

First of all, we are replacing an annual grant program that was appropriated for $175 million last year. Second of all, we are using existing Customs revenues, not new money, to fund what we are talking about.

As he knows, our ports are vulnerable. Al Qaeda attacks us asymmetrically. I admire his intent, I truly do, but I think he should focus on programs that, in the end, will net out as less important and will not cost America and American commerce the amounts of money that it will cost if one of our ports has an explosion or one of our containers contains a radioactive bomb.

I reluctantly oppose the amendment.

Mr. KING of New York. Madam Chairman, I yield myself the balance of the time.

Madam Chairman, I understand what the gentleman from Arizona is attempting to do as far as imposing a sense of fiscal order, but the fact is you know sometimes the price of everything, but the value of nothing. I cannot imagine any potential target in this country which would have more of an economic impact on us than our ports. A nuclear attack in one of our major ports could cost up to $1 trillion in loss to our economy.

The gentleman refers to money that has definitely been wasted in certain projects around the country under the rubric of homeland security. The fact is, we passed legislation in this House last year, H.R. 1544, which would base funding on threat and risk analysis. It is that exact same philosophy that applies to this port security bill. It is based on threat and risk.

As the gentleman from California said, the Coast Guard estimates it would cost over $5 billion for the targeted ports to receive the proper amount of security which they need. This funds slightly less than half of the amount that is required. There is matching money required from the ports.

The fact is we are at war, and we cannot be applying the same green eyeshade philosophy to protecting our National home as we do to other projects.

I agree that nothing is worse than having $1 of homeland security funding wasted. That is why we passed the legislation last year, that is why we are passing this port security, this bill, this time this year to ensure that money will go where it is needed; but it is only going to be based for security. It is not going to be wasted, and to me, this is clearly money well spent. It will also save human lives.

As someone who comes from a district next to the Port of New York and New Jersey, who saw the thousands of people who were killed on September 11, this is a war we cannot afford to hold back in any way. It is essential we go forward. This money is money which is absolutely necessary; and as the gentlewoman from California said, we are taking away the $176 million, adding this. It is money well spent, and I urge defeat of the amendment.

The Acting CHAIRMAN (Mrs. BIGGERT). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 15 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 printed in House Report 109–450 offered by Ms. LORETTA SANCHEZ of California:

Page 63, line 8, insert at the end the following new sentence: ''Such benefits may not include reduced scores in the Automated Targeting System.''.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from California (Ms. LORETTA SANCHEZ) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. Madam Chairman, my amendment is a very small and simple refinement to this piece of legislation, but I think it is a very important refinement and will dramatically strengthen the Customs-Trade Partnership Against Terrorism program, or what we call C–TPAT.

Currently, there are about 5,000 companies that have submitted written security plans that Customs Border Protection has reviewed and certified. This certification qualifies shippers to be fast-tracked through our ports.

Here is the problem: of those 5,000 companies, only 1,200 have had their plans validated, meaning that the Customs has actually gone to those sites to ensure that what the company wrote they were doing about security measures has actually been implemented.

Based on that practice, that means that there are 3,800 companies whose security measures have not been validated, looked at, et cetera; but they are receiving a lowered risk score, and this score is used to determine whether containers will be subject to additional screening or inspection.

There has been a lot of talk today about not giving ourselves and the American people a false sense of security, but that is exactly what we are doing. We are letting containers into our ports with a low probability of inspection when we do not have the slightest idea that the shipper has any real security measures in place.

The Sanchez amendment would stop the current practice of granting risk score reductions for nonvalidated C–TPAT companies.

Now, some would argue that the C–TPAT members should receive a benefit for just turning in a plan and that taking away the reduced risk score for this nonvalidated member would take away their incentive to participate in the program.

Well, think of it as you are driving along and you come to a toll road and everybody's backed up to pay in cash and there is the fast track. What is the incentive? You would definitely decide to purchase if you are going to do this all the time every day, to take that lane. So you would sign up for that program and put your money in the bank so you can whiz by. It is the same thing. There is an incentive. The incentive is that we get our Customs people to review your plan, and then you get to go through the fast lane. We should not let these companies have their cargo go through the fast lane when we have never even checked if they have got a fence around, if they I have done background checks on their people, if al Qaeda people are there or not, et cetera. We need to go and take a look at that.

A reduction in their score is unacceptable until we have actually visited and validated that their security measures are actually happening. We need to trust C–TPAT companies; but as Ronald Reagan always said, we must trust but we must verify.

C–TPAT is a security program, and security does not come from a written rubber stamp plan. So I urge my colleagues to support this.

Madam Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, with all due respect, I rise in opposition to this amendment. Ms. Sanchez and I have worked together on this bill. We have reached accommodations on a number of different issues. We support the idea of the C–TPAT program. I certainly support her efforts to try and strengthen the C–TPAT program. I certainly have supported and incorporated in my bill the recommendation on her part that we allow for third-party validators so that we can get the manpower necessary to do the validations that are necessary in this program. However, I do oppose her amendment because I think it would cut down on the participation in this program.

One must understand that the C–TPAT program, Customs-Trade Partnership Against Terrorism program, is

one that leverages industry cooperation to increase the security of the global supply chain. It has three tiers: tier 1 being the lowest, tier 3 being the highest.

The gentlewoman suggests that any benefits that are recognized under tier 1 to someone who has begun to participate in the program is unnecessary and somehow undercuts the credibility of the program. I would suggest that that is not true.

The conditions for obtaining the C–TPAT tier 1 status include that prior to an importer being certified, the importer must complete a comprehensive self-assessment of their current security practices, gauged against the clearly defined and published minimum security criteria.

If the security self-assessment completed by the importer reveals any security deficiencies and requires a corrective action plan, admission to the program and no benefits whatsoever are obtained unless those deficiencies are addressed to the satisfaction of the Department.

Third, with the security self-assessment completed, and initially identified deficiencies addressed, the Department again reviews for sufficiency with the minimum security criteria and also vets the importer through the law enforcement and trade databases, as well as through the El Paso Intelligence Center, EPIC, for linkage to DEA and other law enforcement databases. If the importer's security profile demonstrates that the company is meeting the criteria, has positively passed vetting, and has a successful importing record, only then will the importer be certified as tier 1 and given a limited ATS score reduction.

In response to the concerns raised by the gentlewoman from California, we have incorporated into this bill penalties if, in fact, it is shown that they did not participate in the process completely and honestly; and, in fact, if they have had any misleading or false information in their application, they are mandatorily barred from participation in the program for 5 years. The reason why they get a small benefit in terms of the rating by beginning in the program with their application before they are fully certified is to give encouragement to get them into the program to begin with. It is more than just saying they are handing in a piece of paper. It is, in fact, a document that requires a good deal of work on their part; and we want to encourage participation in this program rather than discourage it.

C–TPAT is one of the layers, not the only one, but one of the layers that we have of security in our multi-layered approach, and so I would urge people to reject this amendment.

Madam Chairman, I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield myself such time as I may consume.

Aside from the risk reduction score that C–TPAT companies get without us verifying what they do and what they said they would do, there are a whole lot of a series of other positives they get. They do not sit in line for secondary inspections. That means they are not idling and wasting their gas, et cetera. They get a lot, but the risk reduction to the score I believe is too much.

Yes, we have a layered approach. We do not have a 100 percent look at what is in those containers. So we should make sure that each layer is done to the best of our ability, and we can do that by making this small change.

As far as catching them afterwards, well, that is like telling my teenage son that if he gives me a plan about how he is going to take the driver's written test and a plan about how he is going to then after he does that take the driving test, but he does not get around to that for 2 years for the company to check, meanwhile he is on the highway driving without ever having taken a test.

□ 1330

It is the same thing. We haven't verified what we are doing, and this terrorism issue is too important for us to ignore. I hope that my colleagues will vote for the Sanchez amendment.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, again I would suggest that it is important for us to retain the program as it exists, for the Department to retain the discretion reward a small benefit to the Tier 1 members by reducing their ATS score. They do not move to the head of the line; they get to move up just a little bit. It is an encouragement to participate in the program.

The only way I can help the gentlewoman by suggesting that penalties do work is to suggest that deterrence does work. It is recognized in just about every other aspect of our lives, including the criminal justice system; and I don't know why she does not believe it will not work here.

As a matter of fact, in response to the GAO report that she referred to, the Department did reduce the amount of the ATS score reduction for Tier 1 members, so they have responded to some concerns that they were moving too far up the line. Not in front of the line, but too far up the line.

They get a small, small benefit at the present time. It is an incentive to participate in a voluntary program, which ultimately gives us more information, has more people working with greater security than they had before, and it helps us our a multi-layered approach.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. LORETTA SANCHEZ of California. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 7, as follows:

[Roll No. 125]

AYES—195

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
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)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

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
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
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)
Gerlach
Gibbons
Gilchrest
Gillmor
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
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
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)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Andrews
Evans
Frank (MA)
Lewis (GA)
Miller, George
Osborne
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1355

Messrs. BOREN, PICKERING and Otter changed their vote from ''aye'' to ''no.''

Messrs. CUELLAR, BERMAN, OBERSTAR, RUPPERSBERGER and Ms. SCHWARTZ of Pennsylvania changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KLINE) having assumed the chair, Mrs. BIGGERT, 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. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes, pursuant to House Resolution 789, she reported the bill back to the House with an amendment 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 to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and 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. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NADLER. Yes, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Nadler moves to recommit the bill H.R. 4954 to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendments:

Page 51, strike line 16 and all that follows through line 25 on page 52.

Page 80, strike line 10 and all that follows through line 14.

Redesignate sections 202 through 206 of the bill as sections 203 through 207, respectively.

Page 81, after line 23, insert the following new section:

SEC. 202. REQUIREMENTS RELATING TO ENTRY OF CONTAINERS INTO THE UNITED STATES.

(a) REQUIREMENTS.—Section 70116 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

''(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

''(A) the container is scanned with equipment that meets the standards established pursuant to paragraph (2)(A) and a copy of the scan is provided to the Secretary; and

''(B) the container is secured with a seal that meets the standards established pursuant to paragraph (2)(B), before the container is loaded on the vessel for shipment to the United States.

''(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

''(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

''(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

''(C) REVIEW AND REVISION.—The Secretary shall—

''(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every two years; and

''(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available, to—

''(I) identify the place of a breach into a container;

''(II) notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

''(III) track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

''(D) DEFINITION.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning given the term 'Exclusive Economic Zone' in section 2101(10a) of this title.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, such sums as may be necessary for each of the fiscal years 2007 through 2012.

(c) REGULATIONS; APPLICATION.—

(1) REGULATIONS.—

(A) INTERIM FINAL RULE.—The Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than 120 days after the date of the enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code.

(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than one year after the date of the enactment of this section, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

(2) PHASED-IN APPLICATION.—

(A) IN GENERAL.—The requirements of section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

(i) the end of the 3-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

(ii) the end of the 5-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in any other country.

(B) EXTENSION.—The Secretary may extend by up to one year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

(i) finds that the scanning equipment required under section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, is not available for purchase and installation in the port; and

(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards

for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

(e) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

Mr. NADLER (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 New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, I offer this motion to recommit with the gentleman from Massachusetts (Mr. MARKEY), and I thank him for his efforts on this issue.

This is a reasonable bill, but none of it matters much if we don't at least electronically scan every shipping container. All it takes is one atomic or radiological bomb to make 9/11 look like a firecracker, to kill hundreds of thousands of people, to cost hundreds of billions of dollars, to bring commerce to a total halt for weeks or months while every ship is searched by hand because we don't have in place the means to scan every container.

□ 1400

That is what this motion is about. If we really want to make this country safer, we must demand that before any container is put on a ship bound for the United States it must be scanned electronically in the foreign port. It is too late if we find a nuclear bomb in Los Angeles or New York.

The container must then be sealed with a seal that will tell us if it is tampered with after it is scanned, and the results of the scan must be transmitted electronically to people in the United States for examination.

This motion is identical to an amendment that was unanimously agreed to by Chairman YOUNG and the entire Transportation Committee a month ago. This is not a partisan issue, unless you choose to make it so by voting ''no.''

They say the technology doesn't exist. The technology most certainly does exist. It is installed right now in Hong Kong. The technology is installed in Hong Kong now, except that the results of those scans are stored on disks because no one at the Department of Homeland Security can be bothered to read them.

The people who say we can't do this are the same people that told us 2 years ago that we couldn't get a bill of lading for every container 24 hours in advance, the same people who told us that if we searched every passenger, the airports would be gridlocked, the planes would never take off. Scanning every container is feasible, it is relatively cheap, and it will not delay global commerce.

If we continue to rely solely on so-called risk-based strategy, the terrorists will simply put the atomic bomb in a low-risk container from Wal-Mart. The real risk is that a good company will have a container with sneakers on a truck in Indonesia. On the way to a port, the driver will stop for lunch; and while he is at lunch terrorists will take out some sneakers and put in a bomb. And the bill of lading will be fine.

The question on this motion is, do we or do we not want to risk American cities and American lives on the chairman's confidence in Wal-Mart's paperwork?

Mr. Speaker, I yield now to a leader on this issue, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman from New York for his great leadership on this issue.

This recommital motion deals with the fatal flaw in the Republican bill. They have refused to allow a vote on this House floor on this issue. This is now the time for the Members to go on record to get real about cargo security.

The threat is that, in the former Soviet Union, with all of the loose nuclear material, that al Qaeda purchases a nuclear device, brings it to a port in Asia, in Africa, in Europe, places it upon a ship. Using the screening which the Republican party supports, the screening would be a piece of paper. Oh, you look okay. You can bring it on to the ship. No inspection, no scanning. That is what their bill does.

The Democratic substitute says that no container can be placed on a ship coming to the United States which is not scanned for uranium, for nuclear materials, for a nuclear bomb, for weapons of mass destruction.

The screening must be done overseas, and we must seal those containers. We must scan and seal overseas so that we do not have to duck and cover here in the United States. That is the risk that al Qaeda has said they pose to us at the very top of their terrorist target list.

The Republicans are basically saying they are going to put a ''Beware of Dog'' sign out on the lawn but not purchase a dog, never do the screening, never do the inspection, use a paperwork inspection instead.

This bill has a loophole big enough to drive a cargo container filled with nuclear weapons material through it. This is an historic moment.

Here is the seal which the Republicans are still approving to be placed upon a cargo container. This can be cut by a child's scissors, ladies and gentlemen.

This is what should be placed upon each one of the containers after they have been scanned, after they have been sealed, to make sure that if it is tampered with an electronic signal goes to the Department of Homeland Security.

The Republican party says no. The Republican party says they will use paperwork instead of real, physical scanning of each and every cargo container, knowing that it could have a nuclear weapon, knowing that these nuclear materials have not been secured in the former Soviet Union.

Vote ''aye'' on the recommital motion and protect the security of our country from the single greatest threat that is posed to it. Vote ''aye'' on the recommital motion.

Mr. KING of New York. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Speaker, I yield to the gentleman from California (Mr. DANIEL E. LUNGREN), the author of the legislation.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I came to this body with many of you to make sure that we did what was necessary to protect our constituents. I brought this bill to the floor, through the subcommittee, committee and to the floor with that promise in mind.

This is not, as the gentleman from Massachusetts said, a Republican bill. This is, in fact, a bipartisan bill. Eighty cosponsors. Passed our committee 29–0.

There is a dispute with respect to this particular technology, and I might just refer you to the National Journal of this last week talking about this very issue. It said, nice idea, but not very feasible with current technology.

Eleven million containers are shipped to the U.S. ports each year. Of those, U.S. Customs and Border Protection personnel physically screen, that means inspect, only about 6 percent, or 660,000.

It is a noble impulse, but, as a practical matter, it can't be accomplished right now, said Jack Riley, Homeland Security expert with Rand.

The key to being able to carry this out in the future is better equipment that scans faster. That is what our bill does. It asks us to accelerate our investigation into new technology. It mandates that the Secretary, if, in fact, he finds that to be usable, practical, adaptable, that he then negotiate with foreign countries to immediately put it into place and, if they refuse, gives our President and our Secretary the right to refuse to allow their cargo into the United States. We don't put a time limit on it. We said as soon as it is feasible to do it.

So as a great political philosopher, Don Meredith, once said, ''If ifs and buts were candy and nuts, every day would be Christmas.''

We don't bring you a hope that cannot be fulfilled. We bring you a promise that can be fulfilled in this bill. Please vote down this motion to recommit.

Mr. KING of New York. Mr. Speaker, let me at the outset commend Ranking

Member THOMPSON, Chairman LUNGREN, Ranking Member SANCHEZ, Ms. HARMAN for the truly bipartisan job they did in putting this together.

Let me also commend our staff, Mandy Bowers, Mark Klaassen, Mike Power, Joe Vealencis, Coley O'Brien, Dr. Diane Berry for working together in a solid way to get a real port security bill.

I am proud of how bipartisan this was, right up till a few moments ago. Just this afternoon we adopted nine Democratic amendments on this bill.

The reality is, though, this is an outstanding port security bill. I came from a district which lost more than 150 friends, neighbors and constituents on September 11. Unlike Mr. MARKEY, I don't need visual aids to remind me of what happened on September 11.

Mr. MARKEY. Will the gentleman yield?

Mr KING of New York. No, I will not yield. I did not interrupt you.

Mr. MARKEY. Mohammed Atta started in Boston, my friend. There were Bostonians on that plane.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. KING of New York. Amazing how the truth hurts.

I don't need visual aids to remind me what happened on September 11. I can go to my district office and see a woman working at the front desk who lost two cousins. I can talk to another member of my staff who lost a son, or another member who lost two brothers on that day. I can go to church on Sunday and see 10, 15 families who lost people.

This is an issue where every Member on both sides of the aisle is committed to doing the right thing. And it is wrong when people on the other side say the Republicans are not trying to stop another nuclear attack. Do they really believe that? Do they so demean the process of debate in this House that they are willing to do anything to get elected, do anything to make points on evening news, the sound bites, the cable TV?

The fact is this bill is a real bill. It does not send a false or misleading hope. It is not a cruel hoax. It does what is real. It does what can be done, and that is why I am so proud of this bill.

We adopted amendments by Ms. GINNY BROWN-WAITE, by Mr. SHAYS. And, by the way, the language in our bill is far similar to the amendment adopted on a bipartisan basis sponsored by a member of the opposition party in the Senate yesterday than anything Mr. MARKEY or Mr. NADLER have introduced today.

So I say, do what is right. Stand for real port security, stand for a really strong America. Vote down the motion to recommit and vote for the underlying bill that will bring about real safe ports in this country and we can all be proud of it.

I yield back the balance of my time.

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

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.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were 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—yeas 202, nays 222, not voting 8, as follows:

[Roll No. 126]

YEAS—202

Abercrombie
Ackerman
Allen
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
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
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
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
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)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
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
Shays
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
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)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
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
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Andrews
Evans
Frank (MA)
Lewis (GA)
Miller, George
Osborne
Oxley
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1429

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. KING of New York. 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 421, noes 2, not voting 9, as follows:

[Roll No. 127]

AYES—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
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
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
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)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
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 (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
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
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Flake
Markey

NOT VOTING—9

Andrews
Evans
Frank (MA)
Gutknecht
Lewis (GA)
Miller, George
Osborne
Oxley
Slaughter

□ 1438

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

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall votes 125, 126, and 127. Had I been represent, I would have voted "aye" for 125, 126, and 127.

PARLIAMENTARY INQUIRIES

Mr. LAHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LAHOOD. Mr. Speaker, when a Member of the minority party offers a motion to recommit on a bill and the Speaker asks the Member if they are opposed to the bill and the Member announces to the House that they are opposed to the bill and then votes for the bill on final passage, is that a violation of the rules?

The SPEAKER pro tempore. As Members are aware, the first element of priority in recognition for a motion to recommit is whether the Member seeking recognition is opposed to the main measure. Under the practice of the House exemplified in Cannon's Precedents, volume 8, section 2770, the Chair accepts without question an assertion by a Member of the House that he is opposed to the measure in its current form.

Mr. LAHOOD. Mr. Speaker, I have a further parliamentary inquiry.

Mr. Speaker, I just want to note for the record that one of the Members who was on the motion to recommit, the gentleman from Massachusetts, voted against the bill. The Member that offered the motion to recommit voted for the bill, and I assume that then that is a violation of the rules.

The SPEAKER pro tempore. The Chair takes a Member at his word when he says he is opposed to the bill in its current form.

The gentleman from Illinois's statement is noted.

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, if the Speaker takes the Member at their word, obviously we are dealing with either confusion or some other circumstance.

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland is recognized.

There was no objection.

Mr. HOYER. Mr. Speaker, this is the second week in a row that it is my perception that the motivations and intentions of a Member are being put in question. Now it is being put as a question of parliamentary procedure. Particularly the second speaker who spoke on this clearly implied that and meant to imply it.

First of all, I would say, Mr. Speaker, if Members' amendments were made in order, if in a democratic fashion these amendments could be on the floor, if in fact you were to subject yourself to debate and a fair vote on these issues, perhaps this issue would never come up.

Secondly, I would say, Mr. Speaker, as I said last week when another Member's actions were questioned, whether they were within the ambit of the rules

or whether they were being honest in their representations, the fact of the matter is that a Member's view of a bill does in fact change in light of the action on a previous amendment or a motion to recommit or some other action that might occur.

So, as I said to the gentleman last week, the situation substantively changes. It may be the same bill, but it is a bill that has been subjected to an alternative amendment.

Then the Member who is opposed to the bill at that time without that amendment being considered, that amendment fails, the Member is put in a different position. He or she then has to make a judgment, do I support or oppose this bill as it now is and as I have failed to perfect it with an amendment.

So I suggest to the gentleman, who has now raised it a second time in a row, and I frankly thought it had been resolved, that he is wrong in his premise, he is wrong under the rules, and I would hope that we could put this behind us.

I would certainly hope, and the gentleman who chairs the Rules Committee is on his feet, that we could allow these amendments; that we could allow, as the gentleman so often when he was in the minority asked to have done, allow these amendments to be considered in a fair and open debate and subject them to a vote. So that in a democratic body, in the People's House, they could be voted on up or down.

I suggest, Mr. Speaker, that the gentleman was fully within the rules and fully within his rights and did exactly the only thing that he was given the opportunity to do in order to raise an important issue in this democratic forum.

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

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, it is sort of interesting that, as I have stood here earlier this week during debate, I have had my intentions questioned by Members on the other side of the aisle throughout this week. Throughout hours of debate yesterday, people were questioning my intentions as we were looking at the issue of lobbying and ethics reform.

Having said that, I think it is very important to note that when we were in the minority, about which my friend is speaking, we were often denied even an opportunity to offer a motion to recommit on legislation. Time and time again that happened. When we won the majority in 1994, we provided a guarantee that members of the minority would be able to offer a motion to recommit.

We knew full well this opportunity would come forward, and Mr. LAHOOD was simply asking of the Chair whether or not under the precedents it is appropriate for a Member to stand up, state their opposition to a measure that is about to be voted on, and then offer a motion to recommit. Those precedents were stated.

Mr. HOYER. Mr. Speaker, reclaiming my time, the Speaker indicated it was within the rules and within the precedents. In fact, the precedents were numerous times that Republicans rose and did exactly the same thing for exactly the same reasons.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5018

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5018.

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

There was no objection.

AMENDMENT PROCESS FOR H.R. 5122, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of May 8 to grant a rule which could limit the amendment process for floor consideration of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007. The Committee on Armed Services ordered the bill reported on Wednesday, May 3, and is expected to file its report with the House on Friday, May 5.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee up in room H–312 of the Capitol by 12 noon on Tuesday, May 9. Members should draft their amendments to the bill as ordered reported by the Committee on Armed Services, which will be available on the Web sites of both the Committees on Armed Services and Rules by Friday, May 5.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

□ 1445

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I take this time to inquire of the majority leader the schedule for the week to come. I yield to my friend, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker, I appreciate my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Tuesday at 12:30 for morning hour and 2 p.m. for legislative business. We will have several measures under suspension of the rules, a list of which will be sent to Members' offices by the end of the week. Any votes on those measures on Tuesday will be rolled until 6:30 p.m.

On Wednesday and the balance of the week, the House will likely consider H.R. 5122, the National Defense Authorization Act for fiscal year 2007 from the Armed Services Committee. As Mr. DREIER just mentioned, the committee reported the bill yesterday, and I expect this to be considered on Wednesday and Thursday.

Now, there will be no votes next Friday, but Members should be aware that Thursday we could go well into the evening. And so while Friday is already scheduled for a day in session, I think we can complete our work on Thursday, and that will be our goal.

Mr. HOYER. I thank the majority leader for that information for our Members.

Mr. Leader, do you expect any energy bills on the floor next week dealing with any facet of the crisis that confronts our citizens?

Mr. BOEHNER. We expect that H.R. 5143, the hydrogen relief bill, which was reported by the Committee on Science, could be up next week. And we can expect additional energy votes in the coming weeks.

Mr. HOYER. I thank the gentleman for that information.

Let me ask you further, Mr. Leader, do you expect the telecom bill to be ready for floor consideration next week?

Mr. BOEHNER. I would have hoped it would have been up this week, but there is a jurisdictional dispute that is being sorted out; and until it is, we are unable to schedule it for floor action.

Mr. HOYER. I thank the gentleman for that information.

With respect to the budget, the fiscal year 2007 budget, we are now 3 weeks beyond the point when we should have had a conference report adopted under the rules. Yet we have not had the House version of the budget on the floor yet. Do you expect the budget to be on the floor anytime in the near future?

Mr. BOEHNER. I hope so.

Mr. HOYER. I know you hope so. But my question was, do you expect so?

Mr. BOEHNER. I hope so. We are continuing to work with our Members, some of whom want to spend more money, some of whom want to spend less money. And until we come to some resolution of those talks, I cannot give you any further information on when the budget resolution will be up.

Mr. HOYER. We hope that you can come to some agreement in the near term.

Mr. BOEHNER. I do too.

Mr. HOYER. Mr. Leader, the tax reconciliation conference and the pension conference, we have heard something about the tax reconciliation conference perhaps having reached agreement.

Can you tell me the status of those two conferences and when we might expect to consider the tax reconciliation

conference and/or the pension conference?

Mr. BOEHNER. Mr. Speaker, there is a tentative agreement on the tax reconciliation bill between the House and the Senate, tentative to an agreement on a second bill that would consider the extender items, issues that clearly would not fit within the tax reconciliation bill. There is no agreement on that second bill, and so all of this is still under discussion.

There was a meeting of the principals, both Democrat and Republican, members of the conference on pensions last night. We are continuing to work on that, and it is my hope in the next several weeks that both of those issues will be ready for floor action.

Mr. HOYER. I thank the gentleman. I am glad. I did not know that the principals had met. I know you and I had had a discussion previously about the conference meeting with all of the conferees present, or at least both sides present, both the Democratic side and the Republican side, the majority side present as well. We hope that occurs. The leader said that would occur. We appreciate that.

Clearly you and I in particular, and I know you in particular, are very concerned about the pension conference. You have spent a lot of time working on that piece of legislation, know it well. Clearly many, many people in America, many businesses, many individuals are very focused on that, are very concerned about the status of their pensions.

So we are hopeful that particular bill can move in a positive way in the near term.

Mr. BOEHNER. I think the gentleman realizes that I have spent about 6 years trying to bring real pension reform to protect American working men and women's pensions. And the House and Senate have acted. There have been several months of conversations that have yielded, frankly, little results.

Now, I remain very optimistic that there will be a bill, but some of the principals involved are also involved in the tax reconciliation and the tax extenders conference which is complicating a lot of the discussions on the pension bill.

But I do expect, over the next couple of weeks, a lot of this to be sorted out.

Mr. HOYER. I thank the leader. I know that all of us hope that the leader's optimism is justified by results. I thank the gentlemen.

Mr. BOEHNER. The glass is always half full.

Mr. HOYER. I thank the gentleman for not singing today.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 796) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 796

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON SCIENCE.—Ms. Matsui.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RULES OF THE HOUSE

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

Mr. LAHOOD. Mr. Speaker, I just wanted to notify the House and you, Mr. Speaker, that when the rules are violated, when it is very clear that the rules are violated, I intend, on a regular basis, to make note of that for the record.

I take the point that the gentleman from Maryland makes. And he and I talked about it. And I take the point that I have talked to the Parliamentarian about this. I think his point is a good point. I think if there are Members who feel that they didn't get an opportunity to offer an amendment, or to have their say on a bill, then maybe we ought to change the motion to recommit to an opportunity for any Democrat Member to stand up and offer an amendment on the bill.

But my point is, we have rules. And we are being criticized and lectured to every day around here about the fact that people don't like the way the Rules Committee operates, or about the rules. And my point is, if we have rules, we should abide by them. All Members should.

So I want the Members of the House, and I want you, Mr. Speaker, to know that I am going to continue to pursue this. But I am also going to pursue, at the beginning of the next session, a way to change the rules to reflect an opportunity for the minority party to have their say on a bill.

But until that happens, I believe we should follow the rules. I have no doubt that the gentleman from Maryland, who is a man of the House and understands the rules, would want us to abide by the rules.

I will be happy to yield.

Mr. HOYER. I thank the gentleman for yielding.

I want to assure him that when we are in the majority next January, we are going to consider very carefully your proposal. The fact of the matter is that when I said both Republicans and Democrats have pursued this procedure, and when the Chair has ruled that they are acting within the rules, as the Chair has now done both times that the gentleman raised the issue, that we will understand, and perhaps better than we did in 1994, having served in the minority now for 12 years, we will better understand the frustration that is engendered by the failure to give to the minority its full opportunity to place on the floor and have debated fully and having a vote on an alternative that they believe is superior to the bill offered by the majority.

We better understand that frustration, but I will tell you that the gentleman from California, the chairman of your Rules Committee, rose and said he complained bitterly as a member of the minority. You remember that. I remember that. We have been here for some period of time. We understand that frustration.

But we also understand that repeatedly members of your party pursued the same process and were, as our members have been, held to have been in order. And for you to repeatedly raise this, raises, I tell my friend, and he is my friend, it raises the issue of the integrity of the Member making the order.

We believe it is within the rules. We have been ruled in order. I think that continuing to pursue this simply raises the motivation of the Member. I know you don't believe that. I know you are not raising that. That is not your intent. But it seems to me that is its effect.

I thank the gentleman for yielding. I would hope we could resolve this and move on.

Mr. LAHOOD. Mr. Speaker, my final point is this: when I raise this point of order, in no way do I impugn the motives of any Member. I have respect for every Member here, and I think Members know that.

And I do. They are freely elected. They can come to the floor. My point is, we have rules. We should abide by them. When we don't, I am going to raise a point. I thank the Chair.

ADJOURNMENT TO MONDAY, MAY 8, 2006, AND HOUR OF MEETING ON TUESDAY, MAY 9, 2006

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 9, 2006, for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES DELEGATION OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the United States Delegation of the Canada-United States Interparliamentary Group:

Mr. MANZULLO, Illinois, Chairman
Mr. MCCOTTER, Michigan, Vice Chairman
Mr. DREIER, California
Ms. SLAUGHTER, New York
Mr. PETERSON, Minnesota
Mr. ENGLISH, Pennsylvania
Mr. GUTKNECHT, Minnesota
Mr. SOUDER, Indiana
Mr. TANCREDO, Colorado
Mr. BROWN, South Carolina
Mr. LIPINSKI, Illinois

NATIONAL DAY OF PRAYER

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

Mr. PENCE. Mr. Speaker, today on Capitol Hill and in churches large and small across America, our Nation, many of our citizens, are huddled in the National Day of Prayer remembrances.

The Bible tells us that the effective and fervent prayer of a righteous man availeth much. And what is true of a man is true of a nation. And I am confident that the prayers offered today all across this land on behalf of the men and women, Democrats and Republicans, liberals and conservatives in this institution, and who serve in this great city and this great Nation are reaching the Throne of Grace.

The first time I saw President Bush after 9/11, I told him I was praying for him, by name, just about every day on my knees. He looked at me and he said, ''Mike, keep it up. It matters.''

And so I say humbly to all of those millions of Americans who are remembering the likes of us on this day, keep it up. It matters. And thank you on this National Day of Prayer.

CONGRATULATING SOUTH TEXAS ISD

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

Mr. HINOJOSA. Mr. Speaker, I rise today to congratulate the staff, the administration, and the students and families of the Science Academy of South Texas and the South Texas High School For Health Professions in my hometown of Mercedes, Texas. I congratulate them on being named among the Newsweek magazine's ''Best High Schools in America for 2006.''

This year, our science academy ranked 11th and our health professions high school ranked 91st. As you can tell, my heart swells with pride for our magnet schools. Both these schools are located in a community that possesses some of the highest rates of poverty and the lowest levels of education attainment in the Nation.

These schools serve as a shining example to our Nation that when students are provided with the right opportunities they can and they will excel despite whatever socioeconomic challenges they must overcome.

I congratulate these institutions and their students for their successful efforts and commend their parents, faculty, administration and staff. I hope that their story will provide our Nation with added inspiration to continue to forge the best educational system possible for our youth.

Mr. Speaker, I rise today to congratulate the staff, administration, students, and families of the Science Academy of South Texas and the South Texas High School for Health Professions in my hometown of Mercedes, TX on being named among Newsweek magazine's "Best High Schools in America for 2006." This year, our Science Academy ranked 11th and our Health Professions High School ranked 91st. As you can tell, my heart swells with pride for our magnet schools.

Both these schools are located in a community that possesses some of the highest rates of poverty and lowest levels of education attainment in the Nation. These schools serve as a shining example to our Nation that when students are provided with the right opportunities they can excel despite whatever socioeconomic challenges they must overcome.

A quality, comprehensive and challenging education is the most valuable gift we can give to our children. This is the third time schools from the South Texas Independent School District have received this prestigious recognition, and it solidifies their standing as a model of excellence and a community that crafts exemplary institutions. The teachers and administrators of this district are truly committed to educating and encouraging our future leaders.

As the country continues to move forward into the 21st century, the need for mathematicians, doctors, scientists, nurses, engineers and the leaders of tomorrow continues to be of the utmost importance, and a high school diploma is the first step to becoming a successful contributor to society.

The programs of study at these high schools ensure that students graduate ready to succeed in college, and more importantly they help students secure the building blocks that lead to successful lives and careers. Their story is truly inspiring.

I would also like to congratulate Superintendent Marla Guerra, as well as the members of the school board of trustees, the faculty, students, parents and alumni on 40 years of achievement. This school district demonstrates a regional commitment to excellence. The recognition that these two high schools have received is just one of many accolades earned by the South Texas Independent School District.

My involvement in establishing the magnet high school system for South Texas is one of my proudest achievements. Over 20 years ago, as a member of the Texas State Board of Education, I led a delegation from South Texas to Houston to visit that city's highly regarded magnet schools.

We knew that we wanted that caliber of opportunity for our students. However, we were told that such a program could not work in South Texas. We were told that we did not have the financial resources and that we could not find the students. But we did not believe the nay-sayers. We knew it could be done.

Today, two South Texas magnet high schools, with student populations that are almost 80 percent Hispanic and over 50 percent eligible for free or reduced priced lunches, are among the most elite high schools in the Nation. Every day, they bring students and observers closer to realizing the vast potential of our community. They are a model of what is possible when we invest in our children and demand the very best.

I ask all of my colleagues to join me in congratulating the Science Academy of South Texas and the South Texas High School for Health Professions on a job well done.

□ 1500

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HUGO CHAVEZ'S ASSAULT ON PRIVATE PROPERTY

Mr. MACK. Mr. Speaker, I ask unanimous consent to claim Congressman GINGREY's time.

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

There was no objection.

Mr. MACK. Mr. Speaker, around the world, freedom is under attack every day; and many in this body have heard me express my strong concerns to one of freedom's greatest enemies, Venezuelan President Hugo Chavez.

I have spoken at length about the Chavez government's systematic elimination of freedom and liberty; and his recent assaults on private property, particularly the energy markets, in Venezuela serve as another reminder that Hugo Chavez is doing all he can to force his countrymen to live in a socialist state similar to his mentor Fidel Castro's Cuba.

In recent years, Hugo Chavez has become a prime example of how crude prices have sparked a resurgence of petro-nationalism around the world. He has squeezed more money out of American companies by raising taxes and royalties, imposing fines, strengthened

the hand of OPEC countries by pushing for higher prices, and threatening to cut off the flow of oil to the United States.

As Chavez continues to march towards socialism, he seems determined to wipe out free enterprise, drive out private investment and wreck the economy in order to establish iron-fisted control of Venezuela's economy, just as Fidel Castro in Cuba.

Venezuela and Hugo Chavez are flush with record-high oil revenues, but Chavez is threatening to kill the oil-drenched golden goose.

Just last month, the Venezuelan oil minister showed up at two oil fields run by European companies in order to reclaim them on behalf of the Venezuelan government and Hugo Chavez. Hoisting the Venezuelan flag over the fields, he said the move symbolized the return to state control.

This dramatic move is proof, as if more is needed, that Chavez is putting Venezuela on a path to a nationalized energy industry. These moves, and his saber-rattling military buildup and crackdowns on freedom at home, continue to roil the international oil markets and are enabling Chavez to help keep crude prices high.

Venezuela supplies the United States with about 15 percent of our oil imports; and few Americans probably realize that Venezuela's state oil company owns Citgo Petroleum, which owns refineries that are geared to handling the heavy Venezuelan crude, together with a network of thousands of independent gas stations.

Chavez's radical strategy to nationalize his energy industry is being felt across Latin America. Just this week in Bolivia, newly-elected President Evo Morales nationalized the country's natural gas industry, ordering foreign companies to give up control of fields and accept much tougher operating terms or leave the country. Morales even ordered soldiers to commandeer many fields across the nation.

The move solidifies Morales' role alongside Chavez and Castro in Latin America's new axis of socialism united against American interests and free people everywhere. Make no mistake, the images of soldiers toting automatic weapons outside refineries and gas fields is reminiscent of military dictatorships past.

Chavez has been promising to build a Bolivarian axis of like-minded, anti-American governments throughout Latin America. Only recently, few people took him seriously. Not anymore. Just this past weekend, Chavez and Morales signed a free trade agreement with Castro.

Mr. Speaker, history has proven that no nation with a state-controlled economy can prosper, and anyone who lives in such a nation lives without the freedom and liberty they deserve.

A Venezuela with President Hugo Chavez at the helm is a nation doomed to repeat the failures of history and a people who will be forced to live without the freedom, security and prosperity they once had but still deserve.

THE OIL CRISIS AND HIGH PRICES OF ENERGY

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, let us talk about the energy crisis and the high prices of energy.

The oil man in the White House and the Vice President and the Republican majority say it is just market forces at work. Let us talk about the market forces.

First off, the crude oil market, unlike every other commodity in America, is virtually unregulated. About 75 percent of the crude oil marketed here is sold off the books, and they are doing trades that would be illegal if it was a regulated market, and of course they do not want to regulate it. One trader will sell to another who will sell back, they sell back, they sell back, they sell back until, guess what, they have raised the price and made a lot of money.

Now, unfortunately, someone is going to pay for that. So it is the consumer. In crude oil trading, we have seen a 46 percent increase over 1 year in the margins there. Quite simply, if we just subjected crude oil to the same market controls that are used for all other commodities traded in the United States of America, if we took away this exemption for big oil, then we could drive down the price, it is estimated, 20 to 25 percent immediately at the pump. That would be quite an economic stimulus for this country and do more for the American people than all of George Bush's tax cuts have done for average people, of course, not for the millionaires and billionaires.

Then they say, guess what, prices are high because we do not have enough refineries in America. That is interesting. The American Petroleum Institute circulated a memo just about 10 years ago this day saying, hey, guys out there, they mostly are all guys, guess what, there is too much refinery capacity in this country; if you could squeeze down refinery capacity, you could drive up profits.

Have they done that?

Of the three bucks you are paying for a gallon of gas, the increase in the margin for the refiners has gone up 255 percent in 1 year; and, guess what, there are no new refineries under construction.

Now they want to pretend it is those darn environmentalists. Well, no, it was not the environmentalists. Of the 55 refineries closed in America in the last 10 years, they were all closed for economic reasons, mostly oil company mergers. Not a single one was closed for environmental purposes or objections.

So they are doing a wonderful thing here. Valero, fastest-growing, biggest energy refiner, who had a very small company just a few years ago, their chief operating officer, when asked about building more refineries, he said, why would we want to do that? It is working quite well the way it is. Artificial shortage of refinery capacity.

So perhaps we could impose a windfall profits tax on the likes of ExxonMobil, $36 billion of profit last year, largest corporate profit for anybody in the history of the world in 1 year, $100 million a day of profit.

Now they did give away 4 days of profit to their CEO when he retired. He got a $400 million retirement, but they had the rest of that money to spend elsewhere.

What did they spend it on? New refinery capacity? No. Exploring for new oil? No. They bought back a bunch of their stock to increase the value of the stock options of the other executives at ExxonMobil. So about a windfall profits tax on money that they make that they do not invest in new refineries, new production capacity or alternative fuels, but the rest of it, it should be taxed at a very high rate to stop their price gouging and excess profit-taking.

Now the Republican answer has been that they want to give everybody a $100 rebate. Is that not nice? Well, except we are running a deficit. So they would borrow the money, obligating American taxpayers today and their kids and grandkids because we will pay it off over 30 years. They would borrow the money to give everybody a measly $100 rebate. Because God forbid that we should ask the oil companies to rein in the profiteering and the speculation in crude oil, that we should have them stop creating a false refinery capacity squeeze which has driven up their profits tremendously.

But they do want to investigate price gouging. It was in a bill that passed the House last year. Guess who they think is price gouging? These little guys down here, the distributors and retailers.

I just met with the independent distributors today. They are getting six cents a gallon. Five years ago, they got six cents a gallon. Five years ago, that was 6 percent. Today that is 2 percent. So it is not the distributors and retailers here, with the exception of some of the company-owned stations, that are making that big profit.

It is right up here. It is big oil. It is the artificial refinery shortage that they have created, and it is this profit-sharing and hot money speculation in crude oil. We could take significant steps here to fix it, but, guess what, they get a little too much money from them at campaign time. It ain't going to happen.

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 ROLE OF THE FEDERAL GOVERNMENT

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the unallocated time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, from the beginning of this country, there has always been some confusion or at least debate over what is the role of the Federal Government vis-a-vis the State government.

It was President Andrew Jackson who actually derailed the Mayes Bill Road, claiming that it was wrong for the Federal Government to actually spend Federal dollars on road projects.

In the post-Civil War time is when the Federal Government started giving more and more grants to States, especially for land grant colleges, which is why so many schools have Aggies, especially in the West.

But it was in the 1960s when the Federal Government significantly increased the kinds of programs and the amount of money that was given to cash-starved States, and we ramped up ever since that time with more and more funds and more and more money that have been given to States.

Now, I was a State legislator and I understand the problems with the process if you are trying to establish a budget by the State with a four- or five- or six-to-one match, so the States can put a dollar in, and they will get $4 or $5 or $6, even in some cases $10, of Federal money back. States could easily provide services without having to raise State tax money at the same time. It is an easy thing to do.

However, once that situation took place and the States accepted the Federal money, then the requirements came in.

I still understand that we have somewhere in the State of Utah the computer system back when they were very expensive that the Federal Government required us to buy even though we did not want it, we did not need it and we did not use it, but it was a requirement for us to get vocational education funds coming to the State of Utah. As the old cliche goes, the only thing worse than an unfunded mandate is a funded mandate to the States.

Now we can simply say to the States, well, the simple answer is, quit taking the Federal money, which is like asking an addict to go cold turkey after they are hooked on the system.

State budgets have been built on Federal money. States bristle at the requirements placed upon them unfairly by the Federal Government. The Federal Government is in a constant quandary of what we do to try and control the rampant spending that we have, and all of us seem to be caught in this same financial trap.

As one of the former leaders of this House once said, sometimes if you want to get out of a trap you have to let go of the cheese.

Well, Mr. Speaker, tonight several of us would like to talk about one proposal that may indeed do that, one proposal that would turn back the power to the States the ability to have some control over their destiny, and hopefully with creativity.

As one of the NCSF task force cochairs said about one of our education programs being mandated by the Federal Government, that it stifles State innovation, we believe the Federal Government's role has become excessively intrusive in the day-to-day operations of public education. States that once were pioneers are now captive of a one-size-fits-all education accountability system.

Now one of those things we need to do is simply go about and review the process in which we have found ourselves. States need to have the opportunity of going back and discovering if they really do want this type of money with the accountability and requirements that are attached to it.

Our good friend from Texas (Mr. CULBERSON) has introduced a bill which talks about this concept of State rights or, more appropriately, called Federalism. It would require States to take a proactive position on issues of whether they wanted to have the Federal requirements and the Federal money going at the same time.

□ 1515

It would slowly have a choice or chance of having States to reinvigorate themselves and to judge for themselves whether this is the road they wish to go on, whether this is the proper approach to be, and it would allow us to reinvigorate ourselves to see if these are the types of programs we really do want to fund in the future. It would allow us for the first time to have a clear and decisive debate on the proper role of State and Federal Governments and not simply react to happenstance that has grown up over 40 years of casual and sometimes nonthoughtful behavior.

I appreciate the gentleman from Texas who will be addressing us in a few minutes on his effort to try and come up with a bill that puts this all in perspective and does exactly that by restoring the role and balance between State and Federal Governments, allowing States, if they wish to be involved in the Federal Government, to make it as a proactive, positive statement of principle they wish to do.

On the Constitution Caucus as chaired by the gentleman from New Jersey, who will also be addressing us, it is our prime effort and our indeed pleasure to be able to introduce this particular bill as one of those things we think Congress needs to address in this particular time at this particular session.

The SPEAKER pro tempore (Mr. PRICE of Georgia). 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.)

HONESTY IN BUDGETING

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, we heard a lot of talk out here a little earlier about honesty in motions on the floor. I want to report that there has been some honesty not in the floor but to the press by the majority leader. The majority leader has finally run up the white flag. The Republicans have capitulated; they have given up. Today's Roll Call says, the majority leader says we will be here until Christmas.

Now, that is from someone who is in charge of the House that has not passed the tax reconciliation bill from the last budget that started on October 1, 2005. That is 7 months ago. And the Republicans can't run a two-car funeral. They can pass the cuts, but they can't deal with the tax bill. If you look on the list that they offer for the next session next week, possible legislation, the Tax Reconciliation Act.

Every year starts the same here. January 1, we have until April 15 to pass a budget. Then the Budget chairman goes over there, and he did it again this year, and they had this big hoo-haw and they have all kinds and they flap their arms, but they haven't passed a budget.

The law says the budget has to be in place by April 15. Well, we are about 3 weeks past that now, and if you look in the orders for next week, there it is: possible legislation, possible budget resolution.

This country is running without a budget. The Republicans do not want a budget because they don't want people to really know what this is costing. Well, what about the hole that they are digging for the American people and their children and their grandchildren? In the 6 years that the Republicans have been in charge of this House, we have raised the debt limit $3 trillion.

These are fiscal conservatives. You know, they are very careful with nickels and dimes. They are spending like they had all the money in the world and they never had to think about paying their credit card. Well, obviously they don't intend to pay with their credit card because they can't put the tax reconciliation bill, together which

is how you pay for the credit card. No, they are going to pass it on to their children and their kids.

Now, if the average citizen in this country had a credit card and said, ''You know, I am just going to spend on this credit card and spend on it, and I am never going to pay on it. What I am going to do is, when I die, I am going to will it to my son or my daughter, or my grandchildren,'' we would think they were the most irresponsible human beings imaginable. And yet that is what the majority leader is admitting for his party by saying we are not going to get done, we are going to have to wait until after the election.

Now, what you don't read between these lines is: If we win the election, we will have to come back and do something, because there will be a Presidential election coming in 2 years. Or, if we don't win the election and the Democrats are in charge, it is their problem.

The majority leader is admitting on behalf of all his conferees they have no plan to run this country in a systematic way.

The bill that is going to come up possibly next week, the tax reconciliation bill from October 1, 2005, has in it major tax breaks. Twice this week, once by me and once by Mr. LARSON of Connecticut, we tried to take back $5 billion of those tax breaks away from the oil companies. The Republicans said, oh, no, no, we can't take any money away from oil companies. The country will come apart, I guess.

The profits of oil companies in the last 2 years and certainly in the last 6 months have been astronomical. They have really been obscene. Gasoline in my district, you can't find it right now for under $3.25, and it is easy to find it for $3.40, and yet the people on the other side say we have got to keep letting the gasoline companies, big oil, make as much money as possible at the expense of the ordinary person. The Republicans ought to get out their rubber stamp and do what the President wants, because that is the only hope they have got.

INTRODUCTION OF H.R. 3499, RETURNING CONTROL OF PUBLIC EDUCATION TO THE STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

Mr. CULBERSON. Mr. Speaker, I am proud to follow my good friend from Utah and join with my colleagues from New Jersey and North Carolina tonight to speak in support of Federal legislation to restore the single most important part of our Constitution, the 10th amendment.

We all know from English class the beginning and the end of a document are the most important, and why our Constitution begins with, ''We, the People,'' and why the Founders wrote at the very end of the Constitution a declaration that they believed was as self-evident as saying the sky is blue: That all power not specifically delegated to the Federal Government in the Constitution was reserved to the People and the States.

The 10th amendment has been forgotten largely, and all of us as Republicans are committed to doing everything that we can to try to preserve and protect the power of the States and individuals. The way I often express it to my constituents is, I am a Republican because I want to get the Federal Government out of our lives and free us from the income tax, the most intrusive possible tax, to go to a national consumption tax to restore local control over public education, which is what we are here to talk about tonight, legislation that I filed with my colleague from Utah (Mr. BISHOP), with other colleagues here tonight from New Jersey and North Carolina.

H.R. 3499 will return control over public education to the States using a very simple concept that I can really actually best illustrate by using these three glasses of water.

If you imagine that this first glass represents we the people and the water within it all the rights, powers, and privileges given to us as individuals directly from the hand of God, the way our constitutional system works is that we the people, and I will use Texas as the example. When we the people of Texas created the Republic of Texas, we only agreed in the creation of the Republic of Texas in our constitution to give the Republic of Texas maybe that much power and reserve the rest to we the people.

When the Republic of Texas became a State at midnight December 29, 1845, and this is true of every other State in the Union, when Texas joined the Union in 1845, the State of Texas only agreed to give the Federal Government maybe about that much power. Very limited and specific.

But as a result of the war between the States, the assassination of Abraham Lincoln, the Radical Reconstruction Congress, the concentration of power in Washington, Congressmen who love to pass bills that are tough on crime and who want to protect the schools and the little children, and FDR and the New Deal, and judges like William Wayne Justice in Texas, who took over our prison system, all power today is concentrated in Washington. There is really very little, if anything, left in the States; and certainly we wonder how much individual freedom we have left.

However, what Congress can take away by statute we can restore by statute. And there is so much Federal law governing the way our public schools work that these two books, Mr. Speaker, represent the two public education titles, Title XX of the U.S. Code, and that is the other half of Title XX. Those Federal statutes that send about $13 billion out to the States in Federal education grants are sent to the States primarily through the education bureaucracies.

I, like Mr. BISHOP, came to the State legislature. We would meet in Texas every other year. And when we would return, we would discover that the Texas Education Agency had signed us up for some new Federal education grant program that we knew nothing about. But we now, as State legislators, had the responsibility to pay for that program. And often it was an underfunded or completely unfunded Federal mandate which we then had to come up with new money, like Mr. BISHOP mentioned for the computer.

I have been looking for a way to design a Federal law that operated automatically, like a computer virus, transferring authority over public education over these Federal grant programs automatically back to the States, transferring, and using the water glasses again, the Federal glass, by statute, control back to the States over public education automatically.

H.R. 3499 does that. It states very simply that all Federal education grant programs, other than IDEA, the Individuals with Disability Education Act, and Federal grants, for example, to Indian nations or military bases, that all other Federal education grant programs, about $13 billion worth, go away in your State unless the State legislature passes a law and says, yes, we want the money with all the strings attached and we surrender State sovereignty or State control over public education to the extent that State law is inconsistent with Federal law.

This would do several things: First of all, obviously, it would save a lot of money, for the money that the States walk away from saying that there are too many strings. But H.R. 3499 is in the Education Committee, and I deeply appreciate the support of my colleagues in helping to bring it to the floor for a vote to restore 10th amendment control over our schools.

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 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 Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER 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 New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STATE CONTROL OF PUBLIC EDUCATION

Ms. FOXX. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. POE).

The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

There was no objection.

Ms. FOXX. Mr. Speaker, I am a very, very proud cosponsor of H.R. 3499. I served for 12 years on a school board in Wataugwa County in North Carolina and often felt very oppressed by Federal rules and regulations. When I was on the school board, and even after that, I have checked and double-checked and about 7 percent of the money that North Carolina schools get comes from the Federal Government, but about 99 percent of the rules and regulations that come into the school system come from the Federal Government.

I think passing H.R. 3499 would be one of the best things this Congress or any Congress could do. It would force State legislatures and thereby force school boards and county commissioners to make a decision as to whether or not they want to take the Federal money and the rules and regulations that go along with it.

□ 1530

It would take us out of the business of saying that they have to do this. I think that it is high time that we change the way we do business between the Federal Government and the State governments.

I want to just remind us, and my colleague has paraphrased the words of the Constitution, but I do not think that we can repeat the Constitution too often. I know there are a lot of young people in the audience and some not so young people in the gallery today. I hope you will take the time to read your Constitution at least once a year, and probably more often than that.

I want to read the preamble because my colleague from Texas keeps mentioning the first three words, ''we the people.'' That is extremely important.

I am so proud that my grandson recently has memorized this. He is only in the third grade, but I am so pleased that his teacher has encouraged that.

This is what the preamble says: ''We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.''

Now there are lots of important words. Every word in this Constitution is important. Every single word is important, and the Framers were extremely careful about how they wrote the Constitution. But the important words to me in terms of the 10th amendment are ''provide for the common defense.'' That is the number one goal and the number one role of the Federal Government.

That is what we are here for, to provide for the common defense. It is our job to make sure that this country stays free. If we do that, everything else will fall into place.

Now, what the 10th amendment says is the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

Now I am not reading anything in between and I am not reading afterwards, but you will not find that the Constitution gave any power to the Federal Government for education. There is no role for the Federal Government in education except as has been alluded to, to make sure that we take care of persons who are disabled, and some people might even argue with that issue.

But I think it is extremely important that we return to the way it used to be in this country and that is localities were very much in charge and in power regarding what happens with education.

I am a person who came up through the public education system, as poor as any person you can imagine, but I got an excellent education. There was not unlimited dollars there when I came through school, but I got a good education.

It is my contention that part of the problem with our educational system is we have too much Federal Government intervention. We need extremely high-quality education in this country if we are going to compete with the rest of the world, and we are competing with the rest of the world. And I believe we can do a great deal to restore high-quality education at the local level if we get the Federal Government out of education at the Federal level, or we insist that the States and the localities make not just conscious decisions to take the Federal money but very deliberate decisions to take Federal money.

I applaud the gentleman from Texas (Mr. CULBERSON) for introducing this bill and for allowing me to sign on as a cosponsor and say we need to pass H.R. 3499.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PRICE of Georgia). Members are reminded to refrain from references to occupants of the gallery and to address their comments to the Chair.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRESSIONAL CAUCUS CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I come to the floor tonight and I begin by commending the gentleman from Utah for his efforts every week as we take part in the process of bringing back to the American people the importance of the U.S. Constitution as part of the Constitution Caucus.

At this point I would like to yield to the gentleman from Texas to make a point with regard to his very important legislation that he was referring to, H.R. 3499.

Mr. CULBERSON. Mr. Speaker, I rise only to make the point, because I ran out of time earlier, that the legislation that we have coauthored together would give the decision to the locally elected State representatives to enter a contract with Federal elected representatives so that the only control the Federal Government would have over State public education would be the control that the State locally elected officials agree to. It would be a contract between the State legislature and the Federal legislature; and other than what they agree to, there is no Federal control over public education, as the Founders intended.

Mr. Jefferson always said if you apply core Republican principles, the knot will always untie itself. That is true here, and it would continue to be true if we would just remember it.

Mr. GARRETT of New Jersey. Mr. Speaker, I will try to remember that expression of Mr. Jefferson. Mr. Jefferson addressed the issue of education. One of the points of the Constitutional Caucus is to take a look at what does the Constitution actually say as to what the role of the Federal Government is.

As we discuss education, we should ask: Is the role of the Federal Government in the area of education? I would hazard a guess it is not. Thomas Jefferson was asked that question as a Founding Father of this country. He was asked the question: Why is it the Federal Government is not involved in education?

His response to that question was: as soon as the Constitution is amended to include language giving us that power, we will be involved in education. Of course, the Constitution has never been amended to allow the Federal Government to involve itself in education. Neither the word ''education'' nor ''school'' is anywhere in the U.S. Constitution.

With that being said, no one here, not the gentleman from Utah, the gentleman from Texas, nor the gentlewoman from North Carolina would ever make the statement that education is not important. We all agree about the importance of quality education in all 50 States. We just believe there is a better way, and that is return control of education to the local authorities, local school boards, and to the parents.

One of the problems when we look at the issues out there, people put a test of importance on the issue. Just because an issue is important, does that mean that the Federal Government should become involved? Again, I would look back to what the Founders said. There was never a test of importance by the Founding Fathers as far as the Constitution is concerned. They did not say if something is important, therefore the Federal Government should become involved. Rather, is it constitutional?

Each night here, when we pull out our card to vote, we should ask ourselves: Is it in the Constitution? Is it constitutional?

In the area of education, it is not. We have lost control of education from the State level to the Federal level. Lest anyone think that we are doing a better job of this, I refer them back to the 1960s when the ESEA, Elementary Secondary Education Act, was first put into place, when education standards in this country were some of the highest. Since that time, the Federal Government's role has increased dramatically, and we have seen where that has brought us. The level of education in this country, unfortunately, has gone down.

That is why I am a proud supporter of H.R. 3499. It will return control to the people who are in the best position to exercise that authority: parents, local school boards, localities, and the States. I know also when you talk to those people who are on the front line, they will tell us of all of their frustration they have dealing with Federal mandates and with all of the Federal strings and controls.

In New Jersey, I asked exactly how much money are you getting from the Federal Government. In our State, I don't know how it is in other States, we get around three cents on the dollar from the Federal Government. In return for those three pennies, the Federal Government is basically exercising all of this control, all of this regulation that the local school board must comply with or else. And that is why H.R. 3499 is so important. H.R. 3499 will return that authority back to the local school board.

They will be in the position to say do we have to comply with these Federal regulations or not. I would hazard to guess in many instances local school boards will tell their legislators, we do not want to have to comply with all these Federal regulations. We do not want the legislation to go in that direction.

I conclude by reminding this House and the Federal Government that we should look to the U.S. Constitution for direction, is it constitutional in the area of education, and leave it to the appropriate parties. I again commend the gentleman from Texas for his excellent work in moving in that direction.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

(Mr. VAN HOLLEN 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 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.)

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Ms. Marjorie C. Kelaher, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

These designations shall remain in effect for the 109th Congress or until modified by me.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the order of the House providing the gentleman from North Carolina (Mr. MCHENRY) a 5-minute Special Order speech is vacated.

There was no objection.

ISSUES FACING CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCHENRY. Mr. Speaker, tonight I think it is important that we reflect on what is happening here in Washington, D.C. Here in this House we have enormous issues that are facing us as a legislative body.

Mr. Speaker, I believe as American people and their representatives, we are still wrestling with those issues that every American is wrestling with. There are a lot of challenges. We want to keep our economy moving, and I think there is agreement here in Washington, D.C. as the people's representatives that we want to make sure that we have governmental policies that aid in that, not hinder that.

Mr. Speaker, we also have an enormous debate about energy and the rising cost of energy facing every American. I drive my automobile just like everyone else drives their automobile, and I still pay at the pumps. I guess some Americans would laugh and think I guess these highfalutin Members of Congress do not even pump their own gasoline, but we do. I do.

I face the same burden that all Americans are facing with the high price of gasoline, the high price of electrical energy, the high price of natural gas. And it has a ripple effect on the economy in terms of jobs and job creation. It has a ripple effect on what the American people think about the direction of our country based on what we pay at the pumps, what we pay for energy. And we here in this Congress are wrestling with that issue, as well as how to get energy prices down for the American people.

There are a lot of other issues we are wrestling with, but there is a clear difference between the philosophies of those on my side of the aisle, the Republican side of the aisle, the majority in the House, and the philosophy that governs those on the other side of the aisle, the liberals, the Democrats, those in the minority.

We have a clear difference of opinion on how to tackle these tough issues, and so let us first begin with economic policy.

President Bush came to office and during the late stages of 2000, the economy turned down. We had a recession. We had a recession in late 2000 through early 2001. As President Bush came to office, the economy was in recession and the President made a bold statement, a commitment to the American people, that he would cut taxes to reinvigorate the economy. He did just that.

President Bush's tax cuts of 2001 and again in 2003 after the devastating attacks of 9/11, these two tax cuts were

the biggest since Ronald Reagan's first term. As a result, 109 million American taxpayers have seen their taxes decline by an average of $1,544 per individual, per worker. That is, 109 million Americans are paying less in taxes to the tune of $1,544 a person. That is a positive effect; and as a result, the economy began to move.

A family of four making $40,000 received tax relief of $1,933; nearly $2,000 of tax reduction on a family of four making $40,000.

□ 1545

Now that is not a tax cut for the rich. That is a wonderful impact on working men and women that are trying to provide for themselves and for their children. It enables them to actually pay for school uniforms, enables them to pay for their children's education. Forty-two million families with children received a tax cut of $2,067. That is positive. One hundred and twenty-three million elderly individuals received a tax cut of $1,795. Lots of numbers to talk about. But what does this do for the economy?

Let me tell you, Mr. Speaker, here we have a chart showing that tax relief has spurred business investment. You can see the negative investment of late 2000 through 2003, and that is because of the recession. Businesses were not able to reinvest.

What happened with the tax cuts of 2001 and again in 2003, you see a very strong stimulus on business investment. When businesses invest, more people are employed. When businesses invest, there are more taxes paid into the government. And when people are employed, they don't take from government. They don't require government assistance. They actually pay income taxes.

So let's see what the tax cuts have done to job growth.

Here again, you see unemployment go down with this red line, and job growth go up because of President Bush's stimulus package we put in place. Twenty-five million small business owners saved, on average, $2,800; 4.7 million new jobs created in the last 29 months; 17 straight quarters of economic growth; and an unemployment rate under 5 percent. Now that is a stronger unemployment rate than all the '90s, all of the '80s, all of the '70s, all of the '60s. That is a very positive thing.

Over 60 percent of Americans that received dividends and capital gains, they are under $100,000-a-year earners. That is not a sop to the rich. It is middle-class individuals that received this stimulus package and this benefit that we Republicans, and our President, put in place.

In my State of North Carolina, in the next 6 years, we are projected to grow 22,000 new jobs; and in my home district, unemployment has been reduced significantly in the last 5 years.

Now we still have our challenges in the 10th District of North Carolina, Mr. Speaker, but we are seeing savings grow. We are seeing people going back to get the training they need to compete in a new job. We are seeing a real turnaround in the economy, and it is because people get to keep more of what they earn instead of paying it into the government.

Mr. Speaker, it is a very basic concept that we, as conservatives, believe and that is that individuals can make better choices. Individuals can stimulate the economy. Government does not. Therefore, the more money we allow people to keep, the more of their own hard-earned dollars that they are able to keep, the more they can do in their communities, the more they are able to do to benefit their schools, Mr. Speaker.

But, you know, there are those on the other side of the aisle, the Democrats in this institution, that don't want to continue President Bush's tax cuts. They say, roll back the Bush tax cuts. That is what they scream. The government needs more money.

Well, I will tell you, the receipts to government have gone up in the last 5 years because more people are working, businesses are growing, businesses are investing in individuals, and you are seeing a turnaround in our economy. And the turnaround in our economy leads to more government income.

And you know what? If we do not continue the Bush tax cuts and make them permanent, you will see job losses. You will see a hundred billion less in economic output next year, and you will see slower wage growth and salary growth. And you will also see low-income workers have to pay more in taxes.

President Bush cut the tax rate of the lowest earners from 15 percent to 10 percent. And if we roll back the Bush tax cuts, what we will do is increase their taxes by nearly 50 percent, because they will have to go back up to the 15 percent rate. By 50 percent, I should say.

Taxpayers with children will lose 50 percent of the child tax credit under their plan, and you will see the Federal death tax being reinstated after 2011.

That is their economic policy. It is a big no to our optimistic version of reality. We view America as being better and brighter the less Americans have to pay in taxes. We see Americans being able to do better things with their money than a bureaucrat in Washington, D.C., can do.

But what is the Democrats' plan when it comes to energy? I will show you the Democrat plan when it comes to energy. The Democrats' agenda on energy is right here outlined on this white sheet of paper. That is the Democrat plan when it comes to energy policy in the United States. Nothing. They have nothing to offer. They have offered nothing except demagoguery. That is all they have offered.

As Republicans put forth serious energy policies, the Democrats have voted no. As Republicans have tried to come up with a compromise so that we can increase production here at home so we are not more dependent on foreign oil, the Democrats have said no. This is the Democrat plan when it comes to gas prices. This is the Democrat plan when it comes to energy policy. Nothing.

But let's look at their votes. Let's look at their votes, Mr. Speaker. Here we see the Energy Policy Act of 2004, to enhance energy conversation and research and development and provide for security and diversity in our natural resource and natural energy supply. The roll call vote, 152 Democrats voted no. We still passed the legislation.

One hundred and twenty-four Democrats voted against the Energy Policy Act of 2005 conference report, the final product, to provide $14.5 billion in tax incentives to improve energy production so that we could actually have more, larger energy supply as consumers, to improve the transportation of energy to the marketplace so we could actually consume it, and the efficiency of energy production so we could have more of it again. They voted no; 124 voted no. Well, that is a pickup of a few, at least. But still not a responsible vote.

One hundred and fifty-four Democrats voted against the Energy Conservation, Research and Development Bill in 2003. We have a series here of votes in 2003, 2004 and 2005, and the Democrats said no. That is their energy policy, a big no.

Let's also continue with this stream of consciousness here.

Democrats voted against the Energy Conservation Research and Development Act of 2003, 157 votes. A different vote. But they again said no.

One hundred and seventy-two Democrats voted against Securing America's Future Energy Act in 2001 to foster conservation, improve energy efficiency, increase domestic energy production and expand the use of renewable energy sources.

Do we see a theme here? We can go back 5, 6 years, just in this decade. The Democrats have repeatedly said no to an energy policy for the United States.

One hundred and sixty-six Democrats voted against ANWR exploration.

Now, look. 2001, 2002, 2003, 2004, 2005, I can show you these in the charts. They have repeatedly said no to an energy policy here in the United States; and, as a result, we were not able to enact an energy law, an energy act for this country until just last year. Over their objections, over that party's objections, the liberals' objections, we passed an energy policy that was far, far, far and away a reasonable approach to get more energy production on-line, to increase the supply and, therefore, lessen the burden of expense on every American. You see that they said no repeatedly to an energy policy.

What do we have today? We have oil that costs $73 per barrel and going up. We have refineries that can't meet the demands the American people need to

fuel their automobiles. We have high natural gas prices. We have a Senator in the other Chamber from Massachusetts who says that we cannot have wind energy production in his State because he doesn't like the way it looks.

Then we have those that say, do not explore for new natural resources. They are all part of the left wing agenda of the opposition party in this Chamber. They want to say no to energy production. They want to say no to refining. They want to say no to exploration.

And then what do we have as a result? High energy prices.

I go back to originally what I said. The Democrat agenda, nothing.

Maybe I am wrong, though. Maybe they do have an energy policy. Maybe they do have a tax policy. The tax policy is pretty simple. We want you to pay more, Americans. We want more money for the Federal Government. Maybe their energy policy is we want you to pay more. That is how their votes have lined up.

When Republicans come forward and say we have alternative energy that we are trying to push through tax incentives, they said, no, it is a sop to the energy companies. No, it is an incentive for research and development of alternative energies so we are not more dependent on foreign oil.

When we come forward and say let's explore for natural resources, for oil here at home, what do they say? No.

Do you see where I am going, Mr. Speaker, with this?

Their policy is no. If not no, then more. We want you to pay more.

It was about a decade ago that Senator KERRY said that he looked forward to the day when gas cost $3 a gallon. I thought it was surprising then. Perhaps his votes line up with his philosophy. Perhaps his votes line up with his goal. Because we are there. We have gas at $3 a gallon.

I will tell you, Mr. Speaker, it is very disheartening when you see the Democrats consistently vote against reasonable approaches to increase the supply of energy for Americans. Because all Americans know that the law of supply and demand is a very strong force. It is the basis of our economy. And when the supply is constricted and the demand keeps rising, the prices rise with the demand.

The Democrats' policies have constricted oil production and refining, energy production and marketing; and, therefore, as the demand goes up, the cost naturally follows the demand. So when you talk about the oil companies raising the price of gasoline, the refineries raising the price of refining, the only reason why they are able to do that is because of a market economy that we have here in the United States.

□ 1600

And that market economy relies on supply and demand to dictate price. And when we put in place government policies that say that we cannot take oil out of the ground that we know is there or natural gas that is in the ground and we know is there, that we cannot actually produce refineries to refine that fuel, when we cannot put on more nuclear reactors and nuclear energy production on line, naturally by constricting that supply, the prices will go up.

And as a conservative, my alternative is pretty simple: we get more production online, we get more competition in the energy marketplace through alternative fuels, through alternative energy, through incentives to move to alternative energy, you will see the oil companies begin to compete for our dollars. Right now because the supply is so constricted, they can charge us whatever they possibly can, whatever they think they can get away with. So my answer is pretty simple. As a public policymaker, if we put another tax on the oil companies, the oil companies will pass it right on to us as consumers because that is what corporations do with taxation and regulatory burdens. They pass that expense to the consumers.

So my philosophy is pretty simple: you get more competition in the marketplace, you open up the supply, and that cost will come down. And that is what we are trying to do with a coherent energy policy here in the United States, and that is what Republicans are trying to do here in Congress.

So I ask my colleagues on the other side of the aisle to join with us to increase that supply of energy into the marketplace, to increase research, to increase development of alternative energy sources as well, but to also listen to the American people and their demands. And their demands are very clear: we want relief and we want it now.

Well, I have got news, Mr. Speaker, for the American people. We Republicans in Congress are taking on this challenge, and we will get more production online. We will relieve the regulatory burden for getting new energy sources into the marketplace, but we also will continue economic growth here in the United States. And the way we do that is by getting the government off the backs of the American people, the working Americans, that are trying to help their families, trying to grow their communities, and trying to do what is right on the local level.

Mr. Speaker, I will tell you, there is a lot of rhetoric going on here in Washington, DC that the other side of the aisle refers to as ''a culture'' here in Washington, DC. And there is a culture. It is a culture of more spending, higher taxes, left-wing environmentalist groups writing policy for our United States Government. And we are trying to break that as conservatives, as Republicans. We are trying to break that cycle, that culture, here in Washington.

The Democrats want to take us back. They do not want to look at new ways of doing things. They want to take us back to how they ran this institution for 40 years, how they kept increasing the size and scope of government over decades. Well, the American people want an optimistic alternative, a positive agenda. They actually want an energy policy. They actually want a pro-growth economic policy as well that allows people to keep more of what they earn. They also want a government that is responsive and not intrusive. And that is what we are trying to provide as conservatives. I think that is what the American people want.

And I am very proud to be part of the majority party, very proud to be a Republican, working hard for the American people to do what is right, to do what is necessary to make sure that we are safe, secure, energy independent, economically independent, and a dominant factor in this world that we live in that is dangerous, highly competitive, but ever changing. And we are trying to embrace those changes and compete in this tough world that we live in.

Mr. Speaker, we Republicans have an agenda, an optimistic agenda, about how to change America, how to reduce the size and scope of government, how to enable people to keep more of what they earn and make us independent in terms of our energy policy.

The Democrats, they have a simple alternative, and it is their agenda here: nothing. They have yet to put out an agenda. They have yet to talk in proactive ways. They have yet to lead.

Mr. Speaker, I am proud that we Republicans are leading to make America safe, secure, and economically strong.

MEMBERS OF THE HOUSE TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of December 18, 2005, the Chair announces that the Speaker named the following Members of the House to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 109th Congress:

Mr. ENGLISH, Pennsylvania
Mr. LUCAS, Oklahoma
Mr. LINCOLN DIAZ-BALART, Florida
Mrs. BLACKBURN, Tennessee
Mr. SIMPSON, Idaho
Mr. BONNER, Alabama
Mr. BACHUS, Alabama
Mr. CRENSHAW, Florida
Mr. LATHAM, Iowa
Mr. WALDEN, Oregon

THE EFFECTS OF MULTICULTURALISM AND ILLEGAL IMMIGRATION ON OUR NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to come to the

floor of this Congress, as always, an opportunity to say a few words to you and a few words to the American people at the same time.

We have completed a fair amount of our work here in this Congress this week, and some folks are on their way home and some are on their way to other points around the globe to get better informed about some of the locations so that we can do a better job of doing our jobs here. We will, many of us, gather information over the weekend, come back and speak up. And you will hear next week, Mr. Speaker, the voices from all across this Nation as it was envisioned by our Founding Fathers, that we represent the people from our districts, we listen to them.

They did not envision that we would be going home as many weekends as we do because they had not had the advent of air travel when they constructed this Constitution and envisioned this great deliberative body that we have the profound blessing to serve in.

But they did envision that we would be the ear that would listen to the people. And we owe them our best judgment. We owe them our due diligence. We owe them 100 percent of our responsibility to listen, learn, think, reason, rationalize, and establish the framework of a belief system, that the issues and the opinions of the people in our districts would ask for us to reflect of their character as well, and then bring the specifics here to this Congress and, with due diligence, try to shape a policy that can be agreed upon here by a majority vote, most of the time a majority vote in this Chamber, although sometimes we do have a suspension calendar that takes a two-thirds majority to pass.

This Nation, Mr. Speaker, is involved in a very intense national debate on what some will say is the issue of immigration, but those people are really trying to obfuscate the issue because the issue really is illegal immigration.

I have not heard debate in this Congress, Mr. Speaker, about legal immigration. In fact, we seem to be universal in our support of legal immigrants who come here to the United States. They do it the right way. They follow the legal channels, those people that want to come here for a better life, and understand that the welcome mat that has always been rolled out here in America is rolled out for legal immigrants today. We encourage them to come, and we encourage them to engage in American life and to throw themselves into it with all their heart and all their soul and to assimilate into this American way of being. And the more quickly it can happen, the more effective they can be. The more quickly they learn the English language, the more quickly and effectively they can access this economy and be a more productive member of this economy and this society, Mr. Speaker. And that is the way it has been since the beginning of this Nation, as people came here searching for their dream.

Some came as indentured servants. I think it would be my great, great, great, great, great grandfather, if I track it correctly. Five greats, Mr. Speaker, who came over here as an indentured servant in 1759. And he owed, I believe, 7 years of work in the stables that he had signed up to work in to pay for his passage and the privilege to be here on this continent, not really as an American at that point but as a subject of the British Crown. And not that many years later after that 1759 or perhaps it was 1757 year date, the United States of America issued the Declaration of Independence, and we at that point became a free Nation and he became a free person. Raised 17 children here. They started out in Baltimore, Maryland, and they grew and scattered out across this country all the way across America. And their legacy is there today: hard work, integrity, Christian values, and a sense of family and decency.

He was part of the original foundation of this great American culture that we have. The great American culture that has this belief that, yes, we believe in the foundational principles of our Constitution and the right to life, liberty, and the pursuit of happiness that are in our Declaration, and we believe that those rights do come from God and they are in our Declaration of Independence. That is the guarantee as they pass through our Declaration. We have a sacred covenant with our Founding Fathers, who essentially codified those rights that are granted to us from God, put it in the Declaration, and transferred those rights over to the Constitution of the United States and set a standard for the world that had never been matched before, Mr. Speaker.

And so those standards began on the Mayflower. They began with the earliest settlers here in America. And the shape and the character of America took place, and they created in those years the beginnings of this great American culture, this great American civilization.

And I sometimes go before high school groups and middle school groups and I will ask them the question: Do you believe that the United States of America is the unchallenged greatest nation in the world?

Very few of them raise their hands and say, yes, I believe that, because they have been conditioned to believe that all cultures are equal, that there is a multiculturalism belief and a diversity belief that you do not set yourself up above anyone else.

And I will argue, Mr. Speaker, that we are not in the business of downgrading anyone or being critical of anyone. We are in the business of trying to upgrade ourselves. And if we are going to upgrade ourselves as an American civilization, then we have got to realize who we are, we have got to realize how we came about being these people we are, and we have got to then take a look at where do we stand on this spectrum of the different civilizations and cultures in the world, not just contemporarily around the globe, Mr. Speaker, but also throughout history. Where do we stand as a culture and are we a people that have risen to a point where we are the unchallenged greatest nation in the world?

We are the world's only superpower, and I think that is inarguable. But what about our character? What about our culture? What about our civilization? What has made us great?

And that question came to me, and it came to me about 10 years as I was serving in the Iowa senate and I happened to be reading through the Iowa code, and in there, there is a chapter on education. I read through that chapter, and I would not recommend just reading through any State code or the Federal code, for that matter. It is like reading the phone book of New York City. But I was doing that, and I came across a chapter on education. And in there it said each child in Iowa shall receive a nonsexist, multicultural, global education. Well, that all sounds really good. It sounds good to the ear today, and it sounded good to most ears back then in about 1997 when I first raised this issue.

But as I read that, it occurred to me that we had put into the law in the State of Iowa that we were going to teach political correctness to all of our children that went to our accredited schools in the State. That included our public schools and our accredited parochial schools, or religious schools, that each child shall receive a nonsexist, multicultural, global education.

□ 1615

Now, I am not advocating that we teach a non-global, non-multicultural sexist education. I am arguing that there is another viewpoint here not being exposed to our children. And it came to me last night as I sat at a table with five college students and began to discuss some of these issues with them. The ideas that I think are endemic in our civilization and culture, the ideas that made us great seem to be foreign to them.

The value system, not that they are not good people, they are good people and I really like this generation, but their education isn't grounded in the same things that my education was grounded in.

So as I looked at that section in that chapter of education in the code, multicultural, non-sexist global education, it occurred to me we didn't need to be impelling and compelling that to be taught to our children.

So what would I like them to be taught? I took out a bill draft form and I struck a line through there to strike out the ''multicultural non-sexist'' global, because I didn't want that to be a mandate. I wanted room there to teach other things as well. You can't teach multiculturalism and teach this American civilization in a way you understand them both if you are going to exclude one.

So I wanted to find a way that we could teach that perspective that was more objective than the one that was proscribed in the Iowa code. So I drafted a piece of legislation that today I call ''The God and Country Bill.'' And it says like this: Each child in Iowa, we strike that language out, each child in Iowa shall be taught that the United States of America, of which Iowa is a vital constituent part, is the unchallenged, greatest Nation in the world, and that we derive our strength from Christianity, free enterprise capitalism, and Western Civilization.

Now, Mr. Speaker, that might sound like an arrogant statement for a State code to have in it, but I put those words out there for a reason. I wanted to challenge people to come with maybe a competing idea. Instead, I filed the bill and they didn't come with a competing idea, they came with name calling. So I sat there at my desk and I wrote down each one of the names that they called me and typed them up and laminated them and put them in my desk, and I have those names to this day. And they are all printable names, but none of them are constructive and I won't put them into this CONGRESSIONAL RECORD.

But I would just state I will stand on that statement. I would maybe expand the statement that our first value is our Christian values, I might say our Judeo-Christian values, and that doesn't exclude the contributions of other religions, but what it does say is this is the predominant philosophy that shaped the American culture, is our Judeo-Christian values, the foundation of our beliefs that are in the Bible, in the Old and in the New Testament, and our belief that when we commit a sin against mankind, we should confess that sin and repent and ask forgiveness. That is part of our culture.

If we wrong our neighbor, what is the best thing to do? What if one of our children was playing baseball in the backyard and they hit the ball through the neighbor's window? We would send them over there and say, you need to go over there and confess that you broke the window, and you need to also ask forgiveness, and you have got to repent. So you say I broke your window, and repent, you say I am sorry. Then you say can I make it right with you. Will you forgive me.

That is a Christian value, Mr. Speaker. That is as clear an example as we can have of a Christian value. It is the core of the character of the American people today, and many of the things we do. We know what is right. What is right is in our culture. We don't always do what is right, but we know what is right. That foundation, the free enterprise capitalism foundation and the Western Civilization foundation.

But to explain this and to explain what kind of a nation we are and how we came about being this great Nation we are comes back to these core values of Judeo-Christianity, free enterprise capitalism, Western Civilization.

I would argue it this way, Mr. Speaker, that in the beginning of Western Civilization, you had during the Greek period of time, when they had the Age of Reason, and during the Age of Reason the Greeks took great pride in being able to rationalize their way through. They set up the hypothesis. They set up the theorem. They set up a means to be rational in a deductive reasoning approach so that they could begin to establish science and begin to establish technology. The Greeks took great pride in that.

They sat around and reasoned. Some of them sat around in their cloaks and reasoned all day long, and the philosophy that grew from that was the foundation of Western Civilization.

So civilization began to make progress because they weren't any longer just a group of people that were moving because they had an emotion that drove them or an irrational emotional button that was pushed. That was part of the Greek civilization, too.

And a little aside on this, Mr. Speaker, is that the Greeks did have as pure a form of democracy as the world had seen, at least at that time, and our Founding Fathers rejected that form of pure democracy. Because what they saw was in the Greek city states, where every man of age could vote, they gathered together in the coliseum, or in the city hall you might say today, and they debated the great issues over the day. And some of the great orators had the ability to sway massive numbers of people. And if they were so compelling in their oration that they could move people perhaps in a direction that wasn't good for the city state, of, say, Sparta, for example, or Athens, and so the people in those communities understood that they didn't always do the thing that was right because they were sometimes led by emotion.

So the Greeks being, in the Age of Reason, so rational, that they identified the folks that led them wrongly by emotion rather than rightly by reason and those people were identified as demagogues. And a demagogue who was leading a city state down the wrong path was occasionally put up for a vote, for a black ball. And if any of you have been involved in Greek life on campus, that black ball still exists today on campus. And if that demagogue received three black balls from three members of the community, they said we need you to leave, he would be banished from the city state for 7 years, couldn't come back, couldn't be there to give any great oratorical speeches, couldn't get them to charge like lemmings into the sea and do things that were irrational, not in the great Age of Reason of the beginnings of Western Civilization in the Greek city states. That is one of the little side notes that happens.

But the rationale that came from Western Civilization, the deductive reasoning that came from Western Civilization, grew from a real commitment to be logical, to be rational, and to also always build for an a greater good.

This Western Civilization then that flowed and grew out of Greece began to travel through the known world at that period of time, and it migrated its way over into Western Europe and arrived there at the Age of Enlightenment.

The Age of Enlightenment then, and I have to give the French some credit because they seem to be the center of the Age of Enlightenment, that is when technology took hold, building upon Western Civilization, on the Western Civilization foundation of the Age of Reason, was built the Age of Enlightenment. And that Age of Enlightenment was the foundation for the industrial era.

As the industrial era grew, so did the population over in the 13 original colonies here in the United States on this soil that we stand on today, Mr. Speaker.

We are the beneficiaries on this continent of two great movements in history, the Western Civilization and the Age of Enlightenment. Those two things coupled together, the Western Civilization that flowed through the Age of Enlightenment, the leg of this three-legged stool, found its way here on the new world, North American continent, where we had unfettered free enterprise capitalism, where you could come over here and invest a dollar, invest your sweat equity, you could have an idea, you could take a chance, you could go out and blaze a trail into the wilderness, and if you wanted to trade for furs or cut some timber or start a farm or trade with Native Americans or maybe get a job, as George Washington did, surveying some of this land, all of those opportunities were open in this new world.

And there wasn't a limitation on the potential, there was no restriction, there was no class system that restrained us. This land had, aside from the Native Americans, that did not really fight over the land, but believed that land ownership for the most part wasn't their province, the land had not been fought over as a piece of property like a commodity like Europe had been. So the legacy of that friction and resentment didn't exist either.

But what did exist here in this land that we stand on and in the 13 original colonies and then growing to the West in manifest destiny was a belief in Western Civilization, deductive reasoning, the Age of Enlightenment, free enterprise capitalism, many times no taxation, many times no regulation, unfettered free enterprise.

What a dynamic team to have, Mr. Speaker, Western Civilization coupled with the Age of Enlightenment at the beginning of the industrial age, coupled with this unfettered free enterprise capitalism with low taxes and low regulations, in fact no taxes and no regulation in many cases. Binded together, it was the most dynamic economy that the world had ever seen.

And the vision of manifest destiny began to blaze the trails out across the

west and settled this continent clear to the Pacific Ocean. As this country grew and we believed in manifest destiny and reached out, this dynamic organism of the United States of America would have become, in my opinion, one of the most aggressive, unrestrained, imperialistic nations ever in the history of the world if we weren't constrained by our Judeo-Christian values.

But the Judeo-Christian values functioned as a governor on us, a governor like on an engine that keeps it from racing too fast, running too many RPMs and blowing the engine up eventually. This governor was our moral values, our faith.

And this Nation that was founded on the faith, the Judeo-Christian and mostly the Christian faith, believed that we had a moral obligation to our fellow man. It believed that we needed to help ourselves up the ladder and help others up the ladder with us, the idea to reach out and lend a hand and teach a man to fish and each one of us to stand on our own two feet and reach out and help the others. A means to reach across to, in this case it would be to the aisle, reach across to your neighbor and offer them a helping hand, but demand from them the things that they could provide, their responsibilities for work, their responsibilities to contribute to this society.

We had some socialist experiments on this continent too and they didn't do too well. Some of those socialist experiments, in fact, all of them at one point or another, reached their end because in the end, we realized here in smaller experiments rather than going to large experiments like the Soviet Union or Communist China, that the sum total of the strength of a nation is, at least in part, the individual productivity of all of its people added up one person at a time. All of the productivity of us all together represents the strength of a nation, and people produce better and more productively if they are doing that for themselves.

And the people in this country are the most generous people anywhere on the globe, because they work hard, they earn what they have, but they are glad to share it with people in need. That is also our religious foundation, our Christian faith, our Judeo-Christian values that tie that altogether.

So I hope, Mr. Speaker, that I have described how this worked, this unfettered free enterprise capitalism that grew from Western Civilization in the science and the technology and the Age of Enlightenment and the industrial revolution era with this voracious appetite to grow and produce and explore manifest destiny, but controlled by the most powerful and profound moral values that come to any civilization in the history of the world, our Judeo-Christian faith, rooted in the Bible, reflected in our Declaration of Independence, and those values that show up in the Constitution, even though they aren't specifically listed within the Constitution.

So, this great Nation that we are a part of, this legacy, this history, needs to be taught to our young people. And the American people have to think about who we are. How did we get here? What are we formed from? What are we shaped from?

I have described some of that, Mr. Speaker, in the God and country bill, Judeo-Christian values, free enterprise capitalism, Western Civilization. This combination, coupled on this land, a land that didn't have a legacy of bloodshed for the land, joined together with these wonderful natural resources from sea to shining sea, that is America.

When I see the Statue of Liberty, I know it has been a beacon for people across the world. And as they see that statue and the image that is there, you will not find a country anywhere on the globe where you don't have significant numbers of people who want to come here, want to live here, want to make their future here in the United States. And that image is this image of freedom, this image of opportunity, that has existed for more than 200 years, and it continues to exist in different forms.

But sometimes we lose track of who we are. Sometimes we lose track of how we got here. We have an ongoing debate in this country continually of what is giving us strength, what has made us strong.

I, Mr. Speaker, have tried to define that so that it is an understandable analysis. Others will say well, no, we really aren't the greatest Nation in the world. We really have a lot of things we ought to apologize for, because we have been violent and we have sent our military around the world and we should feel guilty about that because we did it for selfish purposes. And then that is when the debate begins.

But I don't think we have anything to apologize for. Wherever we have gone in the world, we have left a peaceful legacy and we have left a positive legacy and we have been proud enough of who we are that we left a way of life there that has been beneficial to the people who have been visited by our soldiers and our Marine Corps.

□ 1630

And one of those examples would be in the Philippines. I recall a speech that was given here in Washington, D.C. a couple of years ago by the President of the Philippines, President Arroyo. And I do not think she knew that she was speaking to at least one Member of Congress in that scenario.

But she said to the group that was gathered in the hotel here in Washington, D.C., she said, thank you America. Thank you for sending the Marine Corps to the Philippines in 1898. Thank you for liberating us.

Thank you for teaching us your way of life. Thank you for sending the priests over there to teach us your religion. Thank you for sending 10,000 American teachers over to the Philippines to teach us all of the academics that you did, to teach us your way of life, and to teach us the English language.

Thank you for the English language, because today we speak English in the Philippines, as a result of the Spanish-American War, 1898, and today they have 1.6 million Filipinos who go anywhere in the world that they choose to go, they can get a job there, they can work there, and they send their money back to the Philippines, creating a significant portion of the gross domestic product.

Another example would be, last night I had the great privilege to sit down and have dinner with a group, a delegation from the Japanese legislature. We have an exchange program that has gone on here, and this is my fourth year to have the privilege to sit down with them.

It is interesting to me that I sat down for the first time I met Minister Ono here in this city. And at the time he was the Minister of Defense for Japan.

My father spent 2½ years in the South Pacific and came back home from there weighing 115 pounds; not on a very good ration, is the way he put it. It was quite interesting to me that I had the privilege more than 60 years later to sit down and have dinner with the Minister of Defense for Japan.

If there was a hatchet there to be buried, it has been buried a long time ago. And there was a hatchet to be buried. And we are joined together now not as allies for strategic purposes, which we are, but we are trading partners and we are friends. And, yes, we have our disagreements, and so do brothers and sisters and mothers and fathers and fathers and sons and mothers and daughters.

We have our disagreements, but we are trading partners and we are friends; we are good for each other's economy. They have a way of life. They have a constitutional system in Japan, and their result in the aftermath of World War II has been that they have become a modern nation with high productivity. They moved into the modern world.

They are a developed nation today; and no one questions a developed nation, because they have had a good work ethic, they have had a good constitution to work under, and they have a strong belief system, and much of this was structured by General MacArthur after World War II. Another American legacy.

I also point out, Mr. Speaker, that if you look around the world, and ask yourself, where has the English language traveled? And we can see nations, I mentioned a couple of them, and you might look also into India where the English language is prevalent there. You can look across in places in Europe where you sit down at the roundtable in Brussels where now 25 nations of the European Union sit.

The language of debate and discussion at the roundtable, and I have engaged in that debate and discussion, is

English. And the documents that are printed by the European Union are predominately English, although there are some exceptions. I think the French language usage there has gone from 57 percent down to about 7 percent of the documents now are in French.

But if you look at the history of the English-speaking peoples, as Winston Churchill did when he wrote his epic novel, ''The History of the English Speaking Peoples,'' as you read that document, it occurs to me, and I do not think he quite says it in the book, but the documentation does as you sum it up, as you read through, wherever the English language has gone, and it has been either Americans or the British people that have taken it around the world, but wherever the English language has been planted, there you will find freedom.

Without exception, I cannot come up with a single nation that speaks English then but does not have freedom, that does not have a representative form of government. And I think that the English language has become a precursor to freedom. In fact, I think that there is not really, some people will say you cannot understand the Bible unless you can understand it in Hebrew or you can understand it in Latin, or you can understand it in Greek, because there are different definitions and connotations that come from different languages.

I will say that I speculate that it might be difficult, in fact it could be impossible to thoroughly understand freedom if you do not understand the English language, because English is the language of freedom. It is the language that has taken freedom throughout the world.

It is the language that has identified these principles that we hold so dear in this Chamber, Mr. Speaker. And it is essential to this country that we bind ourselves together with one common language.

Also when I look around the globe, and I did this test some years ago, I went to an almanac and looked up the flags of all of the nations in the world. And identified all of the nations. Then I went to the ''World Book Encyclopedia,'' which is what I had available to me, and I looked up every one of those nations, because the ''World Book'' will give a list, but it will show what the official language is of each country; you have to look them up one at a time.

I looked up every country in the world. And I wrote down the language, or sometimes languages, the official languages of these countries. And of every country in the world, there by that analysis, every single nation had an official language and probably to this day does under that analysis.

Until I got to the United States of America. We do not have an official language here in the United States; we have a common language, English, but we do not have an official language.

But the rest of the world has understood this. The rest of the world has understood that the most powerful unifying force known to humanity throughout all of history is a common language, a common language that binds everyone together, a language that allows everyone to communicate together quickly and efficiently and precisely without miscommunication, without misunderstanding.

And if it happens your language is Spanish or if it happens to be Swahili, or if it happens to be French or German or whatever it might be, if that language is the language of your country, that is the language that ties you together.

And we have understood that here. And we promoted assimilation for that reason. And we have encouraged the learning of the English language. And the printing of the documents here has been, other than interpretations that run to other countries and for other reasons, has been in English. We have committed to that in this country, as a practice but not as a matter of law.

And I wonder why not. I wonder why it would be that all of the other nations in the world understand that the most powerful unifying force of any civilization is a common language, a common form of communications currency. I used to carry a euro around in my pocket, Mr. Speaker, a 5 euro bill.

Because that is a way to define how they thought they were going to pull together the European Union, print a currency. Well, if you can print a currency and everybody has to do business in that currency, you pull your center together because you identify by the currency that is coming out of your billfold.

And that is the direction that they have been working to go in the European Union is to establish the United States of Europe. They have had some setbacks of late. But yet that idea of tying people together on that common currency was a unifying philosophy.

It did not matter that today with computers you can do the exchange rate instantaneously; you can set up the automatic exchange with your credit card and never have to pay attention to the difference. What mattered was to have that currency, to be able to look at that, to be able to pass that on to the person you are doing business with, and that identifies you as someone from the European Union, whether you are from the Chec Republic or from Ireland or Italy or the Isle of Malta or whatever it might be.

They recognize that, and they tie themselves together in their debate with English as their debate language. But another example would be the Israelis. And they established their nation in 1948, and the U.N. endorsed them, and they fought a war to establish their freedom in 1948.

Their anniversary just came up this week; I believe it was Monday if I am not mistaken. And there, by 1948, and 1954, they concluded they needed to establish an official language of Israel. And so they deliberated, had their debates. They could have chosen English, they could have chosen Russian, they could have chosen German, they could have chosen French, they could have chosen Italian. They had people in that country that spoke all of the languages that we know of or that I know of at least that I can quote to you from this floor, Mr. Speaker.

But they came together and resurrected a language that had not been used as a conversational language or a business language, but only a language of prayer, for the last 2,000 years. They chose Hebrew as the official language of Israel.

And I asked the ambassador from Israel, why did do you that? What brought you to this conclusion? And he said to me, we looked at the United States. And in 1954 we saw the successful model that you were of having a common language that tied you all together, English being that common language. And we learned from that wonderful assimilation success that was established very well in the United States of America.

And we adopted Hebrew as our official language. But they had to resurrect the language, and they had to get it in print, and they had to start to use it, and they actually had to teach themselves how to use Hebrew in conversation and in business aside from the use of Hebrew in prayer.

And it has been a successful experiment. And as I meet with people over in Israel and ask them questions about how it works, when they bring in new immigrants from foreign countries, they bring them in to kind of an apartment complex camp that is there, and they teach them Hebrew.

If they are young enough and if they are literate in their own language, in 6 months they will have enough Hebrew that they can say, good job, now you are ready to go out into the world and make your living here in Israel.

And they send them out. If they come from a country where they are illiterate in their home language, they do not read or write in their home language, then they have great difficulty teaching them Hebrew. So they will teach them to read and write in their own language and then transfer them over into Hebrew.

That takes about 18 months. If you are 45 or 50 years old, you get 18 months to learn Hebrew, and you are out into the world, go ahead and make a go of it. People do that. They are successful. And it has been extraordinarily successful to tie the Israeli people together.

If you remember the raid on Entebbe, when things needed to happen fast and you needed to identify a fellow countryman, even if it is in the dark, if you yelled to somebody to get down in Hebrew, they are going to hit the deck, and it is likely going to save their life; and I believe it did under the circumstances.

So Israel learned from the United States' lesson. All of the other countries in the world had an official language. Israel chose one. They chose Hebrew. We have English here. If it happened to be some other language, I would be for that other language being our official language.

I received some disagreements from the Catholic Church in that we did not need to move forward with establishing an official language in the United States. And so I went ahead to my ''World Book Encyclopedia.'' And I looked up the Vatican. And I found out in the Vatican that there are two official languages there, Latin and Italian.

They seem to get along just fine with official languages in the Vatican. And we can get along better with an official language here in the United States.

I would submit that that is part of our debate, Mr. Speaker, and I believe that we should bring that forward and establish English as the official language of the United States of America to uncomplicate our future, to pull us together as a people, to reduce the divisions between us, to put incentives in place for people to learn English so that they have an opportunity to succeed in this society, and to send the message to the world that we are one people with one cause and one history, bound together by a common history, by a common experience, bound together by a common official language, that official language of English.

One of the reasons that we have not been able to accomplish this as a matter of policy here in this Congress is, in my belief, Mr. Speaker, that there has been this division that I mentioned in the early part of this discussion, the division that grows from multiculturalism and diversity, that grows from the idea that we cannot set our culture our civilization up above anyone else's.

Well, as I look around the world, there are societies that are in far worse condition than we are in. Why is everyone looking at us for help, for some type of salvation? Could it be that we have some dynamics here within this culture and this civilization that really do set us above and beyond? It does not mean we have to walk around with our noses in the air. It does not mean that we have to be the ugly American.

In fact, we have a greater responsibility and a greater duty to reach out to the rest of the world and try to teach them to fish and try to share with them our values, a rule of law, our Judeo-Christian values, that work ethic that we have, the way that we pull together and respect this rule of law, the foundation of our Constitution and the rights, the freedoms, the freedom of speech, religion, press, assembly.

The right to keep and bear arms in this country, and that right is such an essential right, it seems to be the only place in the world where it is sacrosanct. It must be and it must remain so.

Those values that bind us together to make us great as a people are the values that we can export to the rest of the world. We need to be proud of who we are in order to do that.

And if I look at the operations going on over in Iraq, and I see the configuration that has been recommended to them by the State Department, and I question whether we had confidence in who we are when we encouraged the Iraqis to establish the voting districts that they have there in Iraq. And so what we have are representatives there who are defined as representatives who are Kurds, representatives who are Shiias, representatives who are Sunnis, then there is a 25 percent requirement that 25 percent of all the candidates elected shall be female.

And so putting that configuration in there and not allowing just regions to be defined without regard to religion or ethnicity, or sex for that matter, and not allowing them to be defined that way sets up representatives. And they know that there are only six categories, if you are represented in the newly seated parliament of Iraq. I am grateful that we finally watched the Iraqis choose a prime minister.

And I am looking forward to Prime Minister Talabani pulling together that government and naming his cabinet. But they know that they represent, they are either a Kurd, a Kurdish female, a Sunni, or a Sunni female, or a Shiia, or a Shiia female. That is the six categories.

They know they are there to represent their ethnic group. And I have to believe that the women who are there know that they are there to represent women. And I would like to think that if they would have just simply carved up Iraq into representative districts without regard to religion, without regard to ethnicity, without regard to what sex, and let people run for office and guarantee them equal opportunity as individuals, like we do here in America, I have to believe that there would have been a different kind of mix in the parliament.

□ 1645

I know from my own experience that in the district that I represent there are people that are on the right and people that are on the left. I have sat down and talked with both of them, reasoned with both of them, compromised those disagreements that come, and come with a policy and come to this Congress as a voice for all the people in my district. So if there is a conflict that needs to be resolved, it is more likely to get resolved back in the 5th District of Iowa than it is to be brought here and create more disagreement here in this Congress.

If I simply were a representative of the conservative wing of the party representing the 5th District of Iowa, I would not have an ear then for the people on the other side of the aisle. If I were a representative of, say, for example, the Catholic church in the 5th District of Iowa, and that is the viewpoint that comes if you are a Shi'a or if you are a Sunni, then you know which wing of Islam that you come from. You are there to represent that wing of Islam.

So if I came here as a Catholic conservative and did not listen to anyone else and I had a full constituency base that was always chosen just to support me, my position is going to be more aggressive than it would be if I had to go home and meet all the groups and answer to all of the different divisions of viewpoints.

In Iraq, it is segregated now, and the voices in that parliament will be more partisan than they would have been otherwise. It will be more divisive than it would have been otherwise, because they configured them based upon religion, ethnicity and also sex rather than upon the geography that might have done a better job to put more moderation into their parliament.

We have our values here in this country, and we exported them to places like the Philippines and places like Japan, but I wonder if we had enough confidence in who we are as a people, Mr. Speaker, to export those values to places like Iraq or did we retreat from that? Did we lose our self-confidence? Are we afraid to teach the English language, the language of freedom, in Iraq? Are we afraid to bring our free enterprise capitalism there? Are we afraid to bring our Western civilization values and give Iraq an opportunity to learn from Americans?

I gave a speech to the Baghdad Chamber of Commerce late last summer. As I walked into the room, they were introducing me to give the speech; and it was a bit of a hurry. I said, hold it, because I wanted to be introduced through my interpreter first. They said, you do not have an interpreter, so we are going to introduce you. I said, well, I do not speak Arabic. They said, it is not necessary; all of the people here in the Baghdad Chamber of Commerce speak English.

They did, and I could tell, because they laughed at the right times, they responded at the right times, they applauded at the times I would say was appropriate.

Afterwards, they crowded around with their business cards. They could not get enough conversation with a Westerner, with an American with some business background who had come to Baghdad to wish them well and to help guide them. They were looking for advice, listening carefully.

We have a lot to give, a lot to offer, and they are a sponge to absorb it, and they will pick up a lot of these values.

The American Chamber of Commerce that is over there actively are doing great things. We just need more people to be involved in the people business. We need to be more proud of who we are, Mr. Speaker, and yet we have so little confidence in what has made us great that we cannot bring ourselves to do some of the simple things like enforce our immigration laws.

I have watched since 1986 when President Reagan signed the amnesty bill, and first they said it was maybe 1.3 million people. Now we hear they really amnestied about 3 million people or about 3.5 million people. And the argument was, well, we cannot find these 1.3 or maybe 3 million people. We cannot find them. We do not know what to do about it. We cannot get them out of the shadows and into a bus to go back to their home countries. So what we need to do is have stepped-up enforcement for those that will try to come afterwards, and we will just give them amnesty. That solves the problem.

President Reagan, in one of the few times he let me down, signed the amnesty bill in 1986 with a great big hard promise of enforcement.

I remember the fear of that enforcement. I was hiring employees at the time. I took their I–9 form and I watched them fill it out carefully and asked them for their identification, for their driver's license and Social Security card at least, as a minimum, and I put that on the copy machine. I scrutinized it. I put it on the copy machine, took a copy of the driver's license, Social Security number, asked them a series of questions about their origins and who they were and where they had come from and took that I–9 form, put that copy in there, and I carefully filed it with their job application form if we put them on and hired them. Because I was just sure that around the corner was an INS agent, Immigration and Naturalization Service agent, who would be there to audit my books to take a look at the nationalities of the employees that I hired in the construction business and to see if we had done everything exactly right.

I had fear of enforcement of the INS in 1986, and I still had it in 1987, 1988. Maybe by 1990, by then I had just about forgotten about the idea that there was a threat that there would be an INS audit because I had not heard of any out there.

Now there were some back in those days, but I will say, Mr. Speaker, that from 1986 when the amnesty bill was signed, and they called it amnesty, from that point on there was an accelerated enforcement. From that point on, that enforcement went down, diminishing over 20 years where we get to this point in 2006 up until just a few weeks ago, there was zero enforcement. No employers were sanctioned under penalty of law in 2004. There were some allegations there were three in 2005. I cannot identify which companies those are, and I am not sure whether it is truth or rumor. If it only averages 1.5 companies a year in a Nation of 283 million people, then I would submit that that is not enforcement at all.

So we are not enforcing employer sanctions, and we are not enforcing domestic enforcement. People can go out on the streets and not be questioned as to their lawful presence in the United States. We have city after city in America that are passing sanctuary policies that forbid their law officers from inquiring into the lawful presence of the people that they stop in traffic stops and accidents or that they incarcerate for other crimes. We have news of people in this country who are incarcerated in our prisons without any idea whether they are citizens or whether they are not. No one wants to ask the question.

We are so intimidated by somehow or another this civilization of guilt that because America is a nation of immigrants that we cannot have a rational immigration policy. But I would submit, Mr. Speaker, that America is a nation of immigrants. I would ask the question of Americans. Name a nation that is not a nation of immigrants.

In fact, as I had a discussion with a historian, a Japanese historian, last evening, he talked about how they have a better understanding of the migration that came into Japan and the ethnic groups that make up the very homogeneous Japanese people today, but they come from, some of them, different origins, and they have been blended together on that island as a homogeneous people, but still they are immigrants, some generations, many generations ago.

The same goes for here in the United States. The same goes for Native Americans who came across the Bering Strait, by most accounts, perhaps 12,000 years ago. They were immigrants then, Mr. Speaker, and they were here first, yes.

But I do not think anybody asked Christopher Columbus when he discovered America, did you just consider touching bases there on the continent and then pulling back out of there and decided to leaving the Western hemisphere to be, let us say, preserved for indigenous people or what was Western civilization to do with this huge twin land masses and resources that we have?

It defies logic to think that somehow Western civilization would have just pulled off, said, hands off, no, we found indigenous people here. They migrated here a time ahead of us. We are not going to challenge that or try to use the resources. We are just going to make it a big preserve for Native Americans to live here happily ever after.

That was not going to be the case. The forces of history defined this Nation, and the alternatives can be argued plus or minus along the way. The result might have been configured a little bit differently, but there was going to be population growth. There was going to be a modern civilization built here, and if it had to be built by somebody, who better than the descendants of Western Europe, who better than the people who believed in free enterprise capitalism, Western civilization and Judeo-Christian values so that we could build this great Nation out of these strengths? Who better, I would submit, Mr. Speaker?

So this great Nation has been built from those values, and we are a nation of immigrants, as all nations are nations of immigrants. We should be proud of who we are. We should be proud of our heritage. We should welcome people into this society in a legal fashion, and we should ask them, we should compel them to join in this great experience and this great experiment that we are by assimilating into this society and into civilization.

For to come here to America and move into an ethnic enclave and not learn the English language and not move out of that enclave into the broader society but simply to live there for generation after generation is not being an American at all. That is the transplant of the donor culture to the host culture in the form of an enclave, and it is not constructive to the broader society.

It does not mean you have to give up your culture. I mean, we know that. We appreciate the great variety of subcultures we have here in America, and it is an ever-growing and changing thing.

And I would say also, Mr. Speaker, that we have an extra blessing. The filter system that we have had here in America for immigrants is something we do not talk about very much. But, by and large, throughout history, the people who came to the United States legally came here and I think knew why they came here. They knew what they wanted to leave. They wanted to leave the tyranny of the Kaiser, for example; they wanted to access religious freedom; they wanted opportunity; they appreciated the privilege of freedom of speech, religion and the press, all of those values. And sometimes the poverty, sometimes the potato famine, sometimes the fear, sometimes the persecution of a family or the political persecution of a belief or a persecution of their religious beliefs, those reasons drove people, and poverty is another motivator, to come to the United States.

They took great chances to come to this country. They staked their claim on this soil. They built their future here. They were grateful for the hospitality, grateful for the opportunity, but they also were the vigor of the donor societies. The cream of the crop often came to the United States, and that vitality that we have is much the product of voluntary immigration, who sacrificed a lot and took great risks to come here.

We find ourselves today in a little bit different kind of scenario. We have rolled out a red carpet across our southern border, and we refuse to enforce our border on the south, and we have immigration laws. We ask people to respect our laws, but 58 percent of the people on the south side of the border believe they have a right to come to the United States. They believe they have a right to come here. And if they believe that, Mr. Speaker, then we are not doing a very good job of conveying our sovereignty.

We have become a Nation without a southern border. An average of 11,000

people a day pour across our southern border, and our border patrol manages to stop perhaps a fourth of them, maybe on a good day as many as a third of them, but they reported for 2004 that they stopped on our southern border 1,159,000. For 2005, that number comes out to somewhere in the area of this statistical extrapolation of 1,188,000.

Now, most of them were told to go back home, go to their home country. Many were taken down to the port of entry and said go back. Some, and I will say also many others, were caught and released on their own recognizance, released perhaps on a promise to go back to their home country, Mr. Speaker.

But that is no border enforcement. The last time I went to the border, I was advised that the catch-and-release plan meant we catch them up to seven times before we adjudicate anybody if they do not have some other crime. So we will stop that same person six times, and on the seventh time then we will forcibly put them under control and perhaps take them back to their home country.

I have gotten reports that as many as 20 times there will be a single individual that is caught and released, as much as 20 times. There is smuggling that goes across our border, this huge human haystack, 4 million strong, pouring across our southern border in a given year; and out of that 4 million, our administration's policy is we are going to sort the needle out of that haystack, and needles will be the criminals and the terrorists and the people that threaten our American safety and way of life.

So with good border control and with good surveillance and with a virtual fence that the administration talks about, we are going to somehow shine a spotlight on this huge haystack of 4 million humans, and in there we are going to try to pick out these needles that represent the drug dealers and the rapists and the murderers and the terrorists.

□ 1700

Well, I just can't imagine sorting out those needles out of a haystack while the hay is being picked out of my hair. That is what we are asking the Border Patrol to do, Mr. Speaker. It cannot work. It cannot be effective. We must shut off this human tide at the border, we must enforce our border, we must seal it up tight and then have ports of entry where we have good control and good surveillance in order to keep our trade open with Mexico, in order to have good relationships there.

Good fences make good neighbors. We can build a good fence on the border, and we can do so so that it is effective. When people say, no, fences don't work, I argue that fences don't work because, after all, we have seen pictures of people jumping over them and we have seen tunnels that have been tunneled underneath them, Mr. Speaker, but we also know people can fly over them in airplanes and go around them in boats. But if you can increase the transaction cost, if you raise the level of difficulty, you are going to find that there will be many people that won't try and fewer people will be successful.

Before barbwire was invented, cowboys rode their herds. They were out there making sure that they kind of kept the cattle turned in the same direction so they didn't get split up and taken out by predators and they didn't lose them in the process. So as the cattle moved across the range, they would go out and just ride herd and nudge them back in so they could keep a head count on them and keep them together.

Then somebody invented barbwire, and those cowboys that loved to ride their horses, they got down on their cowboy boots with post hole diggers and they set posts and they strung wire and they drove staples and they built fences. And not because they liked building fences better than herding cattle or better than they liked riding their horses. They built fences because it was efficient and effective. And then they rode the fence instead of riding the herd.

We can do the same thing on the southern border. We can get the Border Patrol to ride the fence instead of out there chasing around in the desert for 11,000 people a day scattered across in the night trying to bring them together.

We need to build a fence, Mr. Speaker; and we need to end birthright citizenship. This chain migration grows and cannot be controlled if we do not. There are 300,000 to 350,000 babies born in this country to mothers who are illegal in America, that do not have a lawful presence here. But we, by practice, grant them birthright citizenship; and the chain migration begins. That baby then, when it reaches age, can petition for mother and father and siblings to come into the United States.

Now let me submit that I believe that there are not 12 million illegals in this country, because I have been counting the noses of those coming across the southern border. I believe that number has been increasing by as many as 3 million a year for at least the last 3 years, but it is accelerating. So if we have been saying that it has been 11 million people for 3 years, but the number has been accelerating by 3 million a year for the last 3 years, we are at 20 million.

This thing has gone on longer than that. It has gone on longer than 3 years. The 11 million was never an accurate number. You cannot count people who live in the shadows. It is impossible to do so. But let us just say that population today is 11 million, plus 9 million, plus a couple million more, and I will take you up to about 22 million. That is the number I think is the right number of illegals that are here.

If the Senate passes their version of guest worker, this guest worker/temporary worker plan that has three levels of being illegal instead of right and wrong, if they do that and grant a path to citizenship, they are going to grant a path to citizenship to however many might be able to qualify under the standards they set. They are not going to put a quota in there and say, well, if you have been here 5 years or more and we think there are, oh, 3 million of you, we are going to give you a fast path to citizenship.

And what will they do if there are 6 million that show up and say I have been here 5 years or more? They will grant that fast track to citizenship for all those people whatsoever.

If it is 12 million that show up, they will grant that. If it is 22 million that show up, they will grant that. Because the legislation will simply set the criteria. They don't have the foggiest idea of what the numbers are.

Let us just pick my number for extrapolation purposes. Let us say 22 million people here illegally. Their first act was to break the law in the United States. The second act, when they went to work, they broke the law again. It isn't a matter of making criminals out of people that are here illegally because we want to make them felons and we voted to do so in this Congress. They are already criminals by virtue of committing a criminal misdemeanor by violating the immigration laws by coming into the United States illegally. The next act is to get a job, and that is also a crime.

So we have 22 million is my number. We grant them fast track amnesty to citizenship. Those 22 million access citizenship in, say, 5 to 6 years, or whatever it is the Senate might decide. And of course that doesn't mean we will agree in this House, Mr. Speaker, but if that happens, think of 22 million people lined up looking around at their family thinking, well, mom is down here with dad. I am going to invite them both to come and bring the chain migration for mom and dad. And I have my two sisters down here and my brother over here, and I left my 8 year old down in my home country.

I can add this all up, but I don't need to add all these extended families. I just say, try to imagine any one of them not having four family members that they would like to bring here to the United States under chain migration.

Now, take 22 million, multiply it times four, and you have 88 million additional entrants into the United States by virtue of the chain migration that comes from this fast track to citizenship that the Senate wants to give to America. So you add the 22 million to the 88 million and you have, Mr. Speaker, emptied Mexico. You have taken everybody that wants to come from there and brought them here. The people that will be left will be the people that are too senile to travel, too old to work, and people that will asking for a check to be sent down there to take care of them.

Some of them are living like that now, and some of the communities down there have been virtually emptied out of the working-age people. Senior citizens only sitting there waiting for the giant ATM America to zap a portion of the $20 billion that goes to Mexico or the overall $30 billion that goes to Mexico and Central and parts of South America. That is $30 billion out of the wages earned here that are wired down there, and some to be saved in banks for retirement, as they plan on returning back, and some to be spent to maintain the senior citizens that are there, the parents and the extended family members.

What does this do for Mexico if we set up a policy here that draws or magnetizes and attracts every willing person in Mexico and in Central America to come to the United States and empties out their communities and drains them of the flower of their youth and the productivity and the vitality of their Nation? What future then does that country have, particularly Mexico, with the vast natural resources, with the huge quantity of oil, much of it not developed to the extent it should be? This Nation would sit there on a massive supply of natural resources without the human energy, without the skills, without the education, without the technology to develop it.

Nature abhors a vacuum. Something, Mr. Speaker, will fill that vacuum. We have the Chinese that are in Central America today, and they are involved in drilling for oil offshore of Cuba, between Cuba and Florida. They are involved in the Panama Canal. They are looking, I am convinced, at potentially filling a vacuum that could be created.

I submit that we shut off the jobs magnet. I submit that, when we do so, there will be people making a decision to go back to their home country because that opportunity they came for is no longer here. If that happens, Mr. Speaker, we can send back to their home country a very skilled and educated group of people who can transform Mexico and take them into the 21st century.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GEORGE MILLER of California (at the request of Ms. PELOSI) for today.

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.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous material:)

Mr. CULBERSON, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, May 9, 10, and 11.

Mr. BASS, for 5 minutes, May 9.

Ms. FOXX, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, May 9, 10, and 11.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, May 8, 2006, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7234. A communication from the President of the United States, transmitting notification of His decision to take no action to suspend or prohibit the proposed acquisition of Ross Catherall US Holdings Inc., pursuant to 50 U.S.C. 2170; to the Committee on Financial Services.

7235. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Solar and Wind Technologies for Hydrogen Production Report to Congress,'' pursuant to Public Law 109-58, section 812; to the Committee on Energy and Commerce.

7236. A letter from the Secretary, Department of Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on International Relations.

7237. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 13313 of July 31, 2003, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

7238. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-23, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services; to the Committee on International Relations.

7239. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an Accountability Review Board report and recommendations concerning serious injury, loss of life or significant destruction of property at a U.S. mission abroad, pursuant to 2 U.S.C. 4831 et seq.; to the Committee on International Relations.

7240. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2004 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307 (a) of the Foreign Assistance Act, pursuant to 22 U.S.C. 2227(a); to the Committee on International Relations.

7241. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-369, ''Tenant Evictions Reform Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7242. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-368, ''Scrap Vehicle Title Authorization Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7243. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-367, ''Child Support Guideline Revision Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7244. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-366, ''Uniform Family Support Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7245. A letter from the Director, Contracts and Acquisitions Management, Department of Education, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Department's FY 2005 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

7246. A letter from the Director, Office of Science, Department of Energy, transmitting a letter regarding the upcoming competition for the contract to manage and operate the Argonne National Laboratory; to the Committee on Government Reform.

7247. A letter from the Secretary, Department of Transportation, transmitting the Departments' Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2005, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7248. A letter from the Inspector General, Department of the Interior, transmitting the Department's FY 2005 inventory of commercial and inherently governmental activities prepared in accordance with the Federal Activities Reform (FAIR) Act of 1998 (P.L. 105-270) and the Office of Management and Budget (OMB) Circular No. A-76; to the Committee on Government Reform.

7249. A letter from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting the Department's inventory of commercial and inherently governmental activities prepared in accordance with the Federal Activities Reform (FAIR) Act of 1998 (P.L. 105-270) and the Office of Management and Budget (OMB) Circular No. A-76; to the Committee on Government Reform.

7250. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's annual reports for

FY 1999 through FY 2005 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

7251. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's FY 2005 Annual Report on EEO Complaints Activity, in compliance with Section 203 of the No FEAR Act; to the Committee on Government Reform.

7252. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7253. A letter from the Director, Office of Personnel Management, transmitting the Office's 2005 Federal Activities Inventory Reform Act Inventory and Inventory Summary; to the Committee on Government Reform.

7254. A letter from the Coordinator, Forms Committee, Federal Elections Commission, transmitting revisions to the Instructions for FEC Form 3X, Report of Receipts and Disbursements for Other Than An Authorized Committee), and the Instructions for FEC Form 9, 24 Hour Notice of Disbursements for Electioneering Communication; to the Committee on House Administration.

7255. A letter from the Assistant Attorney General, Department of Justice, transmitting in accordance with Section 645 of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on the Judiciary.

7256. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a status report on the American River Watershed, California (Folsom Dam and Permanent Bridge) project as required by Section 128(f) of the Energy and Water Development Appropriations Act of Fiscal Year 2006; to the Committee on Transportation and Infrastructure.

7257. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; Fleet Week Fireworks Displays, San Francisco Bay, CA [CGD11-05-030] (RIN: 1625-AA08) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7258. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; San Francisco Bay Navy Fleet Week Parade of Ships and Air Show Demonstration, San Francisco Bay, CA [CGD11-05-032] (RIN: 1625-AA08) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7259. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; Corporate Party Fireworks Display, San Francisco Bay, CA [CGD11-05-033] (RIN: 1625-AA08) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7260. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations; 2005 MTV Video Music Awards, American Airlines Arena, Port of Miami, Miami, FL [CGD07-05-104] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7261. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; San Francisco Tall Ships Event, San Francisco Bay, CA [CGD11-05-016] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7262. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; City of Richmond Fireworks Display, San Francisco Bay and Richmond Inner Harbor, CA [CGD11-05-021] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7263. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; Corporate Anniversary Fireworks Display, San Francisco Bay, CA [CGD11-05-024] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7264. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; American Pyrotechnics Association Convention Fireworks Display, San Francisco Bay, CA [CGD11-05-025] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7265. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Green Day Concert Finale Fireworks Display, San Francisco Bay, CA [CGD11-05-026] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7266. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Town Creek Channel, Pearman Bridge, Charleston, South Carolina [COTP Charleston 05-133] (RIN: 1625-AA97) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7267. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone Regulations, East Waterway, Port Gardner, Puget Sound, Washington [CGD13-05-139] (RIN: 1625-AA00) April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7268. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port Canaveral Entrance Channel to Trident Basin, Port Canaveral, FL [COTP Jacksonville 05-128] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7269. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Trident Basin, Port Canaveral, FL to 12 nautical miles from the mouth of the Port Canaveral Entrance Channel [COTP Jacksonville 05-129] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7270. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port Canaveral Entrance Channel to Trident Basin, Port Canaveral, FL [COTP Jacksonville 05-131] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7271. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Trident Basin, Port Canaveral, FL to 12 nautical miles from the mouth of the Port Canaveral Entrance Channel [COTP Jacksonville 05-132] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7272. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; San Francisco Bay, CA [COTP San Francisco 05-009] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7273. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Moving and Fixed Security Zone; South Coast, Bahia de Tallaboa Channel, Puerto Rico USA [COTP San Juan 05-147] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7274. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Savannah River, Savannah, GA [COTP Savannah-05-148] (RIN: 1625-AA00) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7275. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone for St. Petersburg; Tampa Bay, FL. [COTP St. Petersburg 06-034] (RIN: 1625-AA00) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7276. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Camp Rilea Offshore Small Arms Firing Range; Warrenton, Oregon [CGD13-06-011] (RIN: 1625-AA00) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7277. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York [CGD01-006-007] (RIN: 1625-AA00) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7278. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Regulations; Boot Key Harbor, Marathon, FL.

[CGD07-05-063] (RIN: 1625-AA09) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7279. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, New York City, NY [CGD01-06-006] (RIN: 1625-AA09) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7280. A letter from the Assistant Secretary for Legialtive Affairs, Department of State, transmitting an extension of the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of Nicaragua and Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy, pursuant to to the Committee on Ways and Means.

7281. A letter from the Secretary, Department of Homeland Security, transmitting the Department's notification of the Director of Managment and Budget approval of the recommendation that an additional five million doses of Anthrax Vaccine Adsorbed (AVA) be procured with the Special Reserve Fund, authorized by the Project BioShield Act of 2004; jointly to the Committees on Energy and Commerce and Homeland Security.

7282. A letter from the Under Secretary, Department of the Treasury, transmitting a report concerning the operations and status of the Civil Service Retirement and Disability Fund (CSRDF) and the Government Securities Investment fund (G-Fund) of the Federal Employees Retirement System during the debt issuance suspension period, pursuant to 5 U.S.C. 8438; jointly to the Committees on Government Reform and Ways and Means.

7283. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation to authorize the Secretary of Agriculture to dispose of certain National Forest System lands and retain receipts; jointly to the Committees on Resources 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. POMBO: Committee on Resources. H.R. 4200. A bill to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes; with an amendment (Rept. 109–451, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Under clause 2 of rule XII, the Committees on Agriculture and Transportation and Infrastructure discharged from further consideration. H.R. 4200 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALLEN (for himself, Mr. CARNAHAN, Mr. DOGGETT, Mr. WAXMAN, Mr. BROWN of Ohio, Ms. BALDWIN, Mrs. CAPPS, and Ms. SCHAKOWSKY):

H.R. 5288. A bill to establish a small business health benefits program; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Illinois (for himself, Mr. HASTERT, Mr. BOYD, Mr. BOREN, and Mr. COSTELLO):

H.R. 5289. A bill to provide institutions of higher education with a right of action against entities that improperly regulate intercollegiate sports activities; to the Committee on Education and the Workforce.

By Mr. BAIRD (for himself and Ms. ZOE LOFGREN of California) :

H.R. 5290. A bill to provide that the false claims provisions of title 31, United States Code, include claims for Iraqi property or money administered or in the custody of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. REICHERT (for himself and Mr. KIRK):

H.R. 5291. A bill to require the Attorney General to develop a national strategy to eliminate the illegal operations of the top three international drug gangs that present the greatest threat to law and order in the United States; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DAVIS of Florida, Mr. PALLONE, Ms. CORRINE BROWN of Florida, Mr. FOLEY, Mr. FORTUÑO, Ms. HARRIS, Mr. BOYD, Mr. SHAW, Mr. MILLER of Florida, Mr. MACK, Mr. BURTON of Indiana, and Ms. WASSERMAN SCHULTZ):

H.R. 5292. A bill to exclude from admission to the United States aliens who have made investments contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes; referred to the Committee on the Judiciary, and in addition to the Committees on International Relations, Financial Services, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI (for himself and Mr. HINOJOSA):

H.R. 5293. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CRENSHAW (for himself and Mr. BOYD):

H.R. 5294. A bill to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; to the Committee on Agriculture.

By Mr. DAVIS of Kentucky (for himself, Mr. KIRK, and Mr. KUHL of New York):

H.R. 5295. A bill to protect students and teachers; to the Committee on Education and the Workforce.

By Mr. Davis of Tennessee:

H.R. 5296. A bill to amend the Internal Revenue Code of 1986 to extend certain energy tax credits; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5297. A bill to amend title XVIII of the Social Security Act to extend by one year the initial enrollment period for Medicare prescription drug benefits and for Medicare Advantage plans, to authorize the Secretary of Health and Human Services to negotiate fair prices for Medicare prescription drugs, and to express the sense of Congress that the Secretary should conduct activities to improve outreach and educational efforts with respect to such benefits; referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT:

H.R. 5298. A bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself and Mr. RENZI):

H.R. 5299. A bill to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; to the Committee on Resources.

By Mr. HINCHEY (for himself, Mr. HASTINGS of Florida, Mr. MARKEY, Mr. INSLEE, Mr. MORAN of Virginia, Mr. BLUMENAUER, Mr. SANDERS, Mr. MCDERMOTT, Mr. STARK, Mrs. MALONEY, Mr. MCGOVERN, Mr. LARSON of Connecticut, Mr. SCHIFF, Mr. GRIJALVA, Mrs. CAPPS, Mr. OBERSTAR, Mr. RAHALL, Mrs. MCCARTHY, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. MEEHAN, Mr. WEXLER, Ms. DELAURO, Ms. WOOLSEY, Mr. TOWNS, Mrs. LOWEY, and Mr. STUPAK):

H.R. 5300. A bill to restore fairness in the provision of incentives for oil and gas production, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Mr. ISRAEL:

H.R. 5301. A bill to provide for the establishment by the Secretary of Energy of a program of Federal support for local governments and school districts that establish comprehensive clean energy plans; referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Mr. KENNEDY of Minnesota (for himself, Mr. MILLER of Florida, Mr. GERLACH, Mr. RAMSTAD, Mr. DOOLITTLE, and Mr. ENGLISH of Pennsylvania): A bill to amend the Internal Revenue Code of 1986 to suspend the highway fuels taxes, to provide for suspension of royalty relief, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Resources, 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. MCKINNEY:

H.R. 5303. A bill to require the suspension of the use, sale, development, production, testing, and export of depleted uranium munitions pending the outcome of certain studies of the health effects of such munitions, and for other purposes; referred to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, 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. MURPHY (for himself, Mr. SIMMONS, Ms. HART, and Mr. CARTER):

H.R. 5304. A bill to amend title 18, United States Code, to provide a penalty for caller ID spoofing, and for other purposes; to the Committee on the Judiciary.

By Mrs. MUSGRAVE (for herself and Mr. BEAUPREZ):

H.R. 5305. A bill to address the forest and watershed emergency in the State of Colorado that has been exacerbated by the bark beetle infestation, to provide for the conduct of activities in the State to reduce the risk of wildfire and flooding, to promote economically healthy rural communities by reinvigorating the forest products industry in the State, to encourage the use of biomass fuels for energy, and for other purposes; referred to the Committee on Resources, and in addition to the Committees on Agriculture, Energy and Commerce, and Transportation and Infrastructure, 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. NORTON:

H.R. 5306. A bill to extend to the Mayor of the District of Columbia the same authority with respect to the National Guard of the District of Columbia as the Governors of the several States exercise with respect to the National Guard of those States; referred to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 5307. A bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA–PD plan to promptly pay claims submitted under part D, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE (for himself, Mr. BASS, Miss MCMORRIS, and Ms. KILPATRICK of Michigan):

H.R. 5308. A bill to amend the Internal Revenue Code of 1986 to allow residents of border States a deduction for passport application fees; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. TANNER, Mr. HAYWORTH, Mr. WELLER, Mr. FOLEY, Ms. HART, and Mr. CHOCOLA):

H.R. 5309. A bill to amend section 1862 of the Social Security Act with respect to the application of Medicare secondary payer rules to workers' compensation settlement agreements and Medicare set-asides under such agreements; referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mr. LOBIONDO, Mr. SIMMONS, Mr. GERLACH, Mr. ENGLISH of Pennsylvania, Mr. LAHOOD, Mr. MCHUGH, Mr. WALSH, Mr. WELDON of Pennsylvania, Mr. BOEHLERT, Mr. SCHWARZ of Michigan, Mr. MURPHY, and Mr. MCCOTTER):

H.R. 5310. A bill to amend the National Labor Relations Act to establish deadlines for the National Labor Relations Board to render decisions, and for other purposesi to the Committee on Education and the Workforce.

By Mr. RAHALL (for himself and Mr. MOLLOHAN):

H.J. Res. 85. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

By Mr. CLYBURN:

H. Res. 796. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. BEAN (for herself and Mr. SHAYS):

H. Res. 797. A resolution directing the Clerk to post on the public Internet site of the Office of the Clerk a record, organized by Member name, of recorded votes taken in the House, and directing each Member who maintains an official public Internet site to provide an electronic link to such record; to the Committee on House Administration.

By Mr. FATTAH:

H. Res. 798. A resolution recognizing and celebrating students who overcome immeasurable adversity to excel academically; to the Committee on Education and the Workforce.

By Mr. GALLEGLY (for himself, Mr. WEXLER, Mr. WELDON of Pennsylvania, Ms. KAPTUR, and Mr. LEVIN):

H. Res. 799. A resolution congratulating the people of Ukraine for conducting free, fair, and transparent parliamentary elections on March 26, 2006, and commending their commitment to democracy and reform; to the Committee on International Relations.

By Mr. MANZULLO:

H. Res. 800. A resolution expressing the support of the House of Representatives for the goals and ideals of National Internet Safety Month; to the Committee on Energy and Commerce.

By Mr. WALSH:

H. Res. 801. A resolution expressing support for the restoration of multi-party democracy, prevention of Maoist conquest, re-establishment of security, government services, exercise of political rights, and respect for human rights in Nepal; 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. 65: Mrs. MYRICK.
H.R. 552: Mr. FORBES.
H.R. 575: Mr. HINCHEY.
H.R. 583: Ms. MCCOLLUM of Minnesota.
H.R. 772: Mr. KUCINICH.
H.R. 791: Mr. GORDON.
H.R. 807: Mr. CLAY.
H.R. 808: Mr. CUELLAR and Mrs. BONO.
H.R. 998: Mrs. CUBIN.
H.R. 1131: Mr. COBLE and Mr. MOORE of Kansas.
H.R. 1227: Ms. HART, Ms. MCKINNEY, Ms. PRYCE of Ohio, Mrs. TAUSCHER, Mr. REYNOLDS, and Mr. DOYLE.
H.R. 1290: Mr. CLAY.
H.R. 1356: Mr. MEEKS of New York, Mr. GERLACH, and Ms. HOOLEY.
H.R. 1548: Mr. RUPPERSBERGER, Ms. ZOE LOFGREN of California, and Mr. HEFLEY.
H.R. 1554: Mr. KENNEDY of Rhode Island.
H.R. 1578: Mr. MICHAUD.
H.R. 1951: Mrs. JOHNSON of Connecticut.
H.R. 2072: Mr. FILNER.
H.R. 2073: Ms. MATSUI and Mr. FILNER.
H.R. 2121: Mr. SHADEGG and Mr. LATOURETTE.
H.R. 2178: Mr. MORAN of Virginia.
H.R. 2206: Ms. MATSUI, Mr. TOWNS, and Ms. WOOLSEY.
H.R. 2350: Mr. THORNBERRY.
H.R. 2421: Mr. RENZI and Mr. ACKERMAN.
H.R. 2533: Mr. SALAZAR.
H.R. 2562: Ms. SLAUGHTER.
H.R. 2617: Mrs. CAPPS, Mr. SNYDER, Mr. BISHOP of Georgia, and Mrs. MCCARTHY.
H.R. 2735: Mr. GERLACH.
H.R. 2794: Ms. LORETTA SANCHEZ of California.
H.R. 2841: Mr. ENGLISH of Pennsylvania.
H.R. 2870: Mr. MCNULTY.
H.R. 3427: Mr. SWEENEY.
H.R. 3479: Mr. BROWN of Ohio.
H.R. 3547: Mr. DAVIS of Alabama.
H.R. 3795: Mr. ENGLISH of Pennsylvania.
H.R. 3817: Mr. SIMPSON.
H.R. 3861: Mr. DAVIS of Tennessee and Mr. KANJORSKI.
H.R. 3949: Mr. PETERSON of Minnesota, Mr. WEXLER, and Ms. BALDWIN.
H.R. 4106: Mr. SCHWARZ of Michigan.
H.R. 4140: Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Mr. LARSON of Connecticut, and Mr. PAYNE.
H.R. 4188: Mr. MCNULTY.
H.R. 4215: Mr. BISHOP of Georgia.
H.R. 4298: Mr. SCHWARZ of Michigan.
H.R. 4416: Mr. INSLEE, Ms. ROYBAL-ALLARD, Mr. CUELLAR, Mr. MOORE of Kansas, Mr. RUSH, Mr. BACA, Mr. MORAN of Virginia, Mr. BASS, Mr. WEXLER, Mr. PALLONE, Mr. MCHUGH, Mr. VAN HOLLEN, Mr. CLAY, Mr. KUCINICH, Mr. ENGEL, Ms. HART, Ms. ZOE LOFGREN of California, Mr. LARSEN of Washington, Mr. GERLACH, Ms. KILPATRICK of Michigan, Mr. HINCHEY, and Mr. SHERMAN.
H.R. 4480: Mr. UPTON.
H.R. 4547: Mrs. CAPITO.
H.R. 4560: Mr. CASE, and Ms. BEAN.
H.R. 4562: Mrs. BONO, Mr. KING of New York, Mr. JOHNSON of Illinois, Mr. JEFFERSON, Mrs. MCCARTHY, Mr. CARDIN, Mrs. CAPPS, Mr. MOORE of Kansas, Mr. ROHRABACHER, Mr. COBLE, Mr. TOM DAVIS of Virginia, Mr. KILDEE, Mrs. DAVIS of California, Ms. DELAURO, Ms. WATERS, Mr. HINCHEY, Mr. RANGEL, Mr. LANGEVIN, Mr. GONZALEZ, Mr. KOLBE, Mr. SMITH of New Jersey, Ms. BALDWIN, Mr. SCOTT of Georgia, Mr. GEORGE MILLER of California, Ms. WASSERMAN SCHULTZ, Ms. BERKLEY, Mr. BOSWELL, Mr. BUTTERFIELD, Mr. CAPUANO, Ms. CARSON, Mr. MICHAUD, Mr. THOMPSON of Mississippi, and Mr. BOUCHER.
H.R. 4666: Mr. BLUMENAUER.
H.R. 4681: Mr. SPRATT, Mr. MILLER of Florida, Mr. LANGEVIN, Mr. CARTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GIBBONS, and Mr. HONDA.
H.R. 4703: Mr. MCCOTTER, Mrs. KELLY, Mr. WILSON of South Carolina, Mr. KENNEDY of Minnesota, and Mr. GALLEGLY.
H.R. 4722: Mr. MURTHA.
H.R. 4740: Mr. TIAHRT.
H.R. 4753: Mr. GRIJALVA and Mr. PALLONE.
H.R. 4755: Ms. JACKSON-LEE of Texas.
H.R. 4761: Mr. ORTIZ and Mr. HOSTETTLER.
H.R. 4822: Mr. GORDON.
H.R. 4824: Ms. HART.
H.R. 4867: Mr. BAIRD.

H.R. 4904: Mr. NADLER.
H.R. 4917: Ms. MILLENDER-MCDONALD.
H.R. 4949: Mr. YOUNG of Florida and Mr. CLAY.
H.R. 4962: Mr. BISHOP of New York.
H.R. 4963: Mr. NEAL of Massachusetts and Ms. MILLENDER-MCDONALD.
H.R. 4974: Mr. JACKSON of Illinois, Mr. PRICE of Georgia, Mr. SESSIONS, and Mr. MCCAUL of Texas.
H.R. 4982: Ms. HERSETH, Ms. HARMAN, Mr. CARDOZA, Mr. POMEROY, Mr. CHANDLER, Mr. ROSS, and Mr. COOPER.
H.R. 4993: Mr. SWEENEY and Mr. SIMMONS.
H.R. 5005: Mr. GARY G. MILLER of California.
H.R. 5007: Ms. HERSETH.
H.R. 5013: Mr. YOUNG of Alaska, Mrs. CAPITO, and Mr. WICKER.
H.R. 5035: Ms. SOLIS.
H.R. 5037: Mr. DREIER, Mr. ETHERIDGE, Mrs. MCCARTHY, Mr. YOUNG of Florida, Mr. HOLT, and Mr. BAKER.
H.R. 5051: Mr. CARDIN, Mr. ENGLISH of Pennsylvania, Mr. PAUL, and Mrs. MCCARTHY.
H.R. 5099: Mr. COSTELLO and Mr. CRAMER.
H.R. 5113: Mr. SCHIFF.
H.R. 5120: Mr. ANDREWS and Mr. GALLEGLY.
H.R. 5143: Mr. DOOLITTLE.
H.R. 5151: Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, Mr. HOLT, Mr. EMANUEL, Mr. THOMPSON of California, Mr. WEINER, Mr. VAN HOLLEN, Mr. PAYNE, Mr. INSLEE, Mr. HONDA, Mr. SHAYS, Mr. PALLONE, Mr. CASE, Mr. FRANK of Massachusetts, Mr. KUCINICH, Mr. SANDERS, Mr. ALLEN, Mr. CARNAHAN, Mr. PRICE of North Carolina, Mr. FARR, Mr. DOGGETT, Ms. WOOLSEY, Mr. LARSEN of Washington, Mr. PASTOR, Mr. ACKERMAN, Ms. ZOE LOFGREN of California, Mr. DAVIS of Illinois, Mr. ISRAEL, Mr. CUMMINGS, Mr. DELAHUNT, and Ms. BERKLEY.
H.R. 5161: Mr. GONZALEZ, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, and Mr. WEXLER.
H.R. 5166: Mr. CASTLE, Mr. WELDON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mr. SHIMKUS, Mr. GRAVES, Mr. GILLMOR, Mr. LUCAS, Mr. PETRI, Mr. SESSIONS, Mr. REGULA, Mr. WELDON of Florida, Mr. DEFAZIO, Mr. MURTHA, Mr. HOLDEN, Mr. KANJORSKI, Mr. DOYLE, Mr. UDALL of New Mexico, Mr. WU, Mr. MEEK of Florida, Mr. TAYLOR of North Carolina, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. PUTNAM, and Mr. MCGOVERN.
H.R. 5170: Mr. FORBES and Mr. ENGLISH of Pennsylvania.
H.R. 5182: Mr. PICKERING, Mr. MILLER of North Carolina, Mr. DAVIS of Alabama, Mr. CUELLAR, Mr. MCHUGH, Mr. OSBORNE, Mr. GOODE, Mr. MCGOVERN, Mr. FARR, Mr. BUTTERFIELD, Mr. GOHMERT, and Mr. LOBIONDO.
H.R. 5199: Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. BLUMENAUER, and Mr. KENNEDY of Minnesota.
H.R. 5201: Mr. GILLMOR and Mr. PRICE of North Carolina.
H.R. 5206: Mr. LEWIS of Georgia, Ms. LINDA T. SÁNCHEZ of California, and Mr. ENGLISH of Pennsylvania.
H.R. 5230: Mr. GUTKNECHT.
H.R. 5234: Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Ms. BERKLEY.
H.R. 5262: Mr. PORTER, Mr. JINDAL, and Mr. RYAN of Wisconsin.
H.R. 5272: Mr. CROWLEY.
H.R. 5278: Mr. CARTER.
H.R. 5279: Mr. ROTHMAN.
H. Con. Res. 172: Mrs. NAPOLITANO.
H. Con. Res. 348: Mr. STARK and Mr. GILCHREST.
H. Con. Res. 380: Mrs. BONO.
H. Con. Res. 391: Mr. THOMPSON of Mississippi, Ms. WATERS, and Mr. DELAHUNT.
H. Con. Res. 393: Mr. GRIJALVA.
H. Res. 453: Mr. RAMSTAD.
H. Res. 498: Mr. SHUSTER.
H. Res. 521: Mr. BAIRD.
H. Res. 721: Mr. WYNN.
H. Res. 723: Mr. GRIJALVA, Ms. DELAURO, Mr. FILNER, Mr. PETERSON of Minnesota, Ms. HERSETH, Mr. DELAHUNT, Mr. GEORGE MILLER of California, and Mr. MEEHAN.
H. Res. 753: Ms. WOOLSEY, Mr. SMITH of Washington, and Mr. WALDEN of Oregon.
H. Res. 763: Mr. MCHUGH.
H. Res. 773: Mr. MEEKS of New York, Mr. FERGUSON, Ms. CORRINE BROWN of Florida, and Ms. SCHAKOWSKY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5018: Mr. MCGOVERN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Anthony D. Weiner, Robert E. Andrews, Robert Wexler, Steven R. Rothman, and Chris Van Hollen.

Petition 7 by Ms. HERSETH on House Resolution 568: Tim Holden, Marion Berry, David E. Price, Elijah E. Cummings, Adam B. Schiff, and Emanuel Cleaver.

Petition 12 by Ms. MARKEY on House Resolution 4263: John Conyers, Jr. and Julia Carson.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, THURSDAY, MAY 4, 2006 No. 52

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.

Almighty God, fill us with Your power and might. Give us pure hearts that will drive out evil thoughts. Give us power to overcome sin and to conquer temptations. Empower the Members of this body with strength for the complex challenges they face. Infuse them with a love that banishes bitterness and creates a servant's heart. Remind them to forgive others as You have forgiven them. Guard their hearts and purify their speech.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we have set aside the first hour for a period of morning business. After that time, there will be 20 minutes allocated to the chairman and the ranking member of the Appropriations Committee for their closing remarks on the emergency supplemental. We will then vote on the Thune amendment on VA medical facilities, to be followed by a vote on passage of the bill. Senators can expect those votes to begin sometime around 11 o'clock this morning.

We are also working to clear some nominations that are on the Executive Calendar, including two district judges that will require rollcall votes this afternoon. I will have more to say on the schedule for this afternoon and tomorrow after discussions with the Democratic leader over the course of the morning.

NATIONAL DAY OF PRAYER

Mr. FRIST. Mr. President, today marks the 55th National Day of Prayer, as established in 1952 by President Truman. All across America, in homes and churches and small towns and crowded cities, millions of people of many faiths will gather together to pray for the peace, prosperity, and protection of our Nation. They will pray for their leaders—and goodness knows we need those prayers—and they will thank the Creator for blessing us with a nation that recognizes the God-given dignity and worth of each and every person and our basic fundamental right to be free.

America is a nation forged in prayer. The very first official act of the Continental Congress was a call for prayer. Two years later, the fledgling body called for a national day of fasting and prayer.

From the very first settlers who arrived at Jamestown to each morning here—as we just did—in the Senate when the Chaplain opens each and every day with a prayer, faith has always been at the heart of the American project. That is because at the heart of the American idea of liberty is belief—belief that our freedom springs not from the state or the benevolence of men but from the one true Creator whose love is boundless.

It is so fundamental, so essential to our founding principles that, in the words of the Founding Fathers, it is ''self-evident.''

Our first President, George Washington, was a profoundly religious man. He began and ended each day with a prayer. As President, he would go to his library and humbly kneel before an open Bible to ask for guidance and grace. In his Thanksgiving proclamation, President George Washington told his fellow citizens with words that ring out to us today:

> It is the duty of all nations to acknowledge the Providence of Almighty God, to obey His will, to be grateful for His benefits, and to humbly implore His protection and favor.

America has faced dark and grave moments, but in these moments, prayer has united us and given us strength.

I recall the startling image of 9/11, those crossbeams being lifted up by the New York City firemen amidst the rubble and ruin of the Twin Towers. All around was destruction. But in that one iconic symbol of hope—hope and a prayer that though the wounds of 9/11 may never heal and though we will always carry with us the grief of that terrible day, as people and as a nation we will endure.

So today, on our National Day of Prayer, we thank our Creator for our liberty. We ask Him for His grace and His guidance.

And on behalf of my Senate colleagues, I thank my fellow Americans for the prayers they are sending out to us. God bless you and God bless America.

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

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RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

THE CHAPLAIN

Mr. REID. Mr. President, I very much appreciate the statement of the distinguished majority leader. We are very fortunate in the Senate to have as our Chaplain a man who has certainly earned the right to pray for our country, an admiral in the Navy, head of the chaplain service in the United States Navy, Dr. Barry Black.

I try to be here every day, as the majority leader, to listen to the prayers Dr. Black has prepared for the Senate and the country. They are always very good. I am grateful to him for what he pronounces through his prayers for us. Again I appreciate the statement of the majority leader today.

STEM CELL RESEARCH

Mr. REID. Mr. President, growing up in the little town of Searchlight, there are a number of things that stand out in my mind. One is I remember so vividly a man by the name of Elwin Kent. Elwin was a friend of my father's. They grew up together. But Elwin as a little boy was stricken with polio. Elwin was very deformed. He walked with a very significant limp, and he had on his back a huge hump. I don't know, but it was at least a foot. It stuck out his back about a foot. He was a very handsome man, but he was terribly handicapped.

I came as a boy to realize how he got sick because when I was growing up, the scourge was Elwin's disease, polio. Infantile paralysis we called it. I worried about that as most young people of my age did. In Searchlight, as I was growing up we had no cases, but that didn't prevent my worrying about the disease.

My wife and I a short time ago—a matter of a month or so ago—were surprised when we got in the mail a letter sent to me in Searchlight, NV. I opened the letter, and it was from a girl I had heard about from my wife, in our conversations, with whom she had spent her early days. That was maybe in the second grade. Two little girls. My wife used to tell me about her red-haired friend Gail and how much she cared about her.

Gail found out where Landra, my wife, had gone. She learned that I was serving in the Senate, and she heard that I was from Searchlight and took a chance and wrote that letter.

The reason I mention that letter, which was such a surprise and made my wife feel so good, is that one of the things Landra remembers about Gail, in addition to her bright red hair, is the fact that as a little girl she had polio and was taken out of school and placed in a hospital, as my wife remembers, in an iron lung. So, of course, my wife growing up worried about that. But Gail was gone, and she didn't really know how her life turned out.

Without belaboring the point, these two women who had known each other 50 years ago were able to spend time on the telephone. It was as if they had never been separated.

So Elwin Kent and Gail Randolph growing up contracted infantile paralysis. It was there. It was something we worried about, as did all people of our vintage.

Today is different. We have been able, through science, to eradicate polio in most every place in the world, but I still receive letters in my Senate offices from people who are concerned about other issues. I will read three of these letters addressed to me:

> . . . My son 22 years old was in a diving accident just two weeks after graduating from high school and is now a quadriplegic. So instead of heading off to college on a soccer scholarship that autumn, he found himself being fitted for a wheelchair and a life of total dependency on others. . . .while they [stem cells] may not cure him to the point of walking again, they will certainly provide him with an opportunity to improve the quality of his life. He wants to be able to feed himself, brush his own teeth, wash his hands and face when he wants to . . . I know you support stem cell research, but I just wanted to give you my support and the support of our entire family as you fight the fight for those who can't fight for themselves. . . .

Mr. President, I want the record to reflect that I will use leader time so I don't take time from Senators on this side of the aisle. So I am using leader time.

The PRESIDENT pro tempore. It is so noted.

Mr. REID. Mr. President, I have another letter from Yerington, NV. Here is what it says:

> I am asking you again to do your best for my son and the millions of others who need a cure for diabetes. . . . My son was in the hospital yesterday. . . .I can't tell you how hard and painful it is to see your son like that. . . .my wife and I would give our lives to ensure that our son can beat diabetes. . . .The Senate will soon vote on the stem cell bill that you still support. Please try to change the minds of those that are not for it.

Then one final letter from a man in Las Vegas:

> I have amyotrophic lateral sclerosis (ALS). . . . my family doesn't want me to leave them. At the least, my family wants some hope that science will be allowed to use all means available to them, to try to find some treatment that will extend life until a cure is found. I would like to have those people who are opposed to federal assistance for embryonic stem cell research for therapeutic purposes, explain to my family why they are being denied hope that might be available if the federal government funds all reasonable medical research for my illness and those other illnesses that today provide no hope for the future.

Mr. President, these families are not asking for anything except hope—hope—for a better future for them and their loved ones.

Stem cell research holds a promise for medical breakthroughs. As former First Lady Nancy Reagan said so clearly, vividly, and who watched with great courage as her husband's Alzheimer's overtook this good man, she said:

> I just don't see how we can turn our backs on this . . . We have lost so much time already. She gave this statement in 2004:

I just really can't bear to lose any more time.

Unfortunately, more than 2 years have passed since Nancy Reagan said this, and this Republican-controlled Congress has been unable and unwilling to reach agreement on how to expand the President's restrictive stem cell policy that is hindering scientific progress toward possible cures and treatments for a wide variety of diseases and conditions.

We are rapidly approaching the 1-year anniversary of the date of the House of Representatives passing H.R. 810, the Stem Cell Research Enhancement Act. This act would expand President Bush's 2001 policy for Federal funding for stem cell research and permit Federal researchers at NIH, the National Institutes of Health, which has the capability of the strongest oversight in the world, to finally explore the many possibilities stem cell research holds for America.

Over the past year, I have repeatedly asked the majority leader to find time to consider this bill which has a bipartisan majority of the Senate supporting it. My request for action has been met by delay and inaction. One year may not seem like a lot to people, especially in the Senate—we seem to have our days, weeks, months, and years run together—but 1 year is an eternity if someone you love is suffering from a condition where stem cell research, according to the experts, can offer help.

There are a number of very important issues this body ought to consider this session. I say, Mr. President, none—none—even though we have deficit problems, problems with our environment, education, health care, the war in Iraq—I say nothing is more important to the American people than legislation that could provide medical breakthroughs that would benefit millions—millions—of Americans. We can certainly do better than what we have done. We can do better for the Nevadans whose letters I have read.

I can see in my mind a man who was the chief executive officer of Nevada Power, the largest power company in Nevada, who contracted Lou Gehrig's disease. This young man lived 18 months—very difficult months. People are counting on the promise of this groundbreaking research. The passage of the House stem cell bill on May 24 of last year was a rare victory for bipartisanship here. It is my hope that we will embrace the same spirit of bipartisanship in the Senate and pass this legislation.

Immediately after the House passed its stem cell bill, I spoke with the majority leader about the need to take up

this crucial legislation as soon as possible. At that time, Dr. FRIST assured me that we would consider the stem cell bill in the Senate by July of last year. By the end of July of last year, the majority leader still hadn't scheduled debate on the stem cell bill. So I moved to take up and pass the House bill by unanimous consent. Dr. FRIST objected to this request but delivered a courageous speech the next day in which he expressed support for Federal funding for expanded embryonic stem cell research.

In that statement, the majority leader said, ''The potential of stem cell research to save lives and human suffering deserves our increased energy and focus.'' Yet when we returned after the August recess of last year, the majority leader still could not find time to debate this important legislation. He found time for the Republicans, as the leaders of American churches have said, for a moral budget, he found time for drilling in the Arctic Wildlife Refuge and more deficit spending, but still no time for keeping hope alive with the promise of stem cell research.

In December, just 5 months ago, the majority leader asked consent to take up and pass the House cord blood bill. Well, these were supposed to be joined together. We reluctantly said OK. We said we will do this and then we will move to the bill that we want, the one that passed the House. Well, at that time he expressed—he meaning Senator FRIST—again his commitment to the stem cell bill. Once again, we were not allowed to move to that bill. Instead, we passed the cord blood bill in exchange for a commitment to consider the stem cell bill early in this session.

Three months after he made that commitment, I raised the issue again, and I asked that he schedule time for the Senate to consider this issue prior to the 1-year anniversary passage of the House bill. Unfortunately, this request met the same fate as my previous requests.

Two months have passed since my last exchange with Senator FRIST, and he has yet to provide the Senate with an opportunity to pass this important legislation. Even as he announced his plans for a Health Week in the Senate sometime this month, he made it clear that stem cell research would not be part of his plan. Today is May 4, and we are fast approaching the 1-year anniversary of the House passing H.R. 810 and the start of Health Week. Still, no stem cell legislation.

For all of these reasons and many more, I am sending the majority leader a letter signed by 40 Democrats asking the majority leader to make H.R. 810 a priority during this Health Week. I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 2, 2006.

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

DEAR DR. FRIST: Nearly a year ago, the House of Representatives approved important legislation to end the restrictions that have kept stem cell research from fulfilling its potential to save lives and alleviate suffering. We understand that you are planning a week of Senate debate on legislation related to health, We urge you to bring the Stem Cell Research Enhancement Act of 2005 (H.R. 810) to the Senate floor for consideration during this ''Health Week''.

Stem cell research has vast potential for curing diseases and saving lives. We know you recognize the enormous potential of this research for discovering new cures and therapies for diseases such as diabetes, Parkinson's disease and spinal cord injuries, and commend the strong support you have expressed for approval of the House-passed bill. By allowing H.R. 810 to be brought to a vote, you can bring hope and help to millions of American patients and families suffering from these and other serious illnesses.

The House passed H.R. 810 in May 2005—yet the Senate has failed to take action for nearly a year. Further delay will mean more lost opportunities for new cures and new treatments. The Senate should mark the anniversary of the House vote with action, not more inaction, We therefore urge you to bring H.R. 810 to the Senate floor for debate and a vote during ''Health Week''. Millions of patients and their families across the nation cannot afford to wait any longer for enactment of this urgently needed legislation.

Sincerely,

Harry Reid, Dianne Feinstein, Tom Harkin, Ted Kennedy, Joe Lieberman, Barack Obama, Daniel Inouye, Jack Reed, Tom Carper, Russ Feingold, Herb Kohl, Paul Sarbanes, Frank R. Lautenberg, Debbie Stabenow, Bill Nelson, Maria Cantwell, Mary L. Landrieu, Jeff Bingaman, Max Baucus, Robert Menendez, Chuck Schumer, Byron L. Dorgan, Tim Johnson, Barbara Boxer, Hillary Rodham Clinton, Chris Dodd, John F. Kerry, Patty Murray, Jim Jeffords, Ken Salazar, Barbara A. Mikulski, Joe Biden, Evan Bayh, Patrick Leahy, Carl Levin, Mark Dayon, Dick Durbin, Blanche L. Lincoln, Daniel K. Akaka, Ron Wyden.

Mr. REID. Mr. President, if we are truly committed to lowering the cost of health care in our country, we need to invest in medical research that has the potential to combat life-threatening and chronic diseases. Stem cell research shows tremendous promise. Federal funding of embryonic stem cell research will allow our Nation to lead the world in this research and ensure that stem cell research is conducted with the strongest oversight in the world. When it comes to the possibility of finding cures, we cannot leave our best and brightest researchers with their hands tied, and we cannot deny Americans the hope of eventually finding a cure for a wide range of illnesses.

The House dealt with this issue, and we should do the same. I hope the majority leader will find this legislation important enough to consider as part of Health Week, and I will work with him in any way possible to schedule this to move forward before May 24, the 1-year anniversary of the passage by the House of this most important bill, a bill which gives hope to millions of Americans who, as indicated in these letters, are losing hope.

The PRESIDENT pro tempore. There is 30 minutes under the control of the minority leader or his designee.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Democratic leader, Senator REID, for bringing this issue to the floor. This is something we have talked about a lot in our private meetings: stem cell research. It is a matter of great frustration, frustration because we understand there are literally millions of Americans who are counting on us, the Senate, to assume our responsibility and take up a bill that was passed by the House of Representatives almost 1 year ago.

Senator REID came to the Senate floor and for the last few moments told us of his own personal commitment to this issue, and I share it. He read letters from his constituents and talked about his life experience. He then presented a letter that we have sent to Senator FRIST asking him to use his power to bring this issue to the floor.

This morning across America, people got up, started their day, many of them as healthy as can be but some suffering from illness and others with members of their families suffering from serious illness. Many of the people keep going because there is the hope, just the hope, that something might come along—a treatment, a medicine—something that might give them a chance to have a full life. That is what stem cell research is all about.

When President Bush decided to announce that it would be the policy of the United States of America to restrict scientific research involving stem cells, he ended up closing off opportunities for people to live without fear, without disease, without the shortcomings of the illnesses from which they suffer. It was a Government-mandated decision which would stop that medical research here in the United States. Across the country, some States have said: We are going to lead if the Government won't. The State of California, my State of Illinois, and others have stepped up and said: We will fund stem cell research because we believe it is so critically important. Sadly, this administration refuses. Now it will take congressional action. The House has done its job. It has passed this bill and sent it to the Senate. We have waited.

It has been 346 days since the House of Representatives passed this important stem cell legislation. In just short of 2 weeks, it will be 1 year—1 year—since they sent us this bill. Sadly, in that period of time, despite his promises, as Senator REID has told us, Senator FRIST will not call up the stem cell research bill.

I was so encouraged—and many others were as well—when Senator FRIST came to the Chamber and said publicly

that he was going to support this bill. It gave hope to people, that finally we would have a bipartisan effort that would grow here in the Senate to the point where a majority would pass this legislation. But for reasons I can't explain, so many other things are of greater importance when it comes to the Senate agenda.

Mr. REID. Mr. President, would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield for a question.

Mr. REID. The Senator from Illinois and I are about the same age. Do you remember as a boy being worried about polio?

Mr. DURBIN. Absolutely.

Mr. REID. And do you remember the relief that was given to us as boys, young boys, when a cure was found? They could give us a shot. We knew we wouldn't go into an iron lung or have a hump on our back like my friend Elwin, whom I love almost like an uncle—not almost, like an uncle.

Does the Senator acknowledge that all these people who suffer from Lou Gehrig's disease and Parkinson's and diabetes and all of these other diseases, that they have been told by the foremost scientists around the world that there is hope for them, that they would have the same relief we had when we learned there was a cure for polio?

Mr. DURBIN. Mr. President, I would say in response to the Senator from Nevada the name Jonas Salk, a name no one ever heard of until this great researcher came up with a vaccine for polio. When we were in grade school as children and saw our fellow students crippled by polio, in fear that it could strike us, Jonas Salk, this researcher, came forward with that vaccine and he changed our lives. He took a burden off of our lives and the lives of our parents who worried about whether their kids would contract polio.

Why can't we give the same hope and same promise to a new generation of Americans with stem cell research? Why is our Government, why is this administration, why is the President blocking this research, and why won't the Senate Republican leadership bring this bill to the floor?

If this is about National Health Care Week, shouldn't we be talking about medical research? Shouldn't we be talking about new cures and new opportunities so people can have a better life? Unfortunately, we are not.

Mr. REID. Mr. President, will the Senator yield for another question?

Mr. DURBIN. I am happy to yield.

Mr. REID. Does the Senator acknowledge that Jonas Salk and others doing this research had the full support of the Federal Government every step of the way on this very delicate, deliberate, tough path they followed to find a cure?

Mr. DURBIN. That is exactly the point we should remember when it comes to stem cell research. How much better would our research be if this Government stood behind efforts to find cures instead of creating these obstacles?

When President Bush made his announcement—and I believe it was in August of 2001—about stem cell research, he did not take an absolute position saying he was opposed to stem cell research because it was immoral or for some other reason; he said he would allow stem cell research to continue along certain stem cell lines that currently exist. But in making that announcement, he restricted the opportunity to expand that research in our country. It was a Government decision to restrict the research into stem cells that could save lives and change lives dramatically. So I would say that what we face in the Senate is a moral imperative. Will we step forward now, 1 year after the House has passed this legislation? Will we put the bill on the floor and vote it up or down?

I can tell you, in the city of Chicago and in the State of Illinois, I have traveled around and met with many people who are counting on us.

I had a little gathering in Chicago at the Chicago Rehab Institute, one of the best in America, and we had people come in who were interested in this issue. We had folks from the American Diabetes Association who believe stem cell research may offer the opportunity for a cure for some forms of diabetes. As more and more people are stricken with this disease, as their lives are compromised and changed, can we deny them this opportunity?

Others came in suffering from Parkinson's. Parkinson's is a disease which I know a little bit about personally because of one of my closest friends in Congress, Lane Evans, the Congressman from Rock Island, IL. He and I came to the Congress in the same year of 1982. In 1996, I was out campaigning with Lane in a parade in Galesburg, IL. I didn't realize it at the time, but Lane felt that day that something was wrong with him. He wasn't sure what it was. He said he had lost the feeling in his hand. He didn't say anything that day, and it wasn't until several years later that the diagnosis was made that he suffers from Parkinson's. He has been a real profile in courage. He has stood up and represented the people of his district, and he has been very honest about his disease and how it has limited his life.

We were all saddened just a few weeks ago when Lane made the public announcement that he couldn't continue, that he would have to withdraw his name from the ballot this year. This young man—this young man—is going to have his life changed dramatically because of Parkinson's. Can we do anything less than push for medical research for those who may be suffering from Parkinson's or threatened by it? Does it make us a better or more moral people to withhold this research that can hold such promise for these people?

The same thing is true with Alzheimer's. As more and more Americans advance in age, Alzheimer's is more prevalent. We find more instances of people in nursing homes who need special care. There is a chance, there is a good chance, that stem cell research may open some doors and some avenues to at least ameliorating the negative aspects of this Alzheimer's disease and maybe someday find a cure. How long can we wait? How long can we wait for the political leaders in the Senate to wake up to reality? The American people are counting on us.

If we wonder why the American voters are cynical, whether they question if this Congress has any value in their lives, take a look at this issue. For a year we have been sitting on a bill the majority leader in the Senate says he supports. He won't call up the stem cell research bill. I could go through a long list of other bills he has called, some that I consider just plain wrong, and others insignificant. They have taken the place of stem cell research. Why? Next week we are going to deal with Health Care Week. I salute Senator ENZI, the Senator from Wyoming. He wants to talk about health insurance. I don't agree with his approach. I have an alternative. I salute him for coming to the Senate floor and pushing this forward. Why can't we get the same leadership from the Republican leader of the Senate when it comes to stem cell research? How can we have a National Health Care Week and not deal with medical research after we promised over a year to do so?

I take a look at the people who came to that meeting in Chicago and remember so well a young man, a very young man in a wheelchair suffering from Lou Gehrig's disease, a handsome fellow with a beautiful young wife. He broke down in tears because he could barely speak. He was losing control of his body even as he sat there, telling me how critically important medical research was. Anyone who has seen a victim of Lou Gehrig's disease, whether it was the late Senator Jacob Javits of New York or, of course, the late Lou Gehrig himself, as we saw his baseball career come to an end, understands how devastating this can be. The only thing that keeps many going is the hope, the chance that a cure will be found. Where is that hope? Where is that cure? It is buried in the calendar of the Senate. It is buried in the calendar of the Senate because the leadership will not call up stem cell research for a vote.

Instead, Senator FRIST is going to bring the issue of medical malpractice to the floor again next week. It has been brought over and over again. After days have been devoted to debate, it has been stopped because many believe this is an issue of State responsibility and not an issue for the Federal Government. Yet he wants to take up several days on the Senate calendar, several days which may ultimately lead to no conclusion on the issue of medical malpractice. Wouldn't it be better to devote those days, 3 of those days, to stem cell research?

Think about it. As we avoid our responsibility in stem cell research, the medical challenges are still there. All across the United States, loving couples who were unable to conceive a child have turned to in vitro fertilization. Beautiful young babies have resulted, children who are loved and cherished because of the advances of science.

But during the course of this in vitro fertilization, spare fertilized eggs are produced. What will happen to those eggs? In many instances they will be thrown away, destroyed on the spot. Instead of destroying them, wouldn't it be better to take the embryonic stem cells from those same eggs and use them to find a cure for Alzheimer's, for Parkinson's, for diabetes, for Lou Gehrig's disease, to see if we can regenerate spinal cord injuries and give people who are crippled and paralyzed a chance?

Let me tell you the story of one of those people right now. He is from Germantown, IL, which I know pretty well, down around my home area of East St. Louis. His name is Matt Langenhorst. Matt was 31 years old. He was a picture of health, a 6-foot-4-inch police officer. In the year 2001, he and his wife were hit by a car. Matt is now paralyzed from the neck down. His wife is his full-time caregiver.

Today, Matt moves his wheelchair by blowing into a tube. Simple things that we take for granted take Matt minutes and hours to accomplish. Almost everything in his life requires assistance.

When he was injured, Matt and his family were certain that research was promising that he would walk again. They were counting on medical research. That was 5 years ago—5 years paralyzed.

His family was in my office this week asking why we have not done more. They wanted to know what we were doing about stem cell research. This bill passed the House of Representatives with Democrats and Republicans. What are we waiting for?

I can't answer that question. I don't know what could be more important from the Republican majority point of view than to move forward with this critical stem cell research. I think the Senate should pass H.R. 810 as quickly as possible. Perhaps we should set aside some of the other pets and favorites for a few moments and address this issue of medical research. So many people are counting on us.

When we look at the budget that the President has just sent us, sadly I am afraid medical research is not the priority it once was. I was here when, on a bipartisan basis, Congressman John Porter, Republican from Illinois; Senator ARLEN SPECTER, Republican from Pennsylvania; Senator TOM HARKIN, Democrat from Iowa, all agreed we would double the budget for the National Institutes of Health so that they could find more cures, there would be more money to be invested in research.

What happened last year? We froze the budget. We decided not to increase it. In this year's budget, sadly, the President did the same thing. This year's budget from President Bush to Capitol Hill cuts funding for 18 of the 19 institutes at the National Institutes of Health.

What does that mean? It means 642 fewer research projects will be undertaken, 642 projects trying to find cures for cancer, heart disease, stroke, muscular dystrophy, and so many other terrible disorders. What greater priority is there for this country than medical research? What can we possibly think is more important than advancing research?

I met recently with some scientific investigators who said: You know, I am worried, worried if we don't invest in research the young people who should be developing the expertise will not have the incentive to do it. They will be afraid the NIH won't be able to fund the important projects they can devote their lives to.

The President has decided first to stop stem cell research, to limit it to a very small number of stem cell lines that are inadequate to the task of developing cures for disease, and then to cut the budget for medical research at the National Institutes of Health. The President does this at the same time that he is calling for tax cuts for the most wealthy people in America, people who have not even asked for a tax cut. Why in the world would we build up the debt of America and cut back on essentials such as medical research and education and health care to provide a tax cut for the wealthiest people in America? The priorities are just wrong. The Bush policies, when it comes to medical research, are wrong. They are moving America in a wrong direction. They are moving us away from finding cures and bringing hope to those who are afflicted with disease.

Sadly, we have to change that direction. We have to say to the President we don't accept this Bush policy. It is wrong when it comes to medical research, and that decision and that statement has to be made right here on the Senate floor with 100 men and women elected from across the United States to speak for the people who are waiting in hope, people like those I have described—people like that couple in Germantown, IL, the Langenhorsts, Matt and Erika. I don't know if they are following this debate. I hope they are. More important, I hope this debate leads to something positive.

Next week, when Senator FRIST wants to bring up national health care, we are going to make an effort on the floor of the Senate to bring up stem cell research. It is about time he faces the reality. We can't put this off any longer. He has promised time to deal with so many issues—immigration and so many other things. He said he wants to set aside a certain piece of our schedule and devote it to a debate on gay marriage, a constitutional amendment on gay marriage. We want to spend a week or so talking about gay marriage.

What is more important? Stem cell research and medical research to find cures, that we spend the time to get that done, or 4 or 5 days on gay marriage? Honest to goodness, when it comes down to the priorities and values of the Republican leadership, I don't understand it.

They also want to consider a constitutional amendment on flag burning. You know, I have not noticed an epidemic of flag burning across America. I love our flag like every other American, but we are going to devote 3 or 4 or 5 days to talk about another constitutional amendment to ban flag burning? I would much rather see us put as a first priority medical research and stem cell research.

We are prepared to challenge Senator FRIST. Every time he comes up with a clearly political issue designed strictly for votes in November rather than for the needs of this Nation, we are going to challenge him. We are going to challenge him to bring up the issues that count, issues like stem cell research, issues like the energy costs across America that have to be addressed here and now, issues like the cost of health insurance, which not only threatens families but threatens the future of many businesses, particularly small businesses. Those are the real issues. Those are the things that people care about.

Instead, we fritter away our time, we waste our time on virtually insignificant issues such as this political posturing for the next election. This stem cell research issue is a bipartisan issue. There are Republican and Democratic Senators who support it. It is a chance for us to stand up once as an institution and be proud that we have a bipartisan solution to advance medical research in America. But, unfortunately, we have not been able to prevail. Unfortunately, for 346 days now we have waited for Senator FRIST to call the bill on stem cell research.

That is his responsibility. That is the responsibility of the Republican majority. I hope they accept that responsibility. Senator FRIST, more than any other Member of the Senate, understands the importance of medical research. He is an honored cardio surgeon, a transplant surgeon who brings his special expertise to the floor of the Senate. When he announced he was for stem cell research, it was a breakthrough. It was a breakthrough that on the Republican side, a man of his stature would say that he supports it. Now that he has made that commitment almost a year ago, it is time for us to act, and act now. We need to make sure we restore the budget for the National Institutes of Health. We need to move this bill forward.

If we start cutting the NIH budget, advances that have saved lives in heart disease and Leukemia, cystic fibrosis, and so many other areas, those advances will slow down. It is just that simple. Medical research is slow. It takes time, and it costs money. But it

saves lives. It means a mom or dad with an incurable disease can live long enough so their kids will remember them.

Between the prohibition on stem cell research and the cuts to NIH funding, lifesaving medical research under the Bush administration in this country is sadly on the ropes. We can do something about it. We can pass H.R. 810. We can tell President Bush that his budget priorities are wrong, that we are going to put the money into stem cell research.

There are unused embryonic stem cells in eggs donated voluntarily by couples who no longer need them, which can be used for this valuable research. Otherwise they will be discarded, thrown way. Estimates suggest there are 400,000 of these unused embryonic stem cells currently available for research. What is stopping those cells from moving from storage in these frozen environments to laboratories where they may find cures? The decision of the President of the United States to stop the research. When we lift this restriction on Federal research dollars, it will provide stem cells that medical science tells us have the ability to change lives and save lives and to transform into almost every type of cell and tissue. Research will show us how to harness that ability to heal and repair damage done by disease.

We owe it to the families of those who are affected by disease and disability. The stem cell issue will not go away. I urge Senator FRIST to show the same leadership today that he showed last year when he announced his support for stem cell research by announcing when he will schedule this for a vote, give us a time certain, do not leave the floor of the Senate today without a time certain on a vote on stem cell research. We owe it to the millions of families across America who are counting on us.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, today I come to the Senate floor to speak briefly about stem cell research and the hope it holds for millions of Americans in the years ahead.

Hope is one of the qualities of spirit that make us human. Hope allows us to dream of a better life for our children, our community, and our world, especially for loved ones now suffering or in pain.

Hope is what stem cell research holds for the parents of children with diabetes, who dream of a day when their constant fears for their children's well-being are things of the past.

Hope is what stem cell research brings to those with Parkinson's disease, who think of the time when the tremors of that disease are banished forever.

Hope is what stem cell research brings to millions of Americans who seek better treatments and better drugs for cancer, diabetes, spinal injury, and many other serious conditions.

Hope cannot be extinguished or destroyed but it can be frozen. And it has now been frozen for 5 long years, ever since President Bush shut down the stem cell research program begun in the Clinton administration, and imposed arbitrary and unwarranted restrictions on this lifesaving research, based on ideology, instead of science.

For 5 years, we have watched as America has abdicated its global leadership in this important new field, by keeping our best scientists on the sidelines.

In those 5 years, we have squandered the opportunity to set strong ethical guidelines for this research through the oversight that NIH funding can bring. Through NIH, we have made progress consistent with our values in new fields of in as recombinant DNA research, which once also seemed strange and controversial. We can do the same for stem cell research but only if NIH is allowed to become a leader in this new field.

Hope soared anew a year ago, when the House of Representatives set aside partisan differences and courageously approved legislation to end those restrictions, and give our scientists the tools they need to make progress in the fight against disease.

The same strong bipartisan support exists in the Senate for ending the unwarranted restrictions on stem cell research.

There is no one in the Senate with stronger pro-life credentials than Senator HATCH, but he knows that supporting stem cell research is the pro-life position to take.

There is no greater supporter of medical research in the Senate than Senator SPECTER, and he feels strongly that stem cell research is one of the great breakthroughs of modern medicine.

There is no one with a greater depth of conscience than Senator SMITH, and he has searched his heart and prayerfully decided that support for stem cell research is the moral choice.

Bipartisan legislation was passed by a vote of 238 to 194 in the House of Representatives on May 24, 2005, a year ago this month. It was ordered placed on the Senate Calendar on June 6, where it has remained stalled ever since. If the House bill was put to a Senate vote today or tomorrow or next week, it would pass by a solid bipartisan majority in the Senate too.

Why? Because the Republican Senate leadership stands in the way. Summer came and went with no action in the Senate, then the winter, then the spring, and now we are about to reach an anniversary none of us ever wanted to see. On May 24, it will be 1 year since the House acted, and the Senate still refuses to act.

Let us vow that we will not mark this anniversary with yet more inaction and indifference.

The Senate has had a busy schedule, but in that schedule we have found time for all manner of giveaways to those who already have much in the way of wealth and power.

Now, it is time to turn our attention to those who need our help the most. And that includes the millions of Americans who have seen their hopes blocked by the administration's cruel policies and the Senate's shameful inaction.

The Senate leadership has scheduled a Health Week for later this month. Will we use this opportunity to debate the flawed Medicare drug program? Or the soaring number of the uninsured? Will we do what we need to do to unlock the vast potential of stem cell research? Sadly, the answer to each of these questions is probably no. These and many other major priorities for the Nation will remain unaddressed.

I urge my colleagues to join me in asking the Senate leadership to schedule a vote on House Resolution 810, the House-passed stem cell research bill, during the coming Health Week and to do so before May 24, the first year anniversary of its approval by the House of Representatives.

Millions of patients and their families look with hope to stem cell research, and they should not have to tolerate any greater delay or any further failures.

I yield the floor.

Mr. BROWNBACK. Mr. President, how much time remains?

The PRESIDING OFFICER. The majority time is 19 minutes 10 seconds.

NORTH KOREAN REFUGEES

Mr. BROWNBACK. Mr. President, I will draw attention to two topics today. I will address the comments made about stem cell research because we have exciting things happening in that field that I will report to my colleagues.

First though, there is breaking news, with Reuters, the Associated Press, and several other outlets reporting that shortly we may have a group of North Korean refugees formally accepted by the United States for the first time since the Korean peninsula was divided by war over half a century ago. This is being reported by a couple of news outlets. I ask unanimous consent to have printed in the RECORD the news report and a related article.

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

[From the Associated Press, May 3, 2006]

OFFICIALS: U.S. ASSISTS N. KOREAN REFUGEES

(By Foster Klug)

WASHINGTON.—The Bush administration is working to bring a group of North Korean

refugees to the United States and could have them in the country within two weeks, a State Department official said Wednesday.

The group would be the first from North Korea given official refugee status since passage of the North Korean Human Rights Act in 2004, officials say.

The State Department official, who spoke on condition of anonymity because of the issue's sensitivity, said the refugees are in a Southeast Asian nation, and if bureaucratic hurdles can be cleared, they could be in the United States soon.

A separate U.S. government source said the six refugees include several women who were sold into sexual slavery or forced marriages. The source, who also spoke on condition of anonymity, has been in contact with a person who helped shepherd the refugees into the Southeast Asian nation and who has had regular contact with them.

Both officials would not identify the nation, saying they were worried the refugees or their families could be harmed by North Korean agents. Officials also worry that publicity could slow down or scuttle the painstaking bureaucratic process that must be completed before the refugees can leave the Southeast Asian nation for the United States.

The issue of North Korean human rights has gained attention in Washington as international diplomatic efforts to rid the North of its nuclear weapons programs have stalled.

Lawmakers and human rights activists have expressed frustration at the State Department's slow pace in helping North Korean refugees settle in the United States; part of the North Korean Human Rights Act specifies that the department make it easier for North Koreans to apply for refugee status.

The U.S. special envoy on North Korean human rights, Jay Lefkowitz, told a congressional hearing last week: ''We need to do more—and we can and will do more—for the North Korean refugees.''

''We will press to make it clear to our friends and allies in the region that we are prepared to accept North Korean refugees for resettlement here,'' he said.

President Bush appointed Lefkowitz last year.

North Korea long has been accused of torture, public executions and other atrocities against its people. Between 150,000 and 200,000 people are believed to be held in prison camps for political reasons, the State Department said in a report last year.

Human rights activists have said that U.S. Embassy workers in Asian countries have refused to help North Korean refugees.

Last year, Timothy Peters, founder of Helping Hands Korea, told lawmakers at a hearing that embassy officials in Beijing rebuffed him when he tried to arrange help for a 17-year-old North Korean refugee.

''I thought to myself, 'Is this the State Department's implementation of the North Korean Human Rights Act?' '' he said.

NORTH KOREA: POLICY CHANGES MAY FOSTER NEW HUNGER

SEOUL, May 4, 2006.—Recent decisions by the North Korean government to suspend the operation of the World Food Programme, ban the private sale of grain, and fully reinstate the discredited Public Distribution System could lead to renewed hunger for North Korea's already poor and destitute people, Human Rights Watch said in a new report released today.

The 34-page report, ''A Matter of Survival: The North Korean Government's Control of Food and the Risk of Hunger,'' examines recent worrisome developments in North Korea's food policies, its marginalization of the World Food Programme (WFP), its refusal to allow adequate monitoring of food aid, and the implications of the government's new policies. Human Rights Watch noted that only a decade ago, similar policies led to the famine that killed anywhere from 580,000 to more than 3 million, according to independent researchers and nongovernmental organizations (NGOs).

''While most international discussion of North Korea is about nuclear weapons, hunger remains a serious problem,'' said Brad Adams, Asia director at Human Rights Watch. ''Regressive policies from a government that doesn't allow free expression or independent observers to monitor the situation could someday lead to a repeat of the food crisis of the 1990s.''

In October 2005, North Korea reversed some of its most applauded economic reforms by banning the private buying and selling of grain, the main source of nutrition for most North Koreans. The government asked the WFP, which had been feeding millions of the nation's most vulnerable people for a decade, to end emergency food aid. The agency believes the request is premature, and proposed a new, considerably smaller aid package. The North Korean government had not formally accepted the offer as of the end of April.

The government also announced in October that it was fully reinstating the Public Distribution System (PDS), which provided coupons for food and consumer goods to North Koreans through their places of work or study. During the food crisis of the 1990s, millions of people who depended on their PDS rations died from starvation. Many more suffered severe malnutrition and hunger as the system broke down. The crisis ended by massive amounts of international food aid and the tolerance of private markets, helped in recent years by improved harvests.

''Forcing the World Food Programme to radically reduce its food shipments and monitoring, and making it illegal for ordinary North Koreans to buy and sell grain, is a recipe for disaster,'' said Adams.

Recent news reports suggest that North Koreans in many parts of the country were not receiving rations, six months after the authorities announced they were fully reinstating the PDS. A Chinese man of Korean descent who recently visited his relatives in the northeastern part of North Korea told Human Rights Watch that none of the five homes he visited had received any rations since November 2005. ''They received half a month's worth of corn for the months of October and November, but that was it,'' he said. ''And that, I heard, was only for working men, and nobody else in the families.''

The South Korean NGO Good Friends also reported in the April edition of its monthly newsletter, North Korea Today, that residents of Pyongyang received only 10 days of food rations in April. Citing an unnamed official at Pyongyang's food management administration, the report said that in May there would be no rations at all.

North Korea has a long history of providing food on a priority basis, feeding the preferred class, such as Workers' Party members and high-ranking military, intelligence and police officers, while discriminating against the so-called hostile class. If past patterns hold true this year, the government will first send food to ''war-preparation storage'' and preferred citizens, and only then to the general public through the PDS, leaving many North Koreans hungry.

Until the famine in the 1990s, food rationing was perhaps the single most important way of controlling the population in North Korea. As people could receive rations only from their place of work or study, the system largely kept the population immobile and obedient, so that they wouldn't risk losing their only source of food.

''The government is apparently trying to turn back the clock to regain some of the control lost when it allowed people greater freedom to move around and buy grain,'' said Adams. ''The government should reverse its new policies, which make it harder for hungry people to find the food they need to survive and stay healthy.''

The government should prioritize assisting the vulnerable population by providing aid to those who can't obtain food through their work. North Korea should allow international monitors unfettered access to beneficiaries. Major food donors, including China and South Korea, should monitor distribution of their aid in a way that meets international standards as employed by the WFP.

Human Rights Watch urged the North Korean government to:

Allow international humanitarian agencies, including the WFP, to resume necessary food supply operations and to properly monitor aid according to normal international protocols for transparency and accountability;

Ensure its distribution system is both fair and adequately supplied, or permit citizens to obtain food in alternative ways, through direct access to markets or humanitarian aid; and

End discrimination in the distribution of food in favor of high-ranking Workers' Party officials, military, intelligence and police officers, and against the ''hostile'' class deemed politically disloyal to the government and Party.

Human Rights Watch takes no position on whether countries should have market or command economies. But it is clear from the devastating famine and pervasive hunger of the past—well documented by the United Nations and NGOs—that the PDS and the country's official food industry have miserably failed North Korean.

''Millions of North Koreans died painful deaths from starvation while the rationing system was in place,'' said Adams. ''There is little reason to believe the North Korean government is now capable of providing enough food to all its citizens.''

Mr. BROWNBACK. I certainly hope and pray the reports are true. I hope that the six to eight refugees being referred to in the articles will soon have a chance to be welcomed by thousands of Americans who have worked hard for their freedom, especially those of Korean heritage in this country.

I particularly recognize the Korean Church Coalition and a number of people who risked their own lives to form an underground railroad of sorts—reminiscent of what happened in my State and many other places across this country years ago—along the Korean-Chinese border. We have a fairly open border between Korea and China. You can get from North Korea into China, but you cannot get out of China. The Chinese have, to date, not been very cooperative in allowing North Korean refugees to pass. They have even captured North Korean refugees and sent them back to North Korea to an uncertain future and possible death, and in many cases, as well as a lot of persecution and mistreatment in a North Korean gulag, of which we have satellite photographs. I have held hearings on gulags containing, we believe, around 200,000 North Koreans. We also

believe, over the last 15 years, approximately 10 percent of the North Korean population has died, primarily of starvation, although also from the gulags and at political prisoner camps.

The people are walking out of North Korea. They are walking into China. We do not know how many, but the estimates have been as many as 100,000 to 300,000. They are now living off the land there in an illegal status, in great difficulty, and in harm's way in China.

If we get these refugees coming into the United States, they will be the first refugees coming into the United States. It is built on the North Korean Human Rights Act, which this Senate and this Nation passed a year and a half ago, allowing these refugees from North Korea to enter into the United States.

The act basically builds on what took place toward the Soviet Union before it had collapsed where we were in negotiations on nuclear talks, we were not getting anywhere, and we raised human rights issues of what took place regarding two Soviet dissidents in the Soviet Union.

We said it was not fair how they are treating their own people. The same thing is happening in North Korea in how North Korea is treating their own people, to the point this oppressive regime of Kim John is trying to build weapons of mass destruction; they are a weapon of mass destruction on their own people, killing, as I noted, we believe around 2 million North Koreans through starvation. This is abhorrent.

If the refugees do come to the United States, this is a moment of celebration, even though it is only a few. It is a statement by this country that we will not tolerate the mistreatment of people taking place in North Korea. I applaud this effort.

I applaud the administration for working on this particular topic, and particularly Jay Lefkowitz, the special envoy from the administration on human rights in North Korea.

If reports this morning from Reuters and the Associated Press as well as various other news outlets prove to be accurate, we may shortly have a group of North Korean refugees formally accepted by the United States for the first time since the Korean peninsula was divided by war over half a century ago.

I hope and pray that these reports are true, and I hope that the six to eight refugees referred to in the articles will soon have a chance to be welcomed by the thousands of Americans who have worked so hard for their freedom, especially by those of Korean heritage.

A year and a half ago, Congress passed and President Bush signed into law the North Korean Human Rights Act. It was the first significant piece of legislation dealing with that nation's dictatorial regime since the cessation of hostilities in July 1953. The act called for a U.S. policy on North Korea based on a commitment and respect for human rights and human dignity, and fundamental freedoms, including the freedom of thought, conscience religion or belief. By referring in the act to core Helsinki principles adopted in 1975 that informed and animated our dealings with then Soviet Union and its eventual dissolution and the resulting freedom for millions without a single shot being fired, the act similarly commits the United States to pursue in North Korea the same devotion to human dignity and human rights.

Yet since the passage of the North Korean Human Rights Act, the negotiating approach has been to subordinate the human rights and human dignity of the North Korean people. Instead, what we have done is to pin our hopes on the possibility of another framework agreement in which the parties would be coerced yet again into tossing more lifelines to a fragile but oppressive regime in Pyongyang in exchange for the possible exchange of yet another promise not to use weapons of mass destruction.

In none of these negotiations have we been able to engage in talks—either in the multiparty context or even unofficial bilateral discussions—on issues that promote and do justice to both American and universal ideals. Rather than focusing the debate on the regime's policies of persecution and starvation and to the massive failure of its economic policies that in the mid-90s directly resulted in the deaths of millions of North Koreans, the parties have done little to strengthen democracy and promote human rights in North Korea.

I appreciate that there are strong political pressures especially from our allies to negotiate over the North Korean regime's so-called ''peace for security'' demand. And in the interest of searching for a diplomatic solution, the President and Secretary Rice have done precisely that. In fact, the recent rounds of six party talks were the most sustained effort by the United States.

But the President himself has also done much more, in both word and deed. In the past 2 months, the President released two of the most remarkable statements of his presidency. Last month, the President called to attention China's treatment of a North Korean refugee named Kim Chun Hee. Missing since December, when Miss Kim was arrested in China and deported back to North Korea, it isn't known whether she is dead or alive. As the President's envoy for North Korean Human Rights Jay Lefkowitz said of Miss Chun in a Wall Street Journal editorial, ''Every movement needs heroes. . . . Either she will be a living figure in a jail somewhere or, God forbid, she'll be a martyr.'' As far as I know, we have no word from the Chinese Government and certainly not from the North Koreans on the fate of Miss Chun.

The President also issued a statement after a meeting that he himself called one of the most moving of his presidency. He spoke of a grieving mother and brother who yearned to be united with her daughter and his sister, Megumi, who was only 13 when she was abducted by the North Korean regime more than 30 years ago; he met with a young child of 6 named Han Mee Lee who with her family were at the center of an international controversy created by vivid video footage of their valiant struggle for freedom at the gates of an embassy in China; and he met with a former North Korean soldier who defected to South Korea in pursuit of what his conscience and his heart told him were his inalienable and God-given right to liberty and freedom.

I ask unanimous consent at this time that this statement by the President be printed in the RECORD.

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

STATEMENT ON CHINA'S TREATMENT OF KIM CHUN-HEE BY THE PRESS SECRETARY

The United States is gravely concerned about China's treatment of Kim Chun-Hee. Despite U.S., South Korean, and UNHCR attempts to raise this case with the Chinese, Ms. Kim, an asylum seeker in her thirties, was deported to North Korea after being arrested in December for seeking refuge at two Korean schools in China. We are deeply concerned about Ms. Kim's well-being. The United States notes China's obligations as a party to the U.N. Convention relating to the Status of Refugees and its 1967 Protocol, and believes that China must take those obligations seriously. We also call upon the Government of China not to return North Korean asylum seekers without allowing UNHCR access to these vulnerable individuals.

Mr. BROWNBACK. Last July, the President also met with Kang Chol Hwan, whose book the Aquariams of Pyongyang, chronicled Mr. Kang's life as a 9-year-old gulag inmate to his eventual freedom. Just as Natan Scharansky was Reagan's symbol of what freedom from the Soviet communist system meant to free people everywhere, Kang is Bush's symbol of what freedom means to North Koreans.

History will record these acts by President Bush to unilaterally broaden the narrow agenda of the Six-Party Talks as among the wisest and humane—acts that trump and negate the false perception that the President is indifferent to concerns about human rights in North Korea. These bold and compassionate acts will figuratively place on the bargaining table—if the Six Party Talks are to ever resume—the faces and names of North Koreans who have suffered and continue to do so.

By so publicly raising human rights issues to the highest level, the Oval Office of the President no less, President Bush is merely following the examples set by President Reagan and Pope John Paul during their struggles with a much larger and more threatening nuclear power.

We may now have an opportunity—if the press reports are accurate—to take an additional but necessary step to demonstrate not just by words but by

action what human rights mean. We need to accept North Korean refugees into the United States as provided by the North Korean Human Rights Act.

That it appears to have taken more than a year and half for the possibility of officially accepting North Korea refugees has been troubling to Members of Congress on both sides of the aisle. In a bipartisan letter to Secretary Rice, Congressman FRANK WOLF and others called on the administration to do more. And last year, both Congressman WOLF and I wrote to Secretary General Kofi Annan to pressure China into allowing UNHCR, the U.N. agency for refugees, into Yanji Province near the North Korean border and other affected areas to assess the situation with respect to the North Korean refugees.

I was disappointed to learn that the first report required under the North Korean Human Rights Act was issued with the statement that no progress had been made on accepting refugees. As the act makes clear, admission would be conditioned upon a thorough vetting process by DHS and other appropriate agencies. But without any action by us, it is difficult for us to demand that the Chinese should also change its policies, and it presents a problem for us in asking other countries to do the right thing if we have not been able to do the same. If the U.S. cannot admit what may be less than 10 refugees in total if the press reports are correct, then the whole premise of the act itself is unsustainable.

I am hopeful that this may be changing and I hope it is changing. The hopes and prayers of thousands in the faith community and among Korean American communities are vested in this possibility of the first admission of North Korean refugees into the United States.

If and when these people come, it will offer hope to millions and put American on the right side of history. Such an act is consistent with the bold steps that Ronald Reagan took and Pope John Paul urged during the years of the cold war, and in the process made the world a better place.

If ever there were huddled masses yearning to be free, it's the North Koreans, whether hiding out in the forests of China or working as trafficked victims in brothels or as orphans prowling marketplaces for crumbs.

If these refugees are granted refuge in the United States, it would constitute one of the great acts of compassion by this nation.

And I hope we take this opportunity to lift our lamps and show a way out of the darkness for the North Korean refugees.

STEM CELLS

Mr. BROWNBACK. Mr. President, another topic I will discuss is embryonic stem cell and adult stem cell research. I will show two books because we have a lot going on regarding stem cells and in stem cell research.

I ask unanimous consent to have printed in the RECORD a chart on Federal funding of stem cell research.

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

U.S. FEDERAL TAXPAYER FUNDING TOTAL NIH STEM CELL RESEARCH FY 2002–FY 2006

[Dollars in millions]**

	FY 2002 Actual			FY 2003 Actual			FY 2004 Actual			FY 2005 Actual		
	Non embryonic	Embryonic	Total	Non embryonic	Embryonic	Total	Non embryonic	Embryonic	Total	Non embryonic	Embryonic	Total
Human, subtotal	170.9	10.1	181.0	190.7	20.3	211.0	203.2	24.3	227.5	199.4	39.6	239.0
Nonhuman, subtotal	134.1	71.5	205.5	192.1	113.5*	305.6	235.7	89.3*	325.0	273.2	97.0	370.2
NIH, total	305.0	81.6	386.6	382.9	133.8*	516.6	439.0	113.6*	552.5	472.5	136.7	609.2

*Decrease from FY03 to FY04 is the result of a change in methodology used to collect nonhuman embryonic funding figures. This methodology change also contributed to an increase in nonhuman non-embryonic.
**Numbers may not add due to rounding.

Mr. BROWNBACK. Mr. President, noting for the record the actual spending in 2005 on embryonic stem cell research, the U.S. Federal Government spent nearly $40 million on human embryonic stem cell research. We spent $97 million on nonhuman embryonic stem cell research, for a total of $136 million the Federal Government spent on embryonic stem cell research.

That is a fair investment. We also spent $472 million in nonembryonic. What did we get for $136 million in embryonic stem cell research? Here is the folder that contains the human clinical trials of embryonic stem cell research in humans, treating and healing humans. This is the list of research results we have from a nearly $40 million Federal investment last year of human clinical trials with embryonic stem cell research. This is research where a young, embryonic human life is destroyed and stem cells harvested and taken out and applied.

I note that this folder is empty. This is the list of research results we have from embryonic stem cell research on humans.

We also invested in adult and cord blood stem cell research. The cord between the mother and child is rich in stem cells that can be used in a lot of treatment areas, along with adult stem cells. You have stem cells in your body and I have them in my mine. They are akin to a repair kit.

I ask unanimous consent to have printed in the RECORD the listing of 69 different human illnesses being treated by adult and cord blood stem cells.

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

69 CURRENT HUMAN CLINICAL APPLICATIONS USING ADULT STEM CELLS

ANEMIAS & OTHER BLOOD CONDITIONS

Sickle cell anemia, sideroblastic anemia, aplastic anemia, red cell aplasia (failure of red blood cell development), amegakaryocytic thrombocytopeia, thalassemia (genetic [inherited] disorders all of which involve underproduction of hemoglobin), primary amyloidosis (a disorder of plasma cells), diamond blackfan anemia, Fanconi's anemia, chronic Epstein-Barr infection (similar to mono)

AUTO-IMMUNE DISEASES

Systemic lupus (auto-immune condition that can affect skin, heart, lungs, kidneys, joints, and nervous system), Sjogren's syndrome (autoimmune disease w/symptoms similar to arthritis), myasthenia (an autoimmune neuromuscular disorder), autoimmune cytopenia, scleromyxedema (skin condition), scleroderma (skin disorder), Crohn's disease (chronic inflammatory disease of the intestines), Behcet's disease, rheumatoid arthritis, juvenile arthritis, multiple sclerosis, polychondritis (chronic disorder of the cartilage), systemic vasculitis (inflammation of the blood vessels), alopecia universalis, Buerger's disease (limb vessel constriction, inflammation)

CANCERS

Brain tumors—medulloblastoma and glioma, retinoblastoma (cancer), ovarian cancer, skin cancer: Merkel cell carcinoma, testicular cancer, lymphoma, non-Hodgkin's lymphoma, Hodgkin's lymphoma, acute lymphoblastic leukemia, acute myelogenous leukemia, chronic myelogenous leukemia, juvenile myelomonocytic leukemia, cancer of the lymph nodes: angioimmunoblastic lymphadenopathy

Multiple myeloma (cancer affecting white blood cells of the immune system), myelodysplasia (bone marrow disorder), breast cancer, neuroblastoma (childhood cancer of the nervous system), renal cell carcinoma (cancer of the kidney), soft tissue sarcoma (malignant tumor that begins in the muscle, fat, fibrous tissue, blood vessels), various solid tumors, Waldenstrom's macroglobulinemia (type of lymphoma), hemophagocytic lymphohistiocytosis, POEMS syndrome (osteosclerotic myeloma), myelofibrosis

CARDIOVASCULAR

Acute heart damage, chronic coronary artery disease

IMMUNODEFICIENCIES

Severe combined immunodeficiency syndrome, X-linked lymphoproliferative syndrome, X-linked hyper immunoglobulin M syndrome

LIVER DISEASE

Chronic liver failure

NEURAL DEGENERATIVE DISEASES & INJURIES

Parkinson's disease, spinal cord injury, stroke damage

OCULAR

Corneal regeneration

WOUNDS & INJURIES

Limb gangrene, surface wound healing, jawbone replacement, skull bone repair

OTHER METABOLIC DISORDERS

Sandhoff disease (hereditary genetic disorder), Hurler's syndrome (hereditary genetic disorder), osteogenesis imperfecta (bone/cartilage disorder), Krabbe leukodystrophy (hereditary genetic disorder), osteopetrosis (genetic bone disorder), cerebral X-linked adrenoleukodystrophy

ADULT & NON-EMBRYONIC STEM CELL RESEARCH

ADVANCES & UPDATES FOR APRIL 2006

Highlight of the Month—Stem Cell Hope for Liver Patients: British doctors reported treatment of 5 patients with liver failure with the patients' own adult stem cells. Four of the 5 patients showed improvement, and 2 patients regained near normal liver function. The authors noted: ''Liver transplantation is the only current therapeutic modality for liver failure but it is available to only a small proportion of patients due to the shortage of organ donors. Adult stem cell therapy could solve the problem of degenerative disorders, including liver disease, in which organ transplantation is inappropriate or there is a shortage of organ donors.''—Stem Cells Express, Mar. 30, 2006

ADVANCES IN HUMAN TREATMENTS USING ADULT STEM CELLS

Buerger's Disease: Scientists in Korea using adult stem cell treatments showed significant improvement in the limbs of patients with Buerger's disease, where blood vessels are blocked and inflamed, eventually leading to tissue destruction and gangrene in the limb. Out of 27 patients there was a 79% positive response rate and improvement in the limbs, including the healing of previously non-healing ulcers.—Stem Cells Express, Jan. 26, 2006

Bladder Disease: Doctors at Wake Forest constructed new bladders for 7 patients with bladder disease, using the patients' own progenitor cells grown on an artificial framework in the laboratory. When implanted back into the patients, the tissue-engineered bladders appeared to function normally and improved the patients' conditions. ''This suggests that tissue engineering may one day be a solution to the shortage of donor organs in this country for those needing transplants,'' said Dr. Anthony Atala, the lead researcher.—The Lancet, Apr. 4, 2006; reported by the AP, Apr. 4, 2006

Lupus: Adult Stem Cell Transplant Offers Promise for Severe Lupus—Dr. Richard Burt of Northwestern Memorial Hospital is pioneering new research that uses a patient's own adult stem cells to treat extremely severe cases of lupus and other autoimmune diseases such as multiple sclerosis and rheumatoid arthritis. In a recent study of 50 patients with lupus, the treatment with the patients' adult stem cells resulted in stabilization of the disease or even improvement of previous organ damage, and greatly increased survival of patients. ''We bring the patient in, and we give them chemo to destroy their immune system,'' Dr. Burt said. ''And then right after the chemotherapy, we infuse the stems cells to make a brand-new immune system.''—ABC News, Apr. 11, 2006; Journal of the American Medical Assn, Feb. 1, 2006

Cancer: Bush policy may help cure cancer—''Unlike embryonic stem cells . . . cancer stem cells are mutated forms of adult stem cells. . . . Interest in the [adult stem cell] field is growing rapidly, thanks in part, paradoxically, to President George W. Bush's restrictions on embryonic-stem-cell research. Some of the federal funds that might otherwise have gone to embryonic stem cells could be finding their way into cancer [adult]-stem-cell studies.''—Time: Stem Cells that Kill, Apr. 17, 2006

Heart: Adult stem cells may inhibit remodeling and make the heart pump better and more efficiently. Researchers in Pittsburgh have shown that adding a patient's adult stem cells along with bypass surgery can give significant improvement for those with chronic heart failure. Ten patients treated with their own bone marrow adult stem cells improved well beyond patients who had only standard bypass surgery. In addition, scientists in Arkansas and Boston administered the protein G–CSF to advanced heart failure patients, to activate the patients' bone marrow adult stem cells, and found significant heart improvement 9 months after the treatment.—Journal of Thoracic and Cardiovascular Surgery, Dec, 2005; American Journal of Cardiology, Mar., 2006

Stroke: Mobilizing adult stem cells helps stroke patients—Researchers in Taiwan have shown that mobilizing a stroke patient's bone marrow adult stem cells can improve recovery. Seven stroke patients were given injections of a protein—G–CSF—that encourages bone marrow stem cells to leave the marrow and enter the bloodstream. From there, they home in on damaged brain tissue and stimulate repair. The 7 patients showed significantly greater improvement after stroke than patients receiving standard care.—Canadian Medical Association Journal Mar. 3, 2006

Mr. BROWNBACK. What did we get for our research investment in adult and cord blood in human clinical trials? This is the folder—it is getting heavy—of what we have discovered in human clinical trials with adult and cord blood stem cell research; real people being treated for real diseases such as bladder disease, lupus, cancer, heart, strokes, immunodeficiency areas, liver disease, neuro degenerative diseases, ocular, wounds and injuries, autoimmune diseases, anemias and other blood conditions, metabolic disorders, 69 human diseases being treated with adult and cord blood stem cells.

For my money on this, I would rather treat people—get real human treatments—than in this area of embryonic stem cell research where we are getting no cures. We are seeing a lot of cancer cells growing out of the embryonic stem cell areas and treatments.

Let's go for what is real. And let's do what is real. I further note, as I close, there is no prohibition in this country on embryonic stem cell research. None. No prohibitions. Yet why do the private companies not go into funding more embryonic stem cell research? It is because they are getting no results with embryonic stem cells. Nothing is happening results wise. Let's invest our money in adult stem cell research where we can actually treat people. That is important.

I yield the floor.

GASOLINE

Mr. BURNS. Mr. President, there has been a lot of concern around the country about the escalating fuel prices. Americans get concerned whenever we see spikes in energy costs. No one is more concerned than we are in agriculture. We have a unique situation in agriculture. We sell wholesale, buy retail, and pay the freight both ways. Every one of those stages involves energy, drives energy and drives prices.

It seems to me we are concerned about the traffic around Washington, DC, trying to get into work. I could take care of the gas prices and the traffic all in one fell swoop. All we have to do is pass a law that you cannot cross the 14th Street bridge with a car that is not paid for. That would help a lot. There would be a lot of folks finding other means.

This has been a wakeup call to all in this country. We are dealing with a worldwide commodity that is driven by emerging economies as well as our own demand for transportation fuels. The demand has outstripped our ability to move crude, natural gas or coal to the processing plants and refineries.

I tell my colleagues that in Montana we are producing more oil than in the history of our State. Yet we cannot get it on a pipeline because we have not built a pipeline for quite a while. We have also not built a new refinery in this country for over 30 years. There are a variety of reasons, the majority of which is the ability to permit and to site a plant. So we find ourselves not being able to produce enough product for the market. Anybody who took economics 101 will tell you, when demand outstrips production, then you are going to have the price go up.

Now, I would imagine this will drive us in another direction. It will drive us in the direction of alternative fuels and, of course, renewable energy. No other administration in our Government's history has spent more money on research as far as alternatives and renewables. We are on the cusp of cellulosic ethanol, which helps my State. Also in this business of alternative fuels is biodiesel, which will be one of the great renewables. Coal to liquids or coal to diesel will also be one of our great fuels. This technology is as old as World War II. Since then it has been refined and affords another source for developing resources where we have great deposits of coal. In Montana we are the ''Saudi Arabia'' of coal and we have the process and technology to easily get this done.

Now, if we can do that, and we can also increase farm income, and solve the problem of being dependent on foreign oil, who can oppose that?

Does that give us relief in the near term? No, it does not. There is nothing the Government or anybody else can do in the near term to prevent these kinds of spikes in a time of high demand.

So we will say that necessity is the mother of invention. We will be forced to drive less, to drive slower. We will not jump in our car and go down and buy a loaf of bread. The trip has to be necessary. And you will probably have a little sticker in the middle of your steering wheel saying: Is this trip necessary? The necessity will also drive us to alternatives and other ways of powering our car.

The demand for oil seems little affected by high prices. If it doesn't

change our behaviors, then it is wrong to say prices are too high. Maybe we do not like it, but we all like to sell our product for as much as we can get for it. And that is how the market actually works and sometimes it becomes very painful.

No, it is not good. It is not good for my agriculture because that affects the price you are going to pay for food in the grocery store. There is no part of our economy that is not affected by what we are experiencing in this country right now.

But Americans have imagination. They have great ingenuity. And I am satisfied we will take this little spike in the market and make good use of it and start using our brains to power America.

If anybody thinks if you beat up on the companies—beat up all you want to—but part of the problem lies within this body because we have said ''no''—resoundingly no—to a multitude of programs and projects that could have partly prevented this.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is 1 minute remaining in morning business, at which time it will end and we will proceed under the regular order.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. 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.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Thune amendment No. 3704, to provide, with an offset, $20,000,000 for the Department of Veterans Affairs for Medical Facilities.

Vitter/Landrieu modified amendment No. 3728, to provide for flood prevention in the State of Louisiana, with an offset.

The PRESIDING OFFICER (Mr. ENSIGN). Under the previous order, the Senator from Mississippi, Mr. COCHRAN, and the Senator from West Virginia, Mr. BYRD, will be recognized for up to 10 minutes each.

The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

I thank the distinguished and very able chairman of the Senate Appropriations Committee, Mr. COCHRAN, for all of his hard work on this bill. He has worked hard. He has again proved himself to be a very able chairman, very knowledgeable of the contents of the bill.

The President has asked the Congress to approve over $92 billion of emergency spending—man, that is a lot of money; $92 billion of emergency spending—including $72.5 billion for the wars in Iraq and Afghanistan and $19.8 billion for the Federal response to the terrible hurricanes that struck the Gulf States in August and September of 2005.

The Appropriations Committee held several hearings on the request, and we have now debated the bill for nearly 2 weeks. It is a good bill. It is a good bill. I am proud to recommend it to the Senate.

But, regrettably, the President has threatened to veto the bill based on his assertion that it is too expensive. In a Statement of Administration Policy that has been made a part of the RECORD, the administration threatens that the President will veto the bill if it exceeds $94.5 billion. OK. Have at it. Have at it, Mr. President. Currently, the bill totals $108.9 billion. The President complains that the Senate has added funding for purposes other than the wars in Iraq and Afghanistan and for assisting the victims of Hurricanes Katrina and Rita.

Nowhere—nowhere—is it written in stone, nowhere is it etched in brass, on golden pillars, that this supplemental—which is likely to be the only supplemental considered for this fiscal year—has to be limited to the costs of the war and Hurricane Katrina. Nor is it etched in stone that the Congress must approve a bill that is below $94.5 billion.

The Senate has added funding for a number of critical programs. Despite the administration's rhetoric about securing our borders and providing a layered defense of our ports, the President did not request a dime—not one thin dime—for border security or port security. He did not request a dime for making the coal mines safer for our coal miners. He did not request a dime for our farmers who have been hit with drought and hurricanes, despite the fact that 78 percent of all U.S. counties were designated as primary or contiguous disaster areas by the Secretary of Agriculture or the President in 2005. He did not request a dime for compensating potential victims of pandemic influenza vaccines. The President's request for Katrina victims is inadequate and leaves critical gaps in housing and education.

The Senate recognized the weaknesses of the President's request in these areas and judiciously added funds. When the bill is in conference, I will urge the conferees to approve these items. You bet.

The conferees should send to the President a bill that meets the needs of this country. That is our duty. If the President wants to veto a bill that funds the troops, if he wants to veto a bill that funds victims of Hurricane Katrina, if he wants to veto a bill that provides critical resources for combating a potential avian flu, if he wants to veto a bill that secures our borders and our ports and helps our farmers to recover from disaster and makes our coal mines safer, have at it, have at it. That is his right under the Constitution. But the Congress should not be bullied by the President into neglecting its responsibility, our responsibility, to provide required funds to meet priority national needs.

Because my State of West Virginia is often hit by floods and other damaging disasters, such as the recent accidents in our coal mines, I am quite sensitive to the ability of our Federal Government to prepare for—and respond to—disasters promptly and with competence, which is what our citizens need and what our citizens deserve. Sadly, many of our Federal agencies are no longer up to these fundamental tasks. But this bill includes resources to help Federal agencies restore their capabilities.

I am especially grateful to and I especially thank the chairman for including, at my request and the request of others, an amount of $35.6 million for improved mine safety and health programs. In the wake of 18 coal-mining deaths in the State of West Virginia this year—18 coal-mining deaths in the State of West Virginia this year—and another 16 mining deaths in other States, it is imperative that the Congress act immediately to ensure that an adequate number of safety inspectors will be provided for our Nation's mines and to expedite the introduction of critical safety equipment.

This week, we have heard testimony from the families of those killed in the Sago explosion in January. We have heard from the coal operators. We have heard from experts. In all of this testimony, one truth is clear: Lives can be saved when the Federal Mine Safety and Health Administration places miners' safety and health at the very top of its priority list. We must have more inspectors on the job, yes. We must have better rescue teams trained and

equipped and ready to go at a moment's notice. We must have pre-positioned oxygen and emergency supplies in our coal mines. And we must have ways to communicate with trapped miners. It just has to be. We have to do these things. It is simply inexcusable that our miners have oxygen canisters that last only 1 hour, only 60 minutes, when miners may be trapped under the ground for several days, or that the miners may not have emergency communications equipment that can reach the surface in the event of an extended rescue effort. The chairman has my genuine appreciation for including these funds in the committee-reported bill. I also thank Senator SPECTER, Senator HARKIN, and Senator JAY ROCKEFELLER for their support of the initiative.

The bill before the Senate also includes a provision to extend the Abandoned Mine Land authority through fiscal year 2007. The AML Program and combined benefits fund are very important programs that are needed by retired coal miners and their families and coalfield communities throughout this country. I thank Chairman COCHRAN and I thank Senator SPECTER and I thank Senator DOMENICI for supporting me in this effort.

Finally, the Senate, by a vote of 94 to 0, approved my amendment encouraging the President to budget for the cost of the wars in Iraq and Afghanistan. You can't fund these wars on the cheap. Upon passage of this supplemental bill, the total amount appropriated for the war in Iraq, including the cost of reconstruction, will be approximately $320 billion—that is $3.20 for every minute since Jesus Christ was born; think of it, that is a staggering figure—virtually all of it funded through ad hoc emergency supplemental appropriations. And the costs continue to grow and grow.

The President refuses to include a realistic estimate of the cost of the wars in his annual budget request.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Would the Chair repeat?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I ask unanimous consent to proceed for not to exceed 3 minutes.

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

Mr. BYRD. He continues to rely on ad hoc, poorly justified emergency supplemental requests that he expects the Congress to rubberstamp. As a result, there is virtually no debate about how our country is going to pay for these massive bills. Nobody seems to be minding the store when it comes to controlling the escalating costs of the wars in Iraq and Afghanistan. The failure of the President to heed the repeated calls by the Senate to budget for the wars in Iraq and Afghanistan has resulted in more unnecessary spending that is hidden from public view. Until the President begins to include a real estimate of the cost of the wars in his annual budget, American taxpayers will continue to see billions of dollars spent without any true measure of accountability.

The Senate has given its strong support to this amendment five times, and the President continues to disregard this direction by the Senate. I hope the 94-to-0 vote on an amendment that encourages the President to include the full cost of the wars in the budget finally, finally, finally gets his attention.

I urge adoption of the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I first thank very sincerely the distinguished Senator from West Virginia for his good help and assistance, his guidance and his leadership in the development and passage of this bill. We have been called upon, as he points out, to provide emergency supplemental funding for war costs, providing the Department of Defense and the Department of State with funding in accounts that have been devoted to that cause and that effort. It is very important to the protection of the security interests of the people of the United States. So this is an important measure we are taking up today and moving to final passage.

Under the order that was entered last evening, there would be 10 minutes allocated to the Senator from West Virginia and to this Senator, and then there would be consecutive votes on or in relation to two amendments, one which is being offered by the Senator from South Dakota, Mr. THUNE, the other by the Senator from Louisiana, Mr. VITTER, as modified, without intervening action or debate, and that following those votes, the bill be read a third time and the Senate proceed to a vote on passage of the bill without intervening action or debate. So the order provides for no debate today but just votes on the final two amendments that have been held for votes now.

There have been several other amendments which have been cleared, but I am going to ask unanimous consent that each Senator who has an amendment that has not been considered—Senator THUNE and Senator VITTER—be given 2 minutes each to describe their amendments and that the managers of the bill likewise be given 2 minutes each on each amendment, if comments are needed, by the managers of the bill.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, if I understand the chairman's request, it is to get 4 minutes of additional time on their side. I ask unanimous consent, then, for an additional 4 minutes on our side for comment only.

Mr. COCHRAN. I have no objection to that.

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

Mr. COCHRAN. I thank the Senator for her comments. Let me also point out how helpful Senator MURRAY has been in the handling of this legislation. She has served at the request of the Senator from West Virginia as the floor manager during much of the consideration of this bill and has done a truly outstanding job in helping to explain the provisions of the bill, as reported by the committee, and debating amendments and helping guide this measure to the point of passage where it is right now.

Before yielding the floor to those who have amendments, let me use the remainder of my 10 minutes by presenting to the Senate some amendments that have been cleared on both sides of the aisle.

AMENDMENT NO. 3753

I ask unanimous consent that it be in order to call up and consider amendment No. 3753 on behalf of Ms. LANDRIEU regarding hurricane disaster-related housing assistance.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Ms. LANDRIEU, proposes amendment numbered 3753.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide project-based housing assistance to repair housing damaged as a result of Hurricane Katrina and other hurricanes of the 2005 hurricane season)

On page 198, line 18, strike ''Provided further, That'' and all that follows through ''assistance:'' on page 199, line 1, and insert the following: ''Provided further, That no less than $100,000,000 shall be made available as project-based assistance used to support the reconstruction, rebuilding, and repair of assisted housing that suffered the consequences of Hurricane Katrina and other hurricanes of the 2005 season or new structures supported under the low income tax credit program: Provided further, That previously assisted HUD project-based housing and residents of such housing shall be accorded a preference in the use of such project-based assistance, except that such funds shall be made available for 4,500 project-based vouchers for supportive housing units for persons with disabilities, as that term is defined in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)), elderly families, or previously homeless individuals and families: Provided further, That the limitation contained in section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) shall not apply to such funds:''

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3753.

The amendment (No. 3753) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3677

Mr. COCHRAN. I ask unanimous consent that it be in order to call up and consider amendment No. 3677 on behalf of Mr. VOINOVICH regarding Rickenbacker Airport in Ohio.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. VOINOVICH, proposes an amendment numbered 3677.

Mr. COCHRAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make a technical correction to a project for Rickenbacker Airport, Columbus, Ohio)

On page 253, between lines 19 and 20, insert the following:

RICKENBACKER AIRPORT, COLUMBUS, OHIO

SEC. _____. The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking ''Grading, paving'' and all that follows through ''Airport'' and inserting ''Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, OH''.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3677) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3819

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3819 on behalf of Mr. VITTER regarding fishery finance program loans.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. VITTER, proposes amendment numbered 3819.

Mr. COCHRAN. Mr. 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:

On page 140, strike from line 8 ''$10,000,000'' through line 15 ''years:'', and insert in its place on page 140, line 8, after ''appropriated'' the following: ''$30 million shall be provided for the fishery finance program loans under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) to satisfy loan obligations for loans used to make expenditures, guarantee or finance to repair, replace or restore fisheries infrastructure, vessels, facilities, or fish processing facilities home-ported or located within the declared fisheries disaster area.''

AMENDMENT NO. 3819, AS MODIFIED

Mr. COCHRAN. Mr. President, a modification has been sent to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 3819), as modified, is as follows:

(Purpose: To provide hurricane assistance to certain holders of fishery finance program loans)

On page 140, strike from line 8 ''$10,000,000'' through line 16 ''50,000,000'', and insert in its place on page 140, line 8, after ''appropriated'' the following: ''$66 million shall be provided for the fishery finance program loans under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) to satisfy loan obligations for loans used to make expenditures, guarantee or finance to repair, replace or restore fisheries infrastructure, vessels, facilities, or fish processing facilities home-ported or located within the declared fisheries disaster area: *Provided further*, That of the total amount appropriated, $14,000,000''.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 3819), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3860

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider an amendment on behalf of Mr. BYRD regarding the availability of previously appropriated funds to the Health Resources and Services Administration. The amendment has been sent to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BYRD, proposes amendment numbered 3860.

Mr. COCHRAN. Mr. 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 extend the availability of certain funds appropriated in Public Law 106–554)

At the appropriate place, insert the following: *Provided further*, that unexpended balances for Health Resources and Services Administration grant number 7C6HF03601–01–00, appropriated in P.L. 106–554, shall remain available until expended.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, this is a technical amendment. It costs no additional funds. It simply fixes a mistake in a grant notice. The fiscal year 2001 Labor-HHS bill included funding for West Virginia University for construction of the neurosciences building. The HHS grant documents sent to the university mistakenly stated that the funds would be available until September 30, 2009, and that was incorrect. The money is expiring on September 30, 2006. This amendment would make the funds available consistent with the grant documents.

Mr. COCHRAN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3860) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3592

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3592 on behalf of Mr. REED regarding Fox Point Hurricane Barrier, RI.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. REED, proposes amendment numbered 3592.

Mr. COCHRAN. 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 provide emergency funding to upgrade the Fox Point hurricane barrier in Providence, Rhode Island)

On page 162, between lines 12 and 13, insert the following:

FOX POINT HURRICANE BARRIER

For an additional amount for the Secretary of the Army, acting through the Chief of Engineers, for use in upgrading the electro-mechanical control system of the Fox Point hurricane barrier in Providence, Rhode Island, $1,055,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. REED. Mr. President, two important lessons we learned from Hurricane Katrina are that our Nation's infrastructure to protect Americans from flooding and hurricanes is inadequate and upfront investment in this infrastructure can save lives and is a sound investment of taxpayers' money in order to prevent costly reconstruction.

The Fox Point Hurricane Barrier in Providence, RI protects the city and adjoining communities from the catastrophic effects of hurricane storm surge in Narragansett Bay and torrential rains with the Providence River basin. Built in the 1960s, as a joint

flood control project by the city and the Army Corps of Engineers, the barrier employs three 35-foot high gates, an electrically driven pumping station, and dikes to protect tens of thousands of people and approximately $5 billion worth of property. The hurricane barrier is a one-half mile long structure that extends from Allens Avenue to India Point Park. It was the first structure of its type in the United States to be approved for construction.

The Hurricane of 1938 and Hurricane Carol in 1954 devastated communities in Rhode Island. The Hurricane of 1938 generated a storm surge of 16 feet that traveled up Narragansett Bay and flooded downtown Providence under 10 feet of water. Two hundred and seven Rhode Islanders were killed, and damage totaled $125 million—more than $1 billion in today's dollars. Hurricane Carol in 1954 flooded Providence, leaving the city under 8 feet of water and destroying 4,000 houses.

The Corps and city built the Fox Point Hurricane Barrier to keep a storm surge from flowing into downtown Providence. Since its construction, sea levels have risen 9 to 10 inches. In addition, Rhode Island has lost wetlands and tidal flats that could help mitigate a storm surge. According to Jon Boothroyd, a geologist at the University of Rhode Island, the filled land will force water into a narrower area, causing a higher storm surge. The loss of marshes and fields behind the barrier will further exacerbate the problem as water could also move faster downstream to the barrier. For these reasons, it is imperative that the barrier and pumps work if and when they are needed.

In recent years, the Army Corps of Engineers and the city of Providence have evaluated the barrier and determined that the electromechanical control system for the barrier's pumps must be replaced. The Corps has reported that during several inspections, the pump motors have occasionally failed to start because of faulty relays or other related electrical problems. In a letter dated December 7, 2003, Richard C. Carlson with the New England Director of the Army Corps of Engineers stated that ''During the past several inspections the pump motors have occasionally failed to start because of faulty relays or other electrically related problems. This is symptomatic of the age and condition of the electrical components, most of which are original.'' The electromechanical control system has been in service for 40 years, and due to its age repair parts are nearly impossible to obtain.

We have been lucky as New England has not had a strong hurricane in 50 years, but that could mean that our luck is running out. The city and I are concerned that failure of the system during an actual storm could result in the flooding of Providence's downtown business district and thousands of residences. The Fox Point Hurricane Barrier is a project authorized by the Water Resources Development Act, and the Federal Government should fulfill its obligation to provide a safe, structural sound barrier that operates when necessary. For this reason, I filed an amendment to the supplemental appropriations bill, H.R. 4939, to provide $1,055,000 to complete upgrades to the Fox Point Hurricane Barrier. I am pleased that the Senate accepted my amendment for this funding. Senator CHAFEE and I also sponsored an amendment to the bill to turn over responsibility for the annual operations and maintenance of the hurricane barrier to the Army Corps of Engineers. I am glad that the Senate also decided to accept this amendment. I will work with my colleagues to maintain these amendments as this bill moves through conference.

AMENDMENT NO. 3592, AS MODIFIED

Mr. COCHRAN. Mr. President, a modification has been sent to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 3592), as modified, was agreed to.

On page 253, between lines 19 and 20, insert the following:

SEC. . FOX POINT HURRICANE BARRIER.

The Secretary of the Army, acting through the Chief of Engineers, for use in upgrading the electro-mechanical control system of the Fox Point hurricane barrier in Providence, Rhode Island, $1,055,000, to remain available until expended: from within available funds of ''OPERATIONS AND MAINTENANCE'' under the heading ''CORPS OF ENGINEER: CIVIL'' of Title I of the Energy and Water Development Act, 2006 (Public Law 109–103).

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3592), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3729

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3729 on behalf of Mr. CHAFEE regarding Fox Point Hurricane Barrier, RI.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. CHAFEE, proposes an amendment numbered 3729.

Mr. COCHRAN. 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 direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier, Providence, Rhode Island)

On page 253, between lines 19 and 20, insert the following:

FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND

SEC. 7_____. (a) In this section:

(1) The term ''Barrier'' means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term ''City'' means the city of Providence, Rhode Island.

(3) The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(b) Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c)(1) The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3729) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3761

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3761 on behalf of Mr. BAUCUS regarding transportation contract authority.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BAUCUS, proposes amendment numbered 3761.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 253, between lines 19 and 20, insert the following:

CONTRACT AUTHORITY

SEC. 70____. (a) Section 1940 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) by striking ''$10,000,000'' each place that it appears and inserting ''$12,500,000''; and

(2) by adding at the end the following:

''(c) CONTRACT AUTHORITY.—Except as otherwise provided in this section, funds authorized to be appropriated under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.''.

(b) Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $50,000,000 is rescinded.

Mr. COCHRAN. I ask unanimous consent that Senator BURNS be added as a cosponsor of that amendment.

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

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 3761) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3805

Mr. COCHRAN. Finally, I ask unanimous consent that it be in order to call up and consider amendment No. 3805 on behalf of Mr. BENNETT regarding sign repair and replacement.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BENNETT, proposes an amendment numbered 3805.

Mr. COCHRAN. 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 allow nonconforming signs damaged by an act of God to be repaired or replaced under certain conditions)

At the appropriate place insert the following:

SIGN REPAIR OR REPLACEMENT

SEC. ____. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by State law, a nonconforming sign that is damaged, destroyed, abandoned, or discontinued as a result of an act of God (as defined by State law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign.

AMENDMENT NO. 3805, AS MODIFIED

Mr. COCHRAN. Mr. President, a modification has been sent to the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment (No. 3805), as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SIGN REPAIR OR REPLACEMENT

SEC. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by state law, a nonconforming sign that is or has been damaged, destroyed, abandoned, or discontinued as a result of a hurricane that is determined to be an act of God (as defined by state law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign, and said sign is located within a state found within FEMA Region IV or VI. The provisions of this section shall cease to be in effect thirty-six months following the date of enactment of this Act.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3805), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, that concludes the requests for consideration of amendments by the Chair. There are two remaining amendments to be considered, one by Senator THUNE and one by Senator VITTER. I am happy to yield the floor to them to describe their amendments. I will have a comment about Mr. THUNE's amendment. It is my hope that we can adopt the Vitter amendment on a voice vote. I know of no objection to it. The Thune amendment does have objections and will require a recorded vote. So that is for the information of Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 3728, AS MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 3728, as modified, for consideration.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3728, AS FURTHER MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent that this amendment be further modified to reflect the changes which have been submitted to the desk.

The PRESIDING OFFICER. Is there objection to the modification? The amendment is so further modified.

(The amendment (No. 3728), as further modified, is as follows:

Strike line 22, page 160 through line 23 on page 165 and insert:

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,299,000,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; of the funds appropriated under this heading, $200,000,000 shall be used for section 2401; $530,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $250,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; and $1,584,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and vicinity project and the existing West Bank and vicinity project to improve the performance of the systems: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to those hurricanes and other disasters, $17,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That the Secretary, acting through the Chief of Engineers, is directed to use funds appropriated under this heading for the restoration of funds for hurricane-damaged projects in the State of Pennsylvania: *Provided further*, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, including a designation of the entire amount of the request as an emergency requirement, is transmitted by the President to Congress.

GENERAL PROVISIONS—THIS CHAPTER

FLOOD PROTECTION, LOUISIANA

SEC. 2401.(a) There shall be made available $200,000,000 for the Secretary of the Army (referred to in this section as the ''Secretary'') to provide, at full Federal expense—

(1) removal of the existing pumping stations on the 3 interior drainage canals in Jefferson and Orleans Parishes and realignment of the drainage canals to direct interior flows to the new permanent pump stations to be constructed at Lake Pontchartrain;

(2) repairs, replacements, modifications, and improvements of non-Federal levees and associated protection measures—

(A) in areas of Terrebonne Parish; and

(B) on the east bank of the Mississippi River in Plaquemines Parish, Louisiana; and

(3) for armoring the hurricane and storm damage reduction system in south Louisiana.

(4) A project under this section shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation and maintenance costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(5) Not later than 60 days after the date of enactment of this act the Secretary in consultation with Plaquemines Parish and the state of Louisiana shall submit to Congress a report detailing a modified plan regarding levels of protection for lower Plaquemines Parish, Louisiana, relating to hurricane protection with a focus on—

(A) protecting densely populated areas;

(B) energy infrastructure;

(C) structural and nonstructural coastal barriers and protection;

(D) port facilities; and

(E) the long-term maintenance and protection of the deep draft navigation channel on the Mississippi River, not including the Mississippi River-Gulf Outlet.

(6) Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a contract with the National Academies to provide to the Secretary a report, by not later than 90 days after the date of enactment of this Act, describing, for the period beginning on the date on which the individual system components for hurricane and storm damage reduction was constructed and ending on the date on which the report is prepared, the difference between—

(A) the portion of the vertical depreciation of the system that is attributable to design and construction flaws, taking into consideration the settling of levees and floodwalls or subsidence; and

(B) the portion of that depreciation that is attributable to the application of new storm data that may require a higher level of vertical protection in order to comply with 100-year floodplain certification and standard protect hurricane.

(7)(e) The Secretary of the Army, acting through the Chief of Engineers, shall use $3,500,000 within the funds provided in Sec. 2401(a) to develop a comprehensive plan, at full Federal expense, to, at a minimum, deauthorize deep draft navigation on the Mississippi river Gulf Outlet established by Pubic Law 84—455 (70 Stat. 65, chapter 112) (referred to in this matter as the ''Outlet)'', extending from the Gulf of Mexico to the Gulf Intracoastal Waterway, and address wetland losses attributable to the Outlet, channel bank erosion, hurricane and storm protection, saltwater intrusion, navigation, ecosystem restoration, and related issues: *Provided*, That the plan shall include recommended authorization modifications to the Outlet regarding what, if any, navigation should continue, measures to provide hurricane and storm protection, prevent saltwater intrusion, and re-establish the storm buffering properties and ecological integrity of the wetland damaged by construction and operation of the Outlet, and complement restoration of coastal Louisiana: *Provided further*, That the Secretary shall develop the plan in consultation with the Parish of St. Bernard, Louisiana, the State of Louisiana, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the National Academy of Sciences: *Provided further*, That the Secretary shall seek input, review, and comment from the public and the scientific community for incorporation into the interim plan: *Provided further*, That the Secretary shall ensure that an independent panel of experts established by the National Academy of Sciences reviews and provides written comments for incorporation into the interim plan: *Provided further*, That, not later than 6 months after the date of enactment of this Act, the Secretary shall submit an interim report to Congress comprising the plan, the written comments of the independent panel of experts, and the written explanation of the Secretary for any recommendation of the independent panel of experts not adopted in the plan: *Provided further*, That the Secretary shall refine the plan, if necessary, to be fully consistent, integrated, and included in the final technical report to be issued in December 2007 pursuant to the matter under the heading ''INVESTIGATIONS'' under the heading ''CORPS OF ENGINEERS—CIVIL'' of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103, 119 Stat. 2247; Public Law 109–148, 119 Stat. 2814): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 05 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That, for the projects identified in the report on the Mississippi River Gulf Outlet due by December 2007, required by this section, the Secretary shall submit such reports to the Senate Environment and Public Works Committee and House Transportation and Infrastructure Committee: *Provided further*, That upon adoption of a resolution authorizing the project by each committee, the Secretary shall be authorized to construct such projects.

(8)(f) The amounts provided under this heading ar designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2402. USE OF UNEXPENDED FUNDS.

(a) IN GENERAL.—Nothwithstanding any other provision of law, amounts made available to the State of Oklahoma or agencies or authorities therein (referred to in this section as the ''State'') before the date of enactment of this act for general remediation activities being conducted in the vicinity of the Tar Creek Superfund Site in northeastern Oklahoma and in Ottawa County, Oklahoma that remain unexpended as of the date of enactment of this Act are authorized to be used by the State to assist individuals and entities in removal from areas at risk or potential risk of damage caused by land subsidence as determined by the State.

(b) USE OF UNEXPENDED FUNDS.—the use of unexpended funds in accordance with subsection (a)—

(1) shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(2) may include any general remediation activities described in section (a) determined to be appropriate by the State, including the buyout of 1 or more properties to facilitate a removal described in subsection (a).

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $12,900,000: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $4,800,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Operating Expenses'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $90,570,900, to remain available until September 30, 2007, of which up to $267,000 may be transferred to ''Environmental Compliance and Restoration'' to be used for environmental cleanup and restoration of Coast Guard facilities in the Gulf of Mexico region; and of which up to $470,000 may be transferred to ''Research, Development, Test and Evaluation'' to be used for salvage and repair of research and development equipment and facilities: *Provided,* That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $191,844,000, to remain available until expended: *Provided,* That such amounts shall be available for major repair and reconstruction projects for facilities that were damaged and for damage to vessels currently under construction, for the replacement of damaged equipment, and for the reimbursement of delay, loss of efficiency, disruption, and related costs: *Provided further,* That amounts provided are also for equitable adjustments and provisional payments to contracts for Coast Guard vessels for which funds have been previously appropriated: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for ''Administrative and Regional Operations'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $71,800,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For an additional amount for ''Preparedness, Mitigation, Response, and Recovery'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses under the

Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $10,400,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. VITTER. Mr. President, this amendment has been worked on quite a bit. An agreement has been reached with all relevant Members, particularly the chairs and ranking members of all of the relevant committees. It doesn't increase the cost of the bill. It addresses a number of urgent flood protection needs in Louisiana and, again, represents a very solid compromise which I am proud to sponsor.

With that, I ask that Members agree to the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3728), as further modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I thank the Chair for yielding time on this amendment.

This amendment would provide an additional $20 million for veterans health care, offset by striking $20 million that would be appropriated under this supplemental for the Americorps program. The Americorps program has already received $900 million in appropriations for fiscal year 2006, according to the committee report on this bill.

In 2005, the VA transferred $452 million from its Medical Facilities account to its Medical Services account. I would like to replenish the VA Medical Facilities account a little, if it's possible to do in a fiscally responsible way. This amendment provides the opportunity to do so, by taking money from an ineffective and mismanaged program—the Americorps National Civilian Community Service Corps program—and providing it for veterans health care.

Mr. President, my amendment would make some resources available to carry out the Secretary's Capital Asset Realignment for Enhancement Services, or CARES, decision, which mandated that 156 priority community-based clinics be established by 2012.

As I said, talking about AmeriCorps, Senator MIKULSKI has described the overall AmeriCorps Program as ''like Enron's nonprofit.''

What has been said by GAO—they described it as they have been living on the edge, with tracking based on projections instead of real accounts.

My amendment simply helps us understand that the budget process is about making choices, about setting priorities, and that providing assistance for this program under the VA health care and using as an offset to pay for it this AmeriCorps Program, which has already been funded at $900 million this year, and, as I have described, has been described by many, including those on the other side of the aisle, as a program that has serious management problems, serious financial accounting and tracking problems.

So I urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, the Thune amendment will reduce the funding for the National Civilian Community Corps by $20 million. These funds are needed to pay the expenses of training and subsistence for those who have volunteered to provide emergency assistance in the gulf coast region, to help disaster victims recover from the destruction caused by Hurricanes Rita and Katrina.

There have been over 1,600 National Civilian Community Corps members in my State of Mississippi since August 30, the day after Hurricane Katrina struck our coast. They continue to provide essential assistance. The State of Mississippi put our State office of the National Civilian Community Corps in charge of the emergency 24-hour call center, as well as supply distribution centers. To date, the National Civilian Community Corps has assisted 1,140,000 people; cleaned out 1,500 homes; contributed nearly 2,000 tons of food and 2,790 tons of clothing; served 1 million meals; refurbished 732 homes; supported 654 emergency response centers; and completed 1,730 damage assessments.

The volunteers of the National Civilian Community Corps receive about $4,000 for college expenses. They are modestly housed, fed, and provided with health care and uniforms. They remain available at a moment's notice for deployment to any emergency in the country. The Federal Emergency Management Agency, the Red Cross, and others depend upon this group of professionally trained volunteers for assistance and support.

The thousands of volunteers who are helping care for children and helping the gulf coast recover and rebuild are the backbone of the progress being made in the hurricane-damaged region of our country. They give hope to our families, and I urge the Senate to reject the Thune amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, as we gather this morning, our troops in Iraq and Afghanistan need our support, families on the gulf coast need help rebuilding their lives, and communities all across this country need help moving forward. And now it is down to us. Will we provide that support? Will we provide that critical help? Or will we leave our troops unfunded, our gulf coast in ruins, and our communities stalled? This is the bill that determines whether we move forward as a country or whether we make it harder for our troops, for hurricane victims, and for American families to make progress. That is the choice before us.

I am on the floor this morning—as I have been all week—saying we need to move our country forward by passing this emergency supplemental bill. I do want to address some of the concerns that have been raised about this bill.

For years, this White House has been playing games to hide the cost of war. We know we have tremendous expenses in Iraq and Afghanistan. Everyone knows that. But when it's time to write the budget—suddenly this White House develops amnesia. It somehow ''forgets'' to include the cost of war in the regular budget process. On the day the administration sends us its budget—the ongoing cost of war is somehow unknowable. But a few weeks later—when it sends up an emergency supplemental—suddenly we have got this huge document that lists the costs of war. It is a fiction, a sham, a game. And for too long—this Congress has been going along with it. We don't include the war in the budget. We don't fund the war through the Defense Appropriations bill, we just expect to pay for it through emergency supplementals, and that is not honest. Moreover, it means that real emergencies—unanticipated natural disasters and our own homeland security needs—are pushed aside and rendered ''less important'' than ongoing war costs.

All year I have been on the floor saying that if we are not realistic with our budgets, we are going to have to make up the difference in emergency spending—and that is where we find ourselves today.

Mr. President, I want to walk through how the size of the supplemental has changed to remind my colleagues that it didn't just grow mysteriously. Members of both parties added critical priorities to the supplemental, and members have stood up for those critical investments.

When the Senate Appropriations Committee gathered in early April to mark up this bill, several amendments were adopted that added to the cost of the bill. They included bipartisan amendments to address the agricultural disasters that we have witnessed across the country. That amendment was championed by Senator DORGAN and Senator BURNS.

Senator HARKIN added an amendment to make sure that there will be adequate funds to finance the administration's preparations to deal with a pandemic flu outbreak.

With the support of Senator BOND, I added an amendment to address the backlog of claims for highway emergency relief that still haven't been paid for recent declared disasters across the country; including: Hurricane Ivan, Hurricane Dennis, the San Simeon Earthquake, Hurricane Ophelia, Tropical Storm Gaston, and the tragic

floods in Hawaii that we debated yesterday evening.

The gulf coast Senators on the committee, including Senators HUTCHISON, SHELBY, LANDRIEU, and, of course, Chairman COCHRAN, also presented amendments to better address the needs of the gulf coast region in its efforts to recover from Hurricane Katrina and the other gulf coast hurricanes.

These amendments were all offered to address the real needs of our communities here at home.

The Appropriations Committee reported this bill to the Senate Floor by a vote of 27 to 1. When we brought the bill to the floor, we received a statement of administration policy from the Bush white house. That statement said that the President would veto any bill that exceeded the level of $94.5 billion. Soon after, the Senate was given an opportunity to vote on the President's position.

My friend, Senator THOMAS of Wyoming, offered an amendment to delete all of the provisions that were not in the administration's original request—thus bringing the size of the bill down to the level acceptable to the President. That amendment failed overwhelmingly, by a veto-proof margin of 72 to 26.

Just hours later, my friend from Nevada, Senator ENSIGN, made a motion to recommit the bill back to the Appropriations Committee with instructions that it be cut back to the level President Bush said he would support. That amendment also failed by a veto-proof margin of 68 to 28.

Why did those amendments fail, even in the face of the President's veto threat? Because Senators from across the country on both sides of the aisle recognized that the investments that this bill makes here in America are needed.

Indeed, in the face of those embarrassing votes, the Senate Republican leaders frantically scurried around to get enough signatures on a letter to the President saying they would uphold the President's veto. They were desperate to get that letter out to the media because it was clear from the votes on the Senate floor that the Members of the Senate—Republican and Democrat alike—were not prepared to ignore our needs here at home, even if President Bush is prepared to do so.

That is how this supplemental developed—one amendment at a time—Senators from both parties voted to address critical needs. Senators have stood by those investments, and now it is time to pass this bill.

Mr. President, we have critical needs in our war effort and here at home that we must address. Those needs have not been addressed through the regular budget, so we must address them through this bill. Let's pass this supplemental and make sure our troops and our communities have the support they need. And as we move forward—let's get real about the budget process—let's get real about the cost of war—or we are going to find ourselves back here time and again passing emergency spending.

We have heard a lot about the size of the bill, and I want to address that. This supplemental is big because the budgets we have passed over the years have been unrealistically small.

Let me say that again: This bill is big because the budgets we have passed have been unrealistically small. Time and again, the White House has proposed budgets that do not come close to meeting our domestic needs—and that completely ignore the costs of war. Those budgets have been works of fiction. And if we are not going to be realistic in the regular budget process—if we are not going to include the cost of war in the regular budget, we are going to have to face reality during this supplemental.

That is where we find ourselves today. So any Member who is troubled by the size of this bill should tell the White House it is time to get real and send us budgets that include the cost of war and that address our domestic needs—or we are going to find ourselves dealing with emergency spending time and time again.

But we can't miss the big picture—either we pass this bill and help our troops an our country, or we make it harder for America to move forward. Let's have the wisdom to make the right choice.

Before I go any further, I want to acknowledge the tremendous leadership that Senator BYRD has provided throughput this process. He knows this body better than anyone. And, more importantly, he brings with him a deep commitment to doing the right things not only for the Senate, but for the country, and for the families we all represent.

I also want to thank Chairman COCHRAN for his leadership and hard work on this bill. He has shown extraordinary patience throughout this debate, and I appreciate how he has worked with all of us to keep this bill on track.

Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the Thune amendment No. 3704.

Mr. COCHRAN. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3824

Mr. OBAMA. Mr. President, thank you very much for recognizing me. I ask unanimous consent to call up amendment No. 3824.

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

Will the Senator restate the number.

Mr. OBAMA. Amendment No. 3824.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for Mr. VOINOVICH, for himself and Mr. OBAMA, proposes an amendment numbered 3824.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. CHICAGO SANITARY AND SHIP CANAL DEMONSTRATION BARRIER, ILLINOIS.

(a) IN GENERAL.—Of the unobligated balances available for ''OPERATION AND MAINTENANCE'' under the heading ''CORPS OF ENGINEERS–CIVIL'' of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2250), $400,000 shall be made available for fiscal year 2006 for the maintenance of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking '', to carry out this paragraph, $750,000'' and inserting ''such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph''.

The PRESIDING OFFICER. Is there further debate on the amendment?

AMENDMENT NO. 3824, AS MODIFIED

Mr. OBAMA. Mr. President, I ask that the amendment be modified.

The PRESIDING OFFICER. Is there objection to the modification? If not, the amendment is so modified.

The amendment (No. 3824), as modified, reads as follows:

At the appropriate place insert the following:

SEC. _____. CHICAGO SANITARY AND SHIP CANAL DEMONSTRATION BARRIER, ILLINOIS.

(a) IN GENERAL.—Of the unobligated balances available for ''OPERATION AND MAINTENANCE'' under the heading ''CORPS OF ENGINEERS–CIVIL'' of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2250), $400,000 shall be made available for fiscal year 2006 for the maintenance of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3824, as modified.

The amendment (No. 3824), as modified, was agreed to.

Mr. OBAMA. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3732

Mr. GRASSLEY. Mr. President, I ask unanimous consent to call up amendment No. 3732.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, we have no objections on this side.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. BAUCUS, proposes an amendment numbered 3732.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To transfer funds from the Disaster Relief fund to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season)

On page 186, after line 22, add the following:

SEC. 2704. Of the funds made available under the heading ''Disaster Relief'' under the heading ''Federal Emergency Management Agency'' in chapter 5 of this title, $38,000,000 is hereby transferred to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. GRASSLEY. Mr. President, the supplemental appropriations bill includes $27 billion for disaster-related expenses. But, no money, other than a nominal amount for the Inspector General, was provided for the Social Security Administration. This amendment would correct this omission.

This amendment would provide $38 million to the Social Security Administration, SSA, to reimburse costs incurred as a result of Hurricane Katrina and other hurricanes of the 2005 season.

The Social Security Administration performed a remarkable job in response to these recent disasters.

They assisted more than 528,000 persons in FEMA Disaster Recovery Centers and shelters and helped many others who came to SSA field offices. Altogether these activities cost the agency $38 million: $6 million to acquire and outfit temporary space and renovate offices damaged by the storm, including costs for computers, furniture and supplies; $12 million for processing immediate payments, changing addresses, confirming Social Security numbers, and taking new claims that resulted from the hurricanes; $7 million to pay for the travel and per diem expenses for employees; $12 million for costs related to unprocessed workloads—claims, hearings, etc.—due to the storms' disruptions; $1 million for salaries of those SSA workers who volunteered to work for FEMA in the affected areas.

SSA cannot easily absorb this $38 million because its budget is already $300 million below the President's request for fiscal year 2006. SSA is already experiencing reductions and delays in service. This $38 million would allow an increase in overtime hours to begin to address these backlogs.

Finally, the cost of this amendment is offset by a $38 million reduction in the FEMA disaster relief fund. This reduction in FEMA would come from the $2.4 billion that is designated for ''other needs.'' This designation refers to money that has been made available for unspecified, potential future activities. It would not affect any specific project or activity in this bill.

I urge my colleagues to support this amendment.

Mr. BAUCUS. Mr. President, I rise to speak in favor of the bipartisan amendment that Finance Committee Chairman GRASSLEY has just offered. As ranking Democrat on the Finance Committee, I have worked with Chairman GRASSLEY to develop this amendment. The amendment provides $38 million to the Social Security Administration, SSA—fully paid for—to reimburse the costs SSA incurred as a result of Hurricane Katrina and other hurricanes of the 2005 season.

The supplemental appropriations bill, as reported by the Senate Appropriations Committee, would appropriate $106.5 billion, including $ 67.7 billion for the wars in Iraq and Afghanistan, $4.5 billion for foreign assistance programs, and $27.1 billion for relief needed because of last season's hurricanes. In contrast, no funding for SSA to make up for its costs from Katrina and the other hurricanes is currently provided in the supplemental.

The Social Security Administration performed superbly in the aftermath of these hurricanes. SSA assisted more than 528,000 persons in FEMA Disaster Recovery Centers and shelters and helped many others who came to its field offices. To provide such assistance, SSA urgently invoked emergency procedures and issued approximately 85,000 immediate payments for displaced beneficiaries and those who could not access their bank or other financial accounts. In addition, SSA changed the addresses of displaced beneficiaries, provided individuals who had lost their identification documents with confirmation of their Social Security numbers, and took applications from many people from the affected areas who had become newly eligible for Social Security disability or survivors benefits or benefits from the Supplemental Security Income program. SSA even passed along messages to beneficiaries from worried family members. Finally, some SSA employees drove hours to provide relief to overstretched field offices, sometimes sleeping on air mattresses set up in the offices because there were no other places to stay.

Together, these activities caused SSA to redirect $38 million from funding for its normal tasks and obligations. There were costs to SSA of $6 million to acquire and outfit temporary space and renovate offices damaged by the storm, including costs for computers, furniture and supplies. SSA estimates that there were $12 million in costs for new workloads, including processing immediate payments, changing addresses, confirming Social Security numbers, and taking new claims that resulted from the hurricanes. It cost SSA $7 million to pay for the travel and per diem expenses for employees who came to the affected areas from other regions to help, as well as for employees who were forced to relocate because of damaged or destroyed homes and offices and who continued to work in other offices. Costs related to unprocessed work include $12 million for SSA workloads, such as claims, hearings, that were not processed as a result of the storms' disruptions. Nearly $1 million was spent to pay the salaries of those SSA workers who volunteered to work for FEMA in the affected areas, and thus were not doing their regular SSA work.

Unfortunately for SSA, it had already had its funding cut by a total of $300 million below the President's request for fiscal year 2006. Rather than being able to absorb the $38 million caused by the hurricanes, SSA found its $300 million shortfall being exacerbated by these additional $38 million of costs.

The Social Security Administration could make very good use of an additional $38 million of funding for fiscal year 2006 at this time by increasing overtime hours. This would allow SSA to make up for a small piece of the reductions and delays of service to its normal applicants and beneficiaries.

In the Senate-passed supplemental, many Federal agencies are reimbursed for costs arising from these hurricanes. Surprisingly, that is not the case for the Social Security Administration. This is especially ironic in view of the efforts of the Social Security Administration and its employees to help the gulf coast and its citizens, including some efforts that were above and beyond the call of duty.

This bipartisan amendment will address this funding shortfall for the Social Security Administration by providing it with an additional $38 million for the current fiscal year. The amendment is fully paid for. As reported by the Appropriations Committee, the supplemental appropriations bill provides $10.6 billion to FEMA for disaster relief from Hurricane Katrina and other hurricanes of the 2005 season. Of this amount, according to the committee report, $2.4 billion is provided for ''other needs.'' Although the report provides some examples of such ''other needs,'' there is no list of specific projects and activities whose costs total $2.4 billion. This amendment increases SSA's funding for fiscal year 2006 by $38 million and reduces the $10.6 billion appropriated for the FEMA Disaster Relief account in this bill. The $2.4 billion provided by this bill for ''other needs'' is part of the $10.6 billion appropriated for the FEMA Disaster Relief account in the bill. This amendment will not result in the loss of any specific project or activity provided for by this bill. Nor will it cause

this bill to result in any additional costs to the Federal Government.

This amendment will restore the loss of resources for the Social Security Administration that has resulted from the 2005 season's hurricanes. I believe this is the right thing to do. I urge my colleagues to support this bipartisan amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3732.

The amendment (No. 3732) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3704

Mr. BYRD. Mr. President, I rise today in opposition to the amendment from the Senator from South Dakota. This is not an amendment designed to help our veterans. It is an amendment designed to cut funding for the National Civilian Community Corps, NCCC, that the sponsor of the amendment apparently thought would be more likely to pass if the funds were allocated to veterans health care facilities.

The Senator is proposing to strike from the bill the entire $20 million allocated to support the NCCC effort to help Katrina victims. NCCC members deployed to the gulf within 24 hours of Katrina making landfall and have been there ever since. In total, nearly 1,600 NCCC members have provided 320,000 hours of volunteer service. These young people are 18 to 24 years old. They muck out homes, remove debris, rebuild schools and community centers, coordinate the work of episodic volunteers, help families and senior citizens rebuild their homes and lives, and support other needs.

The $20 million in the supplemental will support 800 NCCC members who will provide more than 1.2 million hours of service in the gulf coast hurricane recovery effort. Among NCCC's gulf coast accomplishments so far: assisted 1,063,000 people, mucked out 1,500 homes, distributed 1,714 tons of food, distributed 2,790 tons of clothing, served 1,000,000 meals, refurbished 732 homes, supported 542 emergency response centers, leveraged 7,715 volunteers, and completed 1,325 damage assessments.

It is important to fund health care for our veterans. That is why I voted for the Akaka amendment to add $430 million to the bill for that purpose. I am pleased that it passed, and I hope the President requests the funds.

Veterans deserve every penny of the $430 million added to this bill, but those who have had their lives turned upside down by Hurricane Katrina also deserve the support of the young men and women of the national Civilian Conservation Corps. We should not rob Peter to pay Paul. Therefore, I will vote against this amendment.

Ms. MIKULSKI. Mr. President, I rise in opposition to Senator THUNE's amendment and to set the record straight on my ongoing and passionate support for AmeriCorps and the National Civilian Community Corps, NCCC. The Senator from South Dakota said that I described the overall AmeriCorps program as, ''It's like Enron's gone nonprofit.'' Senator THUNE was absolutely wrong to say that is the way I describe AmeriCorps. I love AmeriCorps. I love what they do for communities. I love what they do for America.

Senator THUNE took that quote totally out of context. I made that statement back in 2002 when a bureaucratic boondoggle led to the overenrollment of 20,000 volunteers. When that happened, I led the efforts to organize the national service groups and to strengthen AmeriCorps. Along with Senator BOND, I introduced and passed the ''Strengthen AmeriCorps Program Act of 2003'' which established new accounting procedures for AmeriCorps. I urged the President to appoint a new CEO for the Corporation of National Service—a CEO with the management skills necessary to restore confidence in the Corporation's abilities to make a real difference to our volunteers—and in our communities. I also asked for a reinvigorated Board of Directors that would take greater oversight and responsibility and I have consistently called for increased funding so that AmeriCorps could support 75,000 volunteers each year.

AmeriCorps is stronger than ever. Since its creation, over 300,000 volunteers have served in communities and earned education awards to go to college or to pay off student debt. To date, 7,500 Maryland residents have earned education awards. The NCCC program, which has a campus in Perry Point, MD, is a full-time residential program for 18 to 24 year olds designed to strengthen communities and develop leaders through team-based service projects. Each year, approximately 1,100 participants reside in its five campuses nationwide. The Perry Point campus houses 200 AmeriCorps members every year, and since 1994 its residents have logged more than 350,000 service hours. Most recently, NCCC members have provided more than 250,000 service hours valued at $3.8 million to projects in the Gulf Coast region, which reflects their critical service during every American natural disaster since the program started.

The funds that Senator THUNE wants to cut are specifically dedicated to support volunteer recovery activities in the gulf and would pay for 800 NCCC members who will provide more than 1.2 million hours of service in the gulf coast hurricane recovery effort. These teams will rebuild schools and community centers, remove debris, and help senior citizens rebuild their homes and lives. This funding demonstrates the Senate's commitment to keeping this valuable program alive, despite President Bush's efforts to cut the Federal funds it needs to survive.

I fought to create AmeriCorps, I fought to strengthen AmeriCorps, and I will fight to save AmeriCorps. Today's Federal investment, like these fine volunteers, are needed now more than ever. I strongly encourage my Senate colleagues to make sure this money is included as a part of this emergency spending package, and I urge them to oppose Senator THUNE's amendment which would divert these critical funds away from NCCC.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3704. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. HATCH).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—39

Allard	Enzi	Nelson (FL)
Allen	Frist	Pryor
Brownback	Gregg	Roberts
Burns	Hagel	Sessions
Burr	Hutchison	Snowe
Chambliss	Inhofe	Stabenow
Coburn	Isakson	Sununu
Collins	Johnson	Talent
Cornyn	Kyl	Thomas
DeMint	Lott	Thune
DeWine	Lugar	Vitter
Dole	Martinez	Voinovich
Ensign	McConnell	Warner

NAYS—59

Akaka	Dayton	Lincoln
Alexander	Dodd	McCain
Baucus	Domenici	Menendez
Bayh	Dorgan	Mikulski
Bennett	Durbin	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Reed
Bunning	Harkin	Reid
Byrd	Inouye	Salazar
Cantwell	Jeffords	Santorum
Carper	Kennedy	Sarbanes
Chafee	Kerry	Schumer
Clinton	Kohl	Shelby
Cochran	Landrieu	Smith
Coleman	Lautenberg	Specter
Conrad	Leahy	Stevens
Craig	Levin	Wyden
Crapo	Lieberman	

NOT VOTING—2

Hatch	Rockefeller

The amendment (No. 3704) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

Ms. LANDRIEU. Mr. President, I know we are getting ready to go to final passage, but I ask unanimous consent to go to amendment No. 3851, as modified.

The PRESIDING OFFICER. The Senate is not in order.

AMENDMENT NO. 3851, AS MODIFIED

Ms. LANDRIEU. Mr. President, I know we are getting ready to go to final passage. I know it is unanimous consent. But I am asking unanimous consent to bring up amendment No. 3851, which has been cleared on both sides by four committees. It has to do with a definition.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Reserving the right to object, I will not object if the Senator from Louisiana will add to that unanimous consent request that this will be the last amendment considered?

Ms. LANDRIEU. I will be happy to.

The PRESIDING OFFICER. Senators should be informed that this is a second-degree amendment.

Mrs. MURRAY. Mr. President, reserving the right to object, is the amendment that has been sent to the desk the modified amendment?

The PRESIDING OFFICER. Is the amendment modified to be a first-degree amendment?

Mr. ENZI. Mr. President, this is under the jurisdiction of the Education Committee. We have taken a look at it. FEMA just has a different definition that needs to be changed from what other schools have. It clears up some language. It is not any problem.

Mr. REID. Mr. President, we cannot hear what is going on.

The PRESIDING OFFICER. The Senate will be in order.

Is there objection to the amendment as modified? Without objection, it is so ordered.

The amendment (No. 3851), as modified, is as follows:

AMENDMENT NO. 3851, AS MODIFIED

(Purpose: To provide a complete substitute)

On page 165, line 23 after ''fiscal year 2006'' insert the following:

Provided further, That any charter school, as that term is defined in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 722(i)), regardless of whether the facility of such charter school is privately or publicly owned, shall be considered for reimbursement for damages incurred to public schools due to the effects of Hurricane Katrina or Hurricane Rita.

Provided further, That if the facility that houses the charter school is privately owned, then such facility shall reimburse FEMA for any improvements or repairs made to the facility that would not otherwise have been reimbursed by FEMA but for the existence of the charter school, if such charter school vacates such facility before the end of 5 years following completion of construction and approved inspection by a government entity, unless it is replaced by another charter school during that 5-year period.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3851), as modified, was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

SALMON SPAWNING

Mr. SMITH. Mr. President, last week I proposed an amendment to the supplemental appropriations bill that would provide relief to individuals facing an unfolding economic crisis along the Oregon and California coast.

For the third consecutive year, the number of naturally spawning Klamath River Chinook salmon is expected to fall below the conservation floor called for in the fishery management plan. As a result, the Pacific Fishery Management Council undertook a careful review of the stock status as well as the economic needs of local communities.

After conducting its review, the Council voted to recommend to the Secretary of Commerce the use of an emergency rule to allow for a severely restricted salmon season along 700 miles of the Oregon and California coast.

Last week, Secretary Gutierrez approved the council's recommendation for an emergency rule. While this limited season is helpful, it will not be enough to sustain Oregon's rural, fishery-dependent economies. It is estimated that the impact to Oregon and California coastal communities could exceed $100 million. Many of the communities affected by these fishery restrictions are still recovering from the devastation caused by the collapse of the timber economy in 1990s.

The funding provided in my amendment would help fishermen and supporting businesses in Oregon weather what will certainly be a very trying year. However, because this crisis is the result of a regulatory action rather than a natural disaster, I have been told that my amendment is not germane to the bill that is before us now. This parliamentary hair-splitting is lost on my constituents.

I would like to engage the Chairman of the Appropriations Committee in a brief colloquy. I realize that we are facing tight budgetary times and numerous disasters, many of which receive assistance under the current bill. Will you agree to work with me to secure funding or reprogram funds to address the pending crisis on the Oregon coast?

Mr. COCHRAN. The Senator is certainly right that these are very difficult budgetary times. Funds for nondefense discretionary programs are particularly constrained, while the demand for those funds has not slackened one bit. Having said that, I appreciate the Senator acquainting me with the challenges facing fishing communities on the Oregon coast, and I will work with him and the subcommittee Chairman SHELBY and try to identify an appropriate federal response for affected communities.

Mr. SMITH. I thank the Chairman. I yield the floor.

AVIAN FLU

Mr. LIEBERMAN. Mr. President, I thank my distinguished colleagues from North Carolina and Kansas, Senators BURR and BROWNBACK, for their commitment to avian flu preparedness and to putting in place an effective system for the surveillance of wild birds, which is instrumental to our capacity to prepare for the outbreak of an avian flu pandemic. I am happy to support the amendment of my distinguished colleague from North Carolina.

Mr. BURR. Mr. President, my amendment builds upon work Senator LIEBERMAN and Senator BROWNBACK undertook last year in the fiscal year 2006 Defense appropriations bill, which also included the first avian flu supplemental. It enhances our domestic capacity to undertake wild bird surveillance coming into and across the United States by utilizing the expertise of the Smithsonian Institute to support our Federal agencies.

Mr. BROWNBACK. Mr. President, indeed, there is growing concern that wild birds can carry the avian flu virus, which has now spread from Southeast Asia to China, Europe, Africa, and to the Middle East. Wild birds are one of the key vectors for spreading the virus to domestic animal populations or carry it to wild bird markets, where the virus is further propagated. At this time, the virus does not spread easily from birds to humans and there are limited reports of human to human transfer. Importantly, the virus has not yet entered the United States to our knowledge. We must understand how this virus moves to prepare communities in its path.

At the same time we work to develop a vaccine and procure antivirals, we can also track the movement of the virus in wild birds. GAINS can track wild birds in the same way the National Hurricane Center tracks hurricanes. By analyzing, storing, and reporting using a real time computerized data mapping system and interface, we can see the viral strains wild birds carry, where they are carrying the virus along migratory routes, and how the virus is genetically evolving. This will make it possible for us to develop vaccines more quickly using the most recent strain available and will help us warn vulnerable populations in wild bird flight paths should the avian flu strain turn deadly.

Mr. BURR. I agree that avian flu surveillance is critical to our ability to protect public health. Mr. President, I ask Senator LIEBERMAN, is the global program he supported in the fiscal year 2006 appropriations process for international surveillance currently up and running? The Smithsonian Institute and the domestic surveillance program they are working on and his international surveillance program will be important partners. We urge all parties to begin their activities immediately.

Mr. LIEBERMAN. It is. USAID and CDC have partnered with the Wildlife Conservation Society to establish the Wild Bird Global Avian Influenza Network for Surveillance or GAINS. GAINS is a smart and targeted investment in the U.S. Government's fight against avian flu. CDC and USAID are investing $6 million from fiscal year

2006 avian flu supplemental appropriations to establish GAINS. GAINS comprises 5 million conservation, wild bird, poultry, health, and vaccine experts and builds upon the robust international network of the Wildlife Conservation Society, or WCS, which through partnerships has presence in virtually every key country related to Avian Influenza—56 in all. The Wildlife Conservation Society, founded in 1895 and headquartered at the Bronx Zoo has a long history in the wild bird surveillance field around the world. They were the organization that first diagnosed West Nile virus when it arrived on U.S. shores, and the human avian flu vaccine we are currently working on is partially derived from wild migratory bird samples, WCS wild bird samples collected in Mongolia.

Of course, the GAINS relates to robust sampling of wild birds—alive and dead—in the wild and in captivity, and even in markets, but most importantly GAINS will display the results of sampling on a user-friendly real time computerized data mapping system so that wherever you are in the world, public officials will be able to warn populations at risk and scientists will have a powerful tool to fight this virus.

I am confident that the Smithsonian's domestic efforts will be fully compatible with GAINS.

Mr. BURR. The Smithsonian has agreed to provide the samples and the data it collects to United States agency partners without delay. In turn, we will count on the DOI, USDA, HHS, and any other agencies to negotiate the full coordination and integration of the Smithsonian domestic component, the GAINS network, and any other ongoing effort into a public database. This way we know samples will be stored and shared between governmental and nongovernmental organizations and that data will work with additional efforts in the future.

Mr. BROWNBACK. I am glad we agree that we should all work together. We cannot have efforts that are not collaborative and coordinated domestically and internationally. We will build on the GAINS infrastructure by boosting our domestic capacity through the Smithsonian Institute and ensuring all partners work together and share data in a compatible manner using the GAINS system.

Mr. BURR. I understand that Senator Lieberman has an amendment related to GAINS.

Mr. LIEBERMAN. Yes I do. The current GAINS program is underfunded by $4,000,000 in year one and year two will require an additional $10,000,000 to be fully functional. Our amendment specifies GAINS as a particular program for CDC to fund in its domestic and global surveillance efforts, which in general is receiving robust funding thanks to your foresight and that of your health subcommittee. Such an effort as we have discussed must include animal surveillance because of its relation to human health.

Mr. BURR. An international avian flu surveillance component is an important investment and I hope HHS and CDC recognize the need to enhance our surveillance capabilities. I encourage the Appropriations Committee and Chairman COCHRAN to give it full consideration.

Mr. LIEBERMAN. Senator BROWNBACK and I thank the Senator from North Carolina for this. I personally thank you Senator BURR for working with us on this important issue, which I always say is the big bird in the room that few people are looking at. It always feels better to wrap our arms around problems on a bipartisan basis. The leadership of the Senator from North Carolina on this issue and in general is noticed and laudable.

Mr. BURR. Mr. President, I thank my colleagues.

Mr. BROWNBACK. I thank my colleagues.

Mr. LIEBERMAN. I thank my colleagues for their commitment to these activities.

CUSTOMS AND BORDER PROTECTION

Mr. LEVIN. I would like to enter into a colloquy with my friend from New Hampshire, Senator GREGG, and my friend from North Dakota, Senator CONRAD, regarding funds that have been included in this bill for customs and border protection, CBP, air and marine interdiction, operations, maintenance, and procurement.

The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security, DHS, in 2004 to provide air and marine interdiction and enforcement capabilities along the Northern Border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, none of the other three sites have yet been stood up, leaving large portions of our Northern Border unpatrolled from the air. In the conference report accompanying the fiscal year 2006 DHS appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible.

Given that the threat from terrorists, drug traffickers, and others who seek to enter our country illegally has not diminished, I believe an adequate portion of the funds included in this bill for air and marine interdiction, operations, maintenance, and procurement should be used by customs and border protection to complete the remaining assessments, evaluations, and other activities necessary to prepare and equip the Michigan, North Dakota, and Montana NBAW sites with appropriate CBP air and marine assets.

This bill requires that DHS submit an expenditure plan to the appropriations committee before any of the funds may be obligated. I urge DHS to include in their plan the funds necessary to stand up, equip, and begin operations at the three remaining northern border air wing sites in Michigan, North Dakota, and Montana.

Mr. CONRAD. I agree with my friend from Michigan. The fiscal year 2006 DHS appropriations bill included a small amount of funds to begin initial preparations for a NBAW site in my home state of North Dakota, but more funds are needed for the site to become operational. Secretary Chertoff has told us that the establishment of the three additional northern border air wings will be complete in fiscal year 2007.

A small portion of the air and marine interdiction funds in this bill would go a long way toward meeting this deadline and the goal of securing our long and currently porous northern border. I join Senator LEVIN in encouraging the DHS to include funds sufficient to stand up and equip the North Dakota, Michigan, and Montana sites.

Mr. GREGG. My friends from Michigan and North Dakota raise important points. I agree the establishment and equipping of the three remaining northern border air wings is a priority. The northern border has long been neglected compared to the southern border. As my colleagues are aware, funds were appropriated in the fiscal year 2006 Department of Homeland Security Appropriations Act to initiate funding of the third northern border air wing in North Dakota. I am committed to seeing that the establishment of the remaining northern border air wings is accomplished as expeditiously as possible.

EMERALD ASH BORER

Mr. LEVIN. Mr. President, I ask if the chairman of the Appropriations Subcommittee on Agriculture is aware of my amendment regarding the urgent need for additional funding for combating the Emerald Ash Borer, and if he is open to accepting the amendment by unanimous consent.

Mr. BENNETT. I would say to the Senator from Michigan that I am aware of his amendment, but unfortunately cannot support any amendment to the agriculture title of the supplemental appropriations bill which does not have an adequate offset. It is my understanding the amendment Senator LEVIN has introduced with Senators STABENOW, DEWINE, VOINOVICH and DURBIN does not contain any offset for the $15 million requested.

Mr. LEVIN. The Senator from Utah is correct in that I was not able to offset the costs of the amendment as the funding in that title is very tight. I would ask my friend though if he is aware that there is a need in my State alone of over $30 million to combat and contain this invasive species that has destroyed virtually all of Southeast Michigan's ash stock?

Mr. BENNETT. I have been advised of the urgent need for funds in the Midwest.

Mr. LEVIN. During consideration of the fiscal year 2006 Agriculture Appropriations Act, Senators STABENOW,

DEWINE and I had a similar amendment seeking additional funds for the Animal and Plant Health Inspection Service at the USDA. We decided not to offer the amendment as we received assurances that the chairman and ranking member of the subcommittee would push for the House approved level of funding of $14 million. Unfortunately the final bill contained only $10 million to deal with the Emerald Ash Borer epidemic.

Mr. BENNETT. I say to my friend that we did indeed work with our House counterparts in crafting the final 2006 appropriation, but unfortunately were only able to allocate $10 million in the end.

Mr. LEVIN. I thank the Senator from Utah for all of his help over the years in seeking funding for this problem. I hope that he and the ranking member would be mindful of the urgent need of Ohio, Indiana and Michigan for funding for Emerald Ash Borer eradication efforts when crafting the fiscal year 2007 Agriculture Appropriations Act over the coming months.

Mr. BENNETT. I tell my friend from Michigan that I will do all I can, in consultation with Members from the affected states and the Department of Agriculture, to craft an appropriations bill which contains adequate funding to combat the Emerald Ash Borer.

Mr. LEVIN. I thank the chairman and know that my colleagues appreciate his support as well.

Ms. STABENOW. I thank my colleague, Senator BENNETT, for his continued work to help Michigan, Ohio, and Indiana battle this invasive pest that has devastated our states. Senator BENNETT worked closely with us last year during consideration of the Agriculture Appropriations bill, and I appreciate his commitment to working with us during the fiscal year 2007 appropriations bill.

Mr. DEWINE. Mr. President, I would like to associate myself with the comments of my friends from Michigan. Ohio is home to more than 3.8 billion ash trees and the Emerald Ash Borer is causing destruction to trees in northwest Ohio and the Columbus area. I would appreciate your help in the future to prevent the spread of the Emerald Ash Borer to southern Ohio.

Mr. VOINOVICH. Mr. President, I thank my colleagues and the chairman of the Appropriations Subcommittee on Agriculture for providing this colloquy. As my colleagues know, the Emerald Ash Borer poses an enormous threat, and I wish to be associated with their remarks. This is important for this Senator from Ohio because nearly 4 billion ash trees are threatened in my State alone. The Ohio Department of Agriculture and the Ohio Department of Natural Resources call the Emerald Ash Borer the most serious forest health issue facing Ohio's forests today. They remain highly concerned and vigilant, but we must provide them with sufficient resources to eradicate this problem. According to the Ohio Department of Natural Resources, the potential economic impact of EAB to Ohio citizens over the next 10 years could possibly reach $3 billion. Again, I thank my friend from Michigan for his leadership on this issue, as well as the Senator from Utah, Senator BENNETT, for his indulgence in entering into this colloquy.

Mr. COBURN. Mr. President, in the past week, the Senate has voted to reduce the overall cost of H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, now totaling nearly $110 billion by a mere $15 million. I am delighted that President Bush has pledged to veto this bill because Congress has, once again, been unable to resist the temptation to load up a must-pass bill with pork.

I offered several amendments to eliminate nonemergency items in this bill. I appreciate the patience of my colleagues. I am very pleased and encouraged that this body is increasingly willing to depart from our business-as-usual practices.

That is good because the American people are paying attention to this process. In a recent Wall Street Journal/NBC poll, the American people said that ending earmarks should be the No. 1 priority for Congress this session. Thirty-nine percent said that members should be prohibited from ''directing federal funds to specific projects benefiting only certain constituents.'' It is interesting to note that ending earmarks was ranked ahead of immigration reform, which was cited as the No. 1 priority by 32 percent of Americans.

I hope that these results, combined with polls showing a 22-percent approval rating for Congress, will encourage conferees to avoid a confrontation with President Bush over spending. I would hope that when conferees look for items to remove from this bill they take a close look at my amendments that lost by a narrow margin as well as those I withdrew.

I believe that in this time of war and disaster recovery the American people expect us to make hard choices about spending. Taxpayers want us to be serving in a spirit of service and sacrifice, not searching for new ways to raid the public Treasury.

Congress is raiding the Treasury in two ways with this bill. First, many of the items in this bill should be considered in the regular appropriations process and through the regular order. The war on terror is no longer a surprise. We are entering our fifth year of this war. It shouldn't come as a surprise to Congress that we have needs related to this effort. We have also developed a good understanding about many of the priorities in the gulf coast that could have been addressed in the regular budget process.

Congress has also added billions of dollars for items that have no connection to the war on terror and the gulf coast recovery. Again, few of these items are true emergencies. The American people deserve to understand what defines a true emergency. According to the budget resolution for fiscal year 2006 all of the following five criteria must be met to be considered an emergency: necessary, essential, or vital; sudden, quickly coming into being, and not building up over time; an urgent, pressing, and compelling need requiring immediate action; unforeseen, unpredictable, and unanticipated; and not permanent, temporary in nature.

Designating a project as an ''emergency'' excuses Congress from paying for a project. The result of abusing the ''emergency'' designation is an even greater emergency. Our Nation's debt is nearly $8.4 trillion. Each American's share of this debt is $27,964.86. Our national debt is increasing by an average of $1.95 billion per day. Social Security, Medicare and the standard of living of future generations of Americans are in jeopardy as a result of decades of fiscal irresponsibility and rationalizations for spending more money today without considering the consequences tomorrow.

The Social Security trustees reported this week the program will exhaust its trust fund and begin running annual cash deficits in 2040. A year ago, that prediction was 2041, effectively meaning 2 years have been lost by a refusal to act. The trustees reported Social Security's unfunded liability is $13.4 trillion.

Of course, the real problem with Social Security and Medicare is much worse because the Federal Government uses an Enron-style accounting scheme. We habitually borrow or, more accurately, steal money from these trust funds to pay for more spending today.

When the 77 million baby boomers begin to retire in 2011, our Nation will be faced with the greatest economic challenge in our history. If we continue to indulge in earmarks, the gateway drug to spending addictions, we will never address these complex challenges, particularly if we can't resist the urge to abuse the earmark process on a bill designed to address the emergency needs of our troops and displaced people in the gulf coast.

Another reason we must act today to rein in wasteful spending is because our ability to influence world events is diminished by our debt to other nations. We now have the distinction of being the world's largest debtor nation, and this bill will add to that debt. Many serious economists are warning that our excessive borrowing from foreign sources could cause the value of the dollar to collapse, which would lead to a disaster for our economy. It is incredibly shortsighted for this body to sell Treasury bills to countries such as China so we can finance economic development programs and other pet projects while, at the same time, we hope to encourage China to be more aggressive in terms of discouraging Iran from developing nuclear weapons. This is not just a numbers game. The future

vitality of our nation is at stake. We are slowly but surely whittling away our national power and ability to leverage other nations away by our refusal to make hard choices about spending.

Many of the items in this bill are obviously not emergencies, which is why this bill will be vetoed by President Bush if it is sent to him in its current form. Again, I hope conferees do not force the President to take this step. I am confident the President will veto this bill. He understands that it is more important to secure the next generation rather than the next election.

Past Presidents and Congresses have made hard choices during difficult times. Between 1939 and 1942, Congress and FDR cut spending for nondefense programs by 22 percent. In 1950, President Truman and Congress cut nonmilitary spending by 28 percent. I suggest to my colleagues that if we want to be here past 2006, we better do the same.

Still, I agree with my colleagues who say that the President's priorities don't come down from heaven. I suggest, however, that we are all subject to the judgment that comes down from the taxpayers. If we flippantly disregard the President's insistence that we make hard choices, the judgment of the taxpayers will not be kind to any of us.

Families across this country are faced with hard choices every day in order to live within their budget. They have elected us to make hard choices. Our refusal to do this only reinforces the perception that we are disconnected from the priority-setting reality that governs the rest of the country.

It is wrong, for example, for this body to fund pork projects such as grape research in the State of California force the taxpayers in my State and every other State to pay for a so-called emergency project that has been ongoing for the last 46 years and has already received more than $130 million from the American taxpayer. Where this body sees an emergency the taxpayers often see a series of misplaced priorities.

The State of California received 549 Federal earmarks this year totaling $733 million. That included $10 million in Federal resources alone for museums. Is it more important to protect the residents at risk from flooding by the Sacramento River or to fund grape research? Congress is spending over $3.6 million on a grape research center in California this year. We are spending another $1 million on a pedestrian walkway project in Calimesa and a half million on pedestrian/bike improvements on Tower Bridge in Sacramento? What is more important for Sacramento? Why can't we prioritize today so future generations are not forced to make even tougher choices between massive tax hikes, drastic cuts to Medicare and Social Security, or the defense of our Nation?

Martin Luther King Jr. once said, ''Cowardice asks the question—is it safe? Expediency asks the question—is it popular? Vanity asks the question—is it popular? But conscience asks the question—is it right?''

I plead with my colleagues. Do what is right. Our Nation is on an unsustainable course, and that course correction must begin today, not when it is too late.

Ms. MIKULSKI. Mr. President, I support our troops and their families. I am behind them 100 percent. They deserve our gratitude, not just with words but with deeds. We must do right by our troops and their families. This strong emergency supplemental appropriations bill helps us do just that. This supplemental also provides needed funds to the victims of the devastating hurricanes that hit our gulf coast last summer.

In this bill we have provided $15.6 billion to fix or replace equipment that has been damaged during combat operations and to buy additional force protection equipment desperately needed by our brave men and women on the battlefield.

To help protect our troops from deadly improvised explosive devices, IEDs, this bill creates the joint improvised explosive device defeat fund and provides the fund with nearly $2 billion to develop and field the necessary tactics, equipment, and training to defeat these deadly weapons.

Another way we can support our troops is to make our intentions in Iraq clear to the Iraqis and the international community. To this end, I supported the amendment introduced by Senator BIDEN that prohibits the building of any permanent military bases in Iraq. This will send a clear message to the Iraqi people—we are committed to withdrawing our troops once their mission is accomplished.

To ensure that we do all we can to care for soldiers when they are injured, this bill includes an additional $1.15 billion for the defense health program. This money ensures that we can continue to provide world-class services including rapid aero-medical evacuation to our most severely wounded soldiers.

The veterans health care system is stretched to the limit at a time when more and more veterans are turning to VA. That is why I cosponsored an amendment by Senator AKAKA to increase veterans funding by $430 million to meet the health care needs of soldiers returning from Iraq and Afghanistan and other war veterans.

The rank-and-file employees of the Federal Government are the unsung heroes of this country. Unfortunately, they are often required to work in substandard or often hazardous conditions. It was recently reported that employees within this very building are forced to enter tunnels full of asbestos and on the verge of collapse. That is why I cosponsored an amendment by Senator ALLARD that provides over $27 million for critical emergency structural repairs to the Capitol Complex utilities tunnels. I will continue to fight for our Federal workforce to ensure they have safe working environments and proper safety equipment.

We know that nearly 40 percent of the soldiers deployed today in Iraq and Afghanistan are citizen soldiers who come from the National Guard and Reserves. More than half of these will suffer a loss of income when they are mobilized, because their military pay is less than the pay from their civilian job.

Many patriotic employers and State governments eliminate this pay gap by continuing to pay them the difference between their civilian and military pay. The reservist pay security amendment, which I worked on with Senator DURBIN, will ensure that the U.S. Government also makes up for this pay gap for Federal employees who are activated in the Guard and Reserves.

Mr. President, last year, we provided emergency relief for the victims of the horrible tsunami in Asia. Today with this bill, we are providing over $27 billion in support to our own citizens so badly hurt by the devastating hurricanes that hit the gulf coast last year. This money will not only help with the rebuilding of New Orleans, but will provide a host of economic incentives and subsidies to help the people of Louisiana, Mississippi, Texas, and Alabama get back to work and rebuild their lives following the destruction of Hurricanes Katrina and Rita. Additionally, this bill provides emergency funding to help immediately rebuild the levees and install flood control equipment that will help prevent another terrible tragedy from occurring when this year's hurricane season arrives in less than 4 weeks.

After 9/11 we realized that our borders were not secure. Since then, we have waged the war on terror and made great strides at protecting our homeland. We have made significant investments in law enforcement and security; however, the infrastructure that supports our border security has been allowed to crumble. To counter this, I supported an amendment proposed by Senator GREGG which adds $2 billion for border security initiatives to include buying additional vehicles, airplanes, helicopters, and ships. It also builds state of the art facilities for use in ensuring the security of our borders.

We have all seen the devastating effects of natural disasters and terrorism and are working hard to prevent future occurrences from affecting our Nation and the world. We have recently learned of another potential threat: a worldwide flu epidemic that could cost millions of lives if we are unprepared. In response to this threat, this bill provides $2.3 billion to prepare for and respond to an influenza pandemic. Making this money available now will help expand the domestic production capacity of influenza vaccine, and will help develop and stockpile the right vaccines, antivirals, and other medical supplies necessary to protect and preserve lives in the event of an outbreak.

Because it is just as important to support our communities at home as it is to support our troops in the field, I will continue to fight for responsible military budgets. For that reason, I joined Senator BYRD's call for the President to fund our operations in Iraq and Afghanistan through the regular budget and appropriations process. After 4 years in Afghanistan and 3 years in Iraq, we should not be funding these operations as if they were surprise emergencies.

Mr. President, this bill is a Federal investment in supporting our troops and their families and providing relief for those impacted by the devastating hurricanes.

We support our troops by getting them the best equipment and the best protection we can provide. We support them by making it easier for our citizen soldiers in the National Guard and Reserves to serve their country. And we support them by ensuring they are cared for with the best possible medical system when they are injured or ill.

With this bill, we are also helping our neighbors rebuild their homes, their communities, and their lives, and I am proud to give it my support.

Mr. AKAKA. Mr. President, today I will cast my vote in favor of H.R. 4939, the fiscal year 2006 supplemental appropriations bill. This bill takes the important step of supporting disaster relief efforts and helps fund our ongoing military and intelligence operations in Iraq and Afghanistan. I support the intent of this bill, but I have some significant reservations regarding the growing cost of the war and how it is being funded.

In supporting our troops, I believe we must do what is necessary to ensure that the men and women risking their lives for our country have everything they need to carry out their mission. I do not support the administration's policy of funding the war in Iraq through emergency supplemental bills. According to a Congressional Budget Office report, in 2005 the Department of Defense obligated $83.6 billion—nearly $7 billion per month—for the global war on terror, much of which was appropriated through emergency supplemental funding. This is a fiscally irresponsible approach that masks the true magnitude of the war's costs. Therefore, I voted in favor of an amendment offered by my colleagues, Senators BYRD and CARPER, which expresses the sense of the Senate that any request for funds after fiscal year 2007 for military operations in Iraq and Afghanistan should be included in the President's annual budget. I was encouraged that the amendment passed with a vote of 94 to 0. I urge the administration to heed the Senate's resolution and commit to making the costs of the Iraq war more transparent.

I also believe that the administration must be held accountable for progress in the Iraq war. As a member of the Senate Armed Services Committee and ranking minority member of the Readiness Subcommittee, I am committed to finding a way to bring our soldiers home as soon as possible. I do not believe that we should leave before the Iraqi people are equipped with the tools necessary to support a stable democratic society, but we must ensure that progress is being made. Toward that end, I support the plan outlined in the amendment submitted by my colleague Senator CARL LEVIN, ranking member of the Senate Committee on Armed Services, which establishes clear reporting requirements regarding the political situation in Iraq. According to this plan, the President is required to submit a report to Congress every 30 days outlining Iraq's progress toward the formation of a national unity government. The plan also requires the administration to inform Iraqi political, religious and tribal leaders that meeting their own deadlines with regards to amending the Iraqi Constitution is a condition for the continued presence of a U.S. military force in Iraq. While the Senate did not consider Senator LEVIN's amendment due to germaneness, this is an important issue that Congress must address.

Notwithstanding my concerns regarding the continued use of emergency supplementals to fund the conflict in Iraq, there are a number of provisions in this bill that I wholeheartedly support. In particular, I was pleased to see that we did not forget our Nation's veterans during consideration of the emergency supplemental. Our returning soldiers and sailors have earned the right to the best health care that this Nation can provide, and I believe we should strive to carry out this obligation to our servicemembers. With the backing of my Senate colleagues, I successfully passed an amendment to the emergency supplemental adding $430 million to the Department of Veterans Affairs, VA. These funds will be specifically used to supplement direct health care, mental health care, and prosthetics services at VA. As the ranking member on the Veterans Affairs Committee, I am pleased that the Senate took this important step of supporting our Nation's veterans.

Another appropriate use of the emergency supplemental was appropriations for disaster relief. Our Nation has been hit hard by many significant natural disasters that could not have been planned for in advance. I believe that we, as Government leaders, should continue to provide assistance to help those devastated by natural disasters including the severe flooding that deluged Hawaii earlier this year.

On May 2, 2006, President George W. Bush declared that a major disaster exists in the State of Hawaii that Federal funds to help the people and communities recover. I am pleased that the Senate Appropriations Committee included $33.5 million in the emergency supplemental for disaster assistance in Kauai and Windward Oahu, and $6 million for sugarcane growers in the State whose crops were destroyed by the floods earlier this spring.

In March, I introduced S. 2444, the Dam Rehabilitation and Repair Act of 2006. This bill would amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams. I also supported Senator INOUYE's efforts to include an amendment to H.R. 3499 to provide $1.4 million to assess the security and safety of critical reservoirs and dams in Hawaii, including monitoring dam structures. I am extremely disappointed that this amendment did not pass because the failure of Kaloko Dam on Kauai led to the severe flooding and loss of life. I am hopeful that my colleagues will recognize the importance of addressing the dam problem for the sake of Hawaii and our Nation and that my bill will receive floor consideration.

Senator INOUYE also introduced a timely amendment that provides $1 million for environmental monitoring of waters in and around Hawaii. In March of this year, I had the opportunity to visit the hardest hit areas of our State and meet victims, emergency responders, and State officials. To date, the situation for many of our residents remains very grave. With hundreds of homes and businesses damaged or destroyed, critical infrastructure crippled, and many hours spent engaged in search and rescue activities, the resources of our State have been severely strained. I supported this amendment, and I am encouraged that this amendment passed. It is clear that Hawaii will not be able to fully recover without substantial Federal assistance.

Mr. President, I wish to reiterate that a clear distinction needs to be made for true emergencies and natural disasters such as Hurricane Katrina and the floods in Hawaii, which could not have been anticipated.

It is fiscally irresponsible for the current administration to continue to treat this war as an emergency in order to hide the true cost of the war and circumvent the normal budgeting and oversight process. If the current administration continues to refuse to make hard choices and insist on a policy of funding the war through emergency appropriations, succeeding generations of Americans will face even more difficult choices.

Mr. DODD. Mr. President, I had intended to offer an amendment, No. 3755, to this Emergency Supplemental Appropriations bill to provide for full funding of the Help America Vote Act. However, once cloture was invoked, my amendment would have been ruled nongermane and consequently, I will not call it up.

But the parliamentary circumstances of this bill do not change the fact that we have reached a critical juncture in the ability of States to be prepared for Federal elections this November.

The amendment I intended to offer would have ensured that States have

the resources necessary to conduct fair and accurate elections this fall. It would have fulfilled the promise made by Congress to be a full partner in the funding of Federal election reform by providing full funding for payments to State governments to meet the election reform requirements mandated by Congress over 3 years ago under the Help America Vote Act, HAVA.

HAVA was overwhelmingly enacted by Congress and signed into law by President Bush on October 29, 2002.

HAVA mandates that by the Federal elections this year, States must implement certain minimum requirements for the administration of Federal elections. These requirements were phased in over roughly a 2-year period with the final requirements mandated to be in place by this year.

To ensure that the States could meet these requirements, Congress authorized nearly $4 billion to pay for 95 percent of the costs of HAVA implementation. In order to receive Federal funding, States had to provide 5 percent matching funds.

All 50 States, the District of Columbia, and the territories have raised their 5 percent matching funds under this Federal-State partnership.

Only the Federal Government is coming up short on its end of the deal. To date, Congress has appropriated only $3.1 billion of the nearly $4 billion it promised the States in funding. That means the States are short nearly $800 million in promised Federal funds needed to implement these reforms.

With 2 Federal primary elections already over and with 10 upcoming primaries scheduled in May, there is precious little time left to get these needed funds to the States in time to ensure that the Federal elections this year are conducted in compliance with Federal law.

This amendment would provide full funding for HAVA. Arguably, this is the last opportunity we may have to ensure that the States have the promised funds in time to meet the 2006 deadlines for reform.

The amendment would fund the balance of the requirement payments to States under section 251 of HAVA in the amount of $724 million. It would also make up the shortfall of $74 million in funding to date for disability access grants and protection and advocacy payments to serve the voting needs of persons with disabilities.

It is simply unconscionable that Congress has not kept up its end of this funding bargain. As Thomas Paine observed, the right to vote for representatives is the primary right by which other rights are protected. That statement is still true today. The right to vote in a democracy is the fundamental right on which all others are based.

As we witnessed in the Presidential election debacle of 2000, the confidence of the American public in our system of elections was shattered after witnessing hanging chads, confusing ballots, missing names on voter lists, malfunctioning machines, and different standards to recount ballots.

Congress responded with the first ever comprehensive requirements for the administration of Federal elections.

The HAVA requirements effective for the 2004 Federal elections provided that all States offer provisional ballots to any voter challenged, for any reason, at the polls as ineligible to vote. Because of the HAVA requirement, 2 million more ballots were counted in the 2004 elections than would have otherwise been counted.

In 2004, States also had to have in place measures designed to ensure the identity of certain first-time voters who registered by mail. States had to ensure voter education by posting certain voter information in the polling place.

But the most far-reaching, and arguably most expensive reforms, must be in place for the Federal elections this year. Effective January 1, 2006, all voting systems used in Federal elections must meet the following minimum voting system standards:

Provide all voters with the right to verify their ballot, before it is cast and counted, to ensure that it accurately reflects his or her choices;

Provide a permanent paper record with a manual audit capacity, which can be used as an official record in the case of a recount;

Provide full accessibility to persons with disabilities, including the blind and visually impaired, allowing for the same privacy and independence as other voters;

Provide alternative language accessibility to language minorities, consistent with the requirements under the Voting Rights Act;

Meet current machine error rates; and

Establish a standard for defining what constitutes a vote and what will be counted as a vote.

In the aftermath of the November 2000 election, there were allegations that voter registration lists contained numerous irregularities and errors, including multiple registrations and the names of deceased individuals. Registration lists were also subject to questionable purges by State and local governments, conducted in a manner inconsistent with the National Voter Registration Act.

HAVA addressed those concerns with a balanced response by requiring each State to implement a computerized voter registration list for use as the official list of registered voters. For many, this requirement is the single most important reform for ensuring the accuracy and integrity of elections.

But it is a significant, and expensive, task when you consider there were more than 142 million registered voters in the United States in 2004.

Depending upon the data used, that number represents between 65 percent to 85 percent of the total eligible voters. With more than 15 percent of Americans moving every year, it is crucial that State registration lists remain current and accurate in order to ensure the public's confidence in the outcome of Federal elections.

The 2006 reforms are absolutely critical to the successful implementation of HAVA nationwide and to achieving our twin goals of making it easier to vote and harder to defraud the system.

This amendment that I filed to this bill is supported by a broad coalition of organizations, lead by the Leadership Conference on Civil Rights and the National Association of Secretaries of State, representing the civil rights and voting rights communities, disabilities groups, State and local governments and election officials.

The LCCR/NASS letter, dated April 20, 2006, notes, and I quote:

Without the full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates.

I will ask that this letter appear in the record following my remarks.

I am grateful to the LCCR and NASS for their continuing leadership on this issue and for their support of full funding of the HAVA requirements. It would have been my preference that 100 percent of the HAVA costs be covered by the Federal Government, but I agreed to a 95 to 5 split to ensure that the States became vested in reform. All of the States and the District of Columbia and the territories are vested—they have met their required 5-percent match. Only the Federal Government appears to be less than committed to reform.

Unless and until we can assure the American public that we have done all that we can to ensure the accuracy and access to the ballot box for all eligible voters, there will be a cloud hanging over the final results of any given Federal election. That is not productive for democracy and undermines the very authority of our system of elected government.

Congress enacted HAVA in response to the crisis in confidence of the American electorate following the 2000 Presidential elections. We promised the States we would be a full partner in funding those reforms.

To help restore the public's confidence in the results of our Federal elections, Congress intended that HAVA ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted.

Without the promised funding, Congress has created an unfunded mandate and State governments have indicated they will not be able to fully implement the requirements on time. This amendment would have ensured that the minimum Federal requirements would be implemented on time nationwide.

Since Congress mandated that these requirements be effective by January 1, 2006, it is critical that Congress now provide these funds no later than fiscal year 2006 in order to ensure that the statutory requirements are met.

It is past time to live up to our promise. While my amendment may not be in order to this bill, I am serving notice that I will continue to look for ways to ensure that Congress makes

good on its promise to be a full partner in funding election reform.

I ask unanimous consent that the before-mentioned letter be printed in the RECORD.

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

APRIL 20, 2006.

MAKE ELECTION REFORM A REALITY—SUPPORT IMPLEMENTATION AND FULL FUNDING FOR HAVA

DEAR SENATORS: We, the undersigned organizations, urge you to support full funding for the Help America Vote Act of 2002 (HAVA) and include the remaining $798 million of authorized funding in the upcoming Emergency Supplemental legislation. Of that amount, $724 million is for the federally-mandated processes and equipment that state and local governments must have in place for federal elections in 2006 and $74 million is for assisting state and local governments in making all polling places accessible. It is imperative that the states and localities receive all of the funding they were promised so they can fully implement these important requirements of HAVA.

State and local governments have worked hard on these reforms such as improving disability access to polling places, updating voting equipment, implementing new provisional balloting procedures, developing and implementing a new statewide voter registration database, training poll workers and educating voters on new procedures and new equipment. State and local election officials have always had a difficult struggle when competing for the funding necessary to effectively administer elections and they were counting on the funding promised by Congress to ensure that all the new federal mandates were implemented effectively.

To help state and local governments pay for these reforms, HAVA authorized $3.9 billion over three fiscal years. Between FY03 and FY04, it was clear that Congress saw the importance of fully funding HAVA and provided $3 billion of the $3.9 billion for HAVA implementation. Unfortunately, in FY 05 and FY 06 no federal funds were appropriated for states to implement the HAVA requirements.

State officials incorporated the federal amounts Congress promised when developing their required HAVA budgets and plans. Without the full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates. According to a state survey, lack of federal funding for HAVA implementation will result in many states scaling back their voter and poll worker education initiatives and on voting equipment purchase plans, all of which are vital components to making every vote count in America.

We are thankful that you have seen the importance of funding the work of the Election Assistance Commission. States, localities and civic organizations can utilize the work products of the EAC to effectively implement the requirements of HAVA i.e., the voting system standards, the statewide database guidance, and the studies on provisional voting, voter education, poll worker training, and voter fraud and voter intimidation.

We thank you for your support of funding for the Help America Vote Act, and we look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State or Rob Randhava of the Leadership Conference on Civil Rights, or any of the individual organizations listed below.

Sincerely,

ORGANIZATIONS REPRESENTING STATE AND LOCAL ELECTION OFFICIALS

International Association of Clerks, Recorders, Election Officials and Treasurers.
National Association of Counties.
National Association of Election Officials.
National Association of Secretaries of State.
National Association of State Election Directors.
National Conference of State Legislatures.

CIVIL AND DISABILITY RIGHTS ORGANIZATIONS

Alliance for Retired Americans.
American Association of People with Disabilities.
Asian American Legal Defense and Education Fund.
Asian Pacific American Labor Alliance.
Brennan Center for Justice.
Common Cause.
Dēmos: A Network for Ideas & Action.
FairVote.
Leadership Conference on Civil Rights.
League of Women Voters of the United States.
Mexican American Legal Defense and Educational Fund (MALDEF).
National Association for the Advancement of Colored People (NAACP).
National Disability Rights Network.
Paralyzed Veterans of America.
People For the America Way.
The Arc of the United States.
United Auto Workers.
United Cerebral Palsy.
U.S.
PIRG.

Mr. SESSIONS. Mr. President, first, let me acknowledge the work of Chairman COCHRAN, Senator SHELBY, and the Appropriations Committee in crafting this bill.

I would also like to commend Dr. COBURN, Senator MCCAIN, Senator ENSIGN, and so many a number of my colleagues who have been out on the floor discussing the need for fiscal restraint.

As much good as there is in this bill, and it is mostly good, I will be voting against it.

We must stop the practice of using emergency spending designations to meet needs that can be met in the normal budget process.

This supplemental has some important provisions in it related to the war on terror and the Hurricane Katrina recovery.

For example, in relation to the war on terror, $10.2 billion is allocated for the Department of Defense's military personnel; $39 billion is allocated for operation and maintenance accounts in support of Operation Iraqi Freedom and Operation Enduring Freedom; $15 billion for procurement for various accounts; and $8 billion for various other defense-related expenses.

Other war related expenditures: $82 million for the FBI operations in Iraq and Afghanistan, $5 million for the DEA's Intelligence Program, and $4 million for ATF's costs in Iraq.

These are all important programs that should be funded to help fight terrorists abroad.

The bill provides needed funds for Hurricane Katrina.

It provides $2 billion for border security, fully offset, which was included in Senator GREGG's amendment.

That being said, there are a number of items in this bill that do not belong in an emergency supplemental appropriations bill.

Many of these are very important projects that have merit.

Many of these programs are worthy of Federal funding, and, when the regular appropriations season gets underway, I will work to see if there is a way we can fund them.

But the question before us today is not whether they have merit because undoubtably most do.

The question is not even whether they should receive Federal funding.

Here is the question we must ask with respect to each of the needs that are being funded in this bill: Are they emergencies?

The Senate version of the appropriations supplemental bill is $106.49 billion, over $14 billion more than the President's request of $92.22 billion.

Because these are designated as ''emergency funds,'' they are not factored into the budget.

As far as Washington is concerned, they ''don't count.''

But they do count.

There is no magic pot of money that can be tapped for emergency needs.

This is straight deficit spending.

There are times when emergency spending is justified, but if we abuse it, we might as well not even have a budget.

What is emergency spending?

The emergency appropriations process is set up to be an exception to the normal appropriations cycle so that money can be spent for unexpected occurrences that come up throughout the year, such as additional war costs or unexpected disasters.

This money is not factored into the regular budget.

The other body exercised fiscal restraint when they took up the supplemental bill and actually managed to bring the bill's top line number down from the Presidents's request to $91.95 billion.

However, during the Senate markup, the bill expanded rapidly.

According to the National Journal, money was added at a rate of more than $80 million per minute during the 2-hour markup.

Of course, it is not important how fast the money was added or how much is in the bill.

The only things that matter are:

Are these meritorious programs?

Are they Federal responsibilities?

Are they emergencies?

Senator GREGG, a distinguished member of the Appropriations Committee and my chairman on the Budget Committee, wrote a piece in the Wall Street Journal on April 18 entitled ''The Safety Valve Has Become a Fire Hose.''

The piece gives an excellent explanation of the problem with abusing the emergency spending process.

While Senator GREGG and I disagree with regard to 2-year budgeting, we have no disagreement on the proposal he outlines in his article, which is 1-year budgeting, which means, let's live under the budget we have now and have a sequester if we exceed it.

In the piece, Senator GREGG states:

there are two sets of books, and [only] one is subject to the budget controls.

Adding superfluous spending to the emergency supplemental is a way to cheat the system and get around having to actually pay for the money we spend.

Here are a few of the most egregious provisions in the bill:

First, some of the funds in this bill are spent as far out as fiscal year 2010 and beyond.

Money being spent 5 years from now is not an emergency, and can be allocated and paid for through the regular budget process each year.

If we need money to start these projects, we can give money for the first year. But all other money should be subject to the oversight of an authorizing committee and the regular budget process.

Secondly, $594 million allocated for the Federal Highway Administration to go to projects on ''the current FHWA ER backlog table,'' which lists storms back to 1999.

Our budget specifically outlines the criteria for emergency spending. It is as follows:

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

If funds are in fact needed to meet needs from a hurricane in 1999 or an ice storm in 2001, that should have been reasonably foreseen in 2005, when we were drawing up this year's budget.

The backlogged highway repairs for these storms could have been paid for through the regular appropriations process or the $286 billion transportation bill that passed last year.

Emergency supplementals are for unanticipated costs, not costs anticipated 5 years ago.

Emergency spending should be an exception to the appropriations process—not the rule.

There are ways to pay for emergencies, and there are ways to pay for past emergencies.

The items on this chart that predate the last fiscal year are not emergencies and should not be treated as such in the appropriations process.

They should be paid for, just like the relief efforts on all other past emergencies.

According to National Taxpayers Union President John Berthoud, since 1996 the Federal Government has spent over $450 billion under the ''emergency'' designation—an extra $1,500 for every person in America.

Nearly all of our 50 States maintain emergency, contingency, reserve, or ''rainy day'' funds to help cover unanticipated spending needs. This would not only help to smooth out spikes in deficit spending but also help to prevent politicians from taking advantage of urgent situations to grow other Government programs.

We need to better prepare for these type expenses, like our States do.

The President in the Statement of Administration Policy on this bill drew a clear line in the sand. Let me read from the SAP:

However, the Senate reported bill substantially exceeds the President's request, primarily for items that are unrelated to the GWOT and hurricane response. The Administration is seriously concerned with the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on addressing urgent national priorities while maintaining fiscal discipline.

Accordingly, if the President is ultimately presented a bill that provides more than $92.2 billion, exclusive of funding for the President's plan to address pandemic influenza, he will veto the bill.

The statement could not be clearer.

The day after he sent up the SAP, I sent a letter to the President, which was signed by 35 other Senators, committing to sustain any veto of this bill which violates the principles outlined in the SAP.

I have every confidence that our congressional leadership and our President, and their ability, working with the distinguished chairman of the Appropriations Committee, can find a way to make a good bill fit within the numbers outlined by the President.

This supplemental debate highlights a larger issue.

We need budget process reform.

We need a line-item veto. Senator FRIST's bill, S. 2381, Provides that rescissions packages submitted by the President shall be treated with fast-track authority. But this bill is just the beginning.

We need to reform Congressional Budget Office scoring in the following ways:

Dynamic scoring. Senator ENSIGN's bill, S. 287, addresses this issue. Changes in tax law will be scored to take into account real-life effects on the economy.

Tax/spending parity. CBO scores should treat tax expirations and spending expirations the same.

Long-term scoring. We should require CBO scores to have more detailed estimates for long-term costs of authorizations and direct spending.

Database of authorizations. We should require CBO to produce a database with a comprehensive catalog of all authorized spending, user-friendly, searchable and sortable by expiration date and category, and total authorized amounts, appropriated amounts. Database should be available online, searchable, sortable, and provide overall total amounts.

We also ought to move to a 2-year budget.

Senator DOMENICI has been spearheading this issue. His bill, S. 877, is an excellent bill. Under his bill, all budgeting and appropriating occurs in first year of a Congress. The second session focuses on oversight.

Database for Federal grantees. We should require the creation of a database of Federal grantees so taxpayers can log on and find out who is spending their money and how.

Government shutdown protection. This provision would provide that if appropriations bills are not enacted by the beginning of the fiscal year, programs continue at previous year's level.

Spending firewall. We should create four firewalled categories of Federal spending: defense, international, domestic, and homeland, which would be binding and in the budget. This would ensure that security needs would be met and could not be raided during the appropriations process to pay for social spending.

Pay-go for emergency spending. Automatic across-the-board reduction in spending for emergencies. Provide that emergency spending automatically triggers an across-the-board rescission in all spending. Senator GREGG mentioned a program like this in his Wall Street Journal piece.

Mutiyear caps. We should provide that 302(a) discretionary caps carry over for the life of a budget resolution, including the ability for the Appropriations Committee to issue 302(b) suballocations. Currently, if we have no budget, we have a top-line discretionary cap but no way to enforce it. We should provide a mechanism for the Appropriations chairman to issue suballocations in the event that a budget is not passed.

Commission on Accountability and Review of Federal Agencies. Senator BROWNBACK's bill, S. 1155, takes the concept of BRAC and applies it to wasteful domestic spending programs.

Efficencies. We should allow up to 2 percent of any Department to be transferred to pay down the national debt if efficiencies are found. The current system requires bureaucrats to be inefficient. We give them a big pot of money and say: You must spend this. We should encourage, not discourage, frugality.

Entitlement commission. We should provide for a commission to review entitlements, provide recommendations for reform, and provide fast-track consideration for reform proposals.

Earmark reform. Finally, we need to finish the process we started on the lobbying reform package, which is earmark reform. Senators MCCAIN and LOTT have led on this important issue.

I look forward to consideration of budget process reform later this year.

Mr. FEINGOLD. Mr. President, I am extremely disappointed that the Senate did not get the chance to vote on my amendment to strengthen the oversight and monitoring of over $1.6 billion included in this supplemental for

Iraq reconstruction. This amendment, designed to extend the oversight of the Special Inspector General for Iraq, SIGIR, over reconstruction funding in the supplemental, would have helped the SIGIR continue its valuable work in ensuring that U.S. taxpayer dollars are being used efficiently and effectively.

We should not be spending money on Iraqi reconstruction without ensuring there is appropriate oversight and auditing. My amendment would have strengthened the capabilities of the Special IG to monitor, audit, and inspect funds made available for assistance for Iraq in both the Iraq Relief and Reconstruction Fund, IRRF, and in other important accounts. It is frankly baffling to me that anyone would oppose this amendment being included in the supplemental.

As we continue to pour tens of billions of dollars in to Iraq, I believe that we must not lose oversight of U.S. taxpayer dollars. American taxpayers deserve to know where their money is going in this costly war and that it is being used effectively and efficiently and ending up in the right hands.

The Iraq IG's work to date has been extremely valuable to the U.S. Government and to Congress. The Iraq IG has now completed 55 audit reports, issued 165 recommendations for program improvement, and has seized $13 million in assets. In its latest report, released over the weekend, the Iraq IG indicated that it has completed 29 audits and released 58 recommendations for program improvement in this quarter alone. Overall, the SIGIR estimates that its operations have resulted in saving $24 million. Throughout 2005, the Iraq IG provided aggressive oversight to prevent waste, fraud, and abuse in the at-times lethal operating environment in Iraq. Its emphasis on real-time auditing—where guidance is provided immediately to management authorities upon the discovery of a need for change—provides for independent assessments while effecting rapid improvements.

In its January report to Congress, the SIGIR concluded that massive unforeseen security costs, administrative overhead, and waste have crippled original reconstruction strategies and have prevented the completion of up to half of the work originally called for in critical sectors such as water, power, and electricity. The Iraq IG's work has resulted in the arrest of five individuals who were defrauding the U.S. Government, and it has shed light on millions of dollars of waste. It is this kind of investigation and reporting that helps shape the direction of reconstruction funding and ensures that the money is being used and allocated as transparently and effectively as possible.

Mr. President, I originally drafted legislation to create the Special Inspector General for Iraq, known as SIGIR, in order to ensure that there is critical oversight of the Iraq Relief and Reconstruction Fund, IRRF, allocated for Iraq reconstruction projects. I believed then, and I believe now, that it is crucial that we have an effective oversight capability over American taxpayer dollars spent in Iraq. Last year, I fought to extend the life of this office, which has been recognized by the Department of State and Defense as a valuable and necessary office. I do not intend to let this week's setback prevent me from pushing for continued transparency and accountability in the administration's policies in Iraq.

Mr. SALAZAR. Mr. President, over the March recess, I joined the leaders of the Senate Armed Services Committee, Senator JOHN WARNER of Virginia and Senator CARL LEVIN of Michigan, on a trip to Iraq to hear the on-the-ground perspective of our military leaders, our troops in the field, and Iraqi officials. I returned to the United States as always overwhelmed by my pride and admiration for our service men and women, who continue to work with commitment and professionalism even in the most difficult circumstances. I cast my vote in support of this supplemental package before us because I am completely committed to providing our men and women in uniform with the support they need to continue their excellent work. Toward that end, I am very pleased that an amendment I authored calling for regular reports on the Pentagon's efforts to train our troops in methods of detecting and defeating improvised explosive devices has been added to this bill.

I also cast this vote today because when it comes to funding our service men and women, right now this supplemental is the only game in town. And because the administration refuses, year after year, to incorporate the costs of ongoing operations in Iraq into the regular budget, we have no choice but to fund these efforts through these emergency supplementals—essentially putting hundreds of billions on our national tab. The Senate voted overwhelmingly in support of Senator BYRD's amendment urging the administration to stop these irresponsible budget games. I hope the President heeds that message.

In addition to reaffirming my admiration for our military, my recent trip to Iraq also gave me a deeper understanding of the importance of success in Iraq and the truly daunting nature of the challenges ahead.

In addition to the extremely serious fiscal issues confronting us, we have the even more serious policy issue to consider—how should U.S. policy proceed in Iraq?

A failed Iraqi state would threaten our national interests, destabilizing an already volatile region and creating a lasting haven for terrorists. Our national security imperatives mandate our commitment to Iraq's success.

Success in Iraq is dependent on several factors: controlling violence, creating a stable government of national unity, delivering basic services and the promise of economic development to the Iraqi people, and establishing strong and supportive relations between Iraq and its neighbors in the region. If any of these pillars are missing, Iraq's future becomes uncertain and unstable.

America can help, but ultimately the Iraqis must achieve these goals on their own. The Iraqi people and Iraqi security forces have made significant strides, but much more remains before Iraq can govern and protect Iraqis. And Iraq's neighbors, who know the region best and will suffer most from a failed state in their midst, must step up to the plate to help end the political deadlock in Iraq.

We all recognize that U.S. forces cannot and should not remain in Iraq indefinitely. The U.S. military presence in Iraq should depend upon Iraqi leaders promptly making the compromises necessary to achieve the broad-based, sustainable, political settlement necessary to form a government of national unity and defeat the insurgency. We need partners within Iraq and outside its borders who are committed to stability and sharing power in order to achieve the mission of a truly democratic Iraq, and to share in that success with Iraq's people.

We also need to ensure that the magnitude of the challenge before us in Iraq does not distract all our attention from the vitally important, ongoing mission in Afghanistan. This bill also provides much needed support for that mission. We have made tremendous progress, working with the Afghan people, in helping to turn Afghanistan from a state sponsor of terrorism to a stable, responsible member of the international community. But our work is by no means complete, and the American troops and Afghani leaders I met with in Kabul just weeks ago underscored how important it is that we continue our strong support for the stabilizing mission.

This bill also provides support for the communities devastated by last year's hurricane season. I am afraid that, thus far, the story of the Government's response to Katrina has been a story of failure not only in the preparations for the storm and in the midst of the crisis but also in the recovery effort. Too many promises have not been kept, and too many American families continue to live in an atmosphere of uncertainty. The provisions in this bill will help, but our commitment does not end here. Congress needs to make sure that the gulf region has the necessary resources to recover from last year's hurricanes and respond to future storms, but it must also make sure that the administration has fixed the incompetence at FEMA and DHS which disturbed so many Americans. I look forward to continuing to work on these important issues in the upcoming months.

Over the past 6 years, Colorado has suffered from ongoing natural disasters including drought. Unfortunately,

many areas in Colorado continue to suffer from ongoing extreme weather conditions including drought, hail, and frost. In particular, Colorado wheat producers are estimating that this will be the fifth below-average wheat crop in 6 years.

In addition, many Colorado farmers and ranchers are suffering from economic losses due to continually rising gas prices. And what is true in Colorado is true in many other States across the country. That is why I am an original cosponsor of Senator CONRAD's emergency agriculture disaster assistance package, and I am so pleased that it was included as part of this supplemental bill. Toward that end, I especially thank Senators CONRAD and COCHRAN, who worked very hard on these important provisions. I am so pleased that the Senate has voted to provide immediate assistance to producers across the country who have been devastated by a variety of natural disasters.

While, overall, we are lucky in Colorado that this has been a better year for many of our farmers and ranchers who have suffered from continuing natural disasters over the past several years, many producers in southern and eastern Colorado have been hit by drought conditions once again.

It has been downhill for the 2005 Colorado winter wheat crop since last May. In fact, estimates show that it will be the fifth below-average winter wheat crop in 6 years—with potential losses to producers of over $60 million.

In addition, increasing gas prices have hit our rural communities hard, making it virtually impossible for many producers to cover the unexpected additional costs. During harvest, agricultural producers are some of the largest fuel consumers in the United States and producers are facing enormous fuel costs. Farm fuel has increased by 79 percent from $1.40 per gallon in September of 2004 to around $2.60 per gallon in September 2005. Colorado wheat producers have told me that it would take a 40-bushel average yield per acre and an average price of $4.00 per bushel to cover all of these additional costs and break even. Unfortunately, the average yield in 2005 was 24 bushels per acre, and the average price is projected at $3.34 per bushel.

Finally, Mr. President, I wish to express again how pleased I am that the Senate adopted my amendment to provide an additional $30 million to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations throughout the entire National Forest System. In the West, the seasonal wildfire potential outlook map shows above-normal fire danger across the Western United States and several Southern States, too, have increased fire dangers. One of the most alarming factors in the wildfire outlook this year is insect infestation. For example, my State of Colorado has over 1.5 million acres that have been infested by bark beetles. After these infestations come through a forest, they leave behind entire stands of trees—sometimes thousands of acres—that are more susceptible to fire due to the dried-out conditions and increased fuel loads in those forests. Just today, I learned from the U.S. Forest Service that Colorado has 280,000 acres of approved hazardous fuel reduction projects that are awaiting treatment, with Forest Service funding only sufficient to conduct about a quarter of those projects under the best circumstances. This situation represents a true emergency, and I am relieved that we were able to address it in this bill.

Mr. FEINGOLD. Mr. President, I am voting for this legislation because it provides important funding for our troops and for the people recovering from the devastation caused by last year's hurricanes. Unfortunately, I do so with great reluctance because of two fundamental problems with this measure.

First, this bill continues the administration's fiscally irresponsible practice of funding our Iraq and Afghanistan operations outside of the regular budget process. That problem is compounded by the administration's failure to enunciate a clear policy for how we will conclude our military mission in Iraq. Our country needs a new vision for strengthening our national security, and it starts by redeploying U.S. forces from Iraq and refocusing our attention on the global terrorist threats that face us. As I noted earlier in the week, when I was prevented from offering an amendment that would have required redeploying the bulk of our troops in Iraq by the end of the year, we should not be appropriating billions of dollars for Iraq without debating—and demanding—a strategy to complete our military mission there. Not when the lives of our soldiers and the safety of our country are at risk.

Second, this bill has become the most recent vehicle for the explosion of unauthorized spending that is finding its way onto appropriations bills. In addition to providing funding for military operations in Iraq and Afghanistan, this bill was supposed to be limited to addressing the very real needs arising from Hurricane Katrina and other disasters.

Unfortunately, there seems to be an attitude in Congress that is reflected in the comments of one former Member of the other body, who was especially skilled at advancing spending items: ''I never saw a disaster that wasn't also an opportunity.''

Regrettably, this bill has provided just such an opportunity to interests seeking to circumvent the scrutiny of the authorizing committees or of a competitive grant process. As a result, this measure is larded up with spending for unauthorized programs. Worse, none of this spending is paid for. It is all added to the already massive tab we are leaving our children and grandchildren.

I supported efforts on the floor to strip some of the funding that does not belong in the bill. I opposed efforts to table an amendment by Senator THOMAS and a motion by Senator ENSIGN that would have forced the Senate to consider a bill with a smaller, and more reasonable price tag. I also supported several amendments offered by Senator COBURN and Senator MCCAIN to eliminate funding in the bill for projects that, while they might have some merit, do not necessarily warrant emergency spending. If we are going to pass emergency appropriations bills that aren't offset, we should be sure that the spending in those bills is fully justified.

A portion of the floor debate on this legislation was devoted to skyrocketing energy prices. While significant increases in fuel costs have affected all Americans, they have put the American farmer in an especially tough situation. Unfortunately, I have serious concerns with how this problem has been addressed in this bill.

Under this bill, growers of program crops—rice, feed grains, oilseeds, wheat, cotton and peanuts—who are only about a quarter of farm income receive $1.5 billion or 90 percent of assistance, while only $74.5 million is provided for specialty crops, dairy and livestock producers through a block grant to States. Moreover, only the producers of program crops will receive assistance directly. The remaining 75 percent of farmers will not receive direct assistance, nor will they be assured that any funds will find their way to them since those funds can also be used for nutrition programs or marketing. Clearly there is a disconnect between the avowed purpose of this farm assistance and the details of how the program will operate, which is why I supported Senator MCCAIN's amendment to strike a portion of this program.

I urge my colleagues in conference to take a close look at the details of this program. If the program's intent is to help all farmers with their spiraling fuel-related costs, the proposal falls seriously short. Even the modest step of placing a payment limit on the $1.5 billion for direct payments could provide hundreds of millions of dollars for both a more equitable program and savings for taxpayers.

I am pleased that a compromise was reached among my colleagues regarding the K–12 educational funding for schools that have taken in displaced students. Schools across the country, including some in Wisconsin, have opened their doors to the hundreds of thousands of students who were displaced by Hurricanes Katrina and Rita. I strongly support continued efforts to assist the schools that are educating these students. I am glad that this funding will be provided through title V of the Elementary and Secondary Education Act, which allows local school districts to provide specific educational services to the schools, rather

than direct funding to private schools. This agreement will best serve our educators and students as they continue to recover and heal from the devastation wrought by the hurricanes.

This legislation also includes significant funding to address critical foreign policy concerns. An amendment introduced by Senator BIDEN sets aside funding for a special envoy for Sudan. A special envoy is desperately needed to help bring peace to Darfur and to help ensure that the peace agreement between the north and south is adhered to. This bill also includes key funding needed for strengthening a peacekeeping mission in Darfur to help bring an end to what has become one of the world's greatest tragedies.

This bill also includes funding for Liberia's fragile postelection period, and support for Haiti's tentative transition to a democracy and for the Democratic Republic of the Congo's upcoming elections. This funding is needed urgently to help these countries make the much-needed transition to peace and democratic rule.

I have noted some of the important measures funded in this emergency supplemental and there are many more. Emergency supplemental spending measures are needed at times to deal with true emergencies. However, to borrow a line from the President, this Congress is addicted to supplementals. I am glad that the Senate adopted Senator BYRD's sense-of-the-Senate amendment insisting that future war costs be included in the regular budget. With this bill, total war-related funding paid for through supplementals will reach approximately $440 billion. That is an enormous sum of money and that does not even include the nearly half trillion dollar annual defense budget. I hope the Senate will stand firm on this issue and insist that any future spending for the Iraq war goes through the regular budget process.

Mr. President, I will vote for this measure with the hope that the administration will work with conferees to eliminate the unjustified spending slipped into this bill, and with a renewed determination to make sure that this body fully debates and votes on my proposal to redeploy our troops out of Iraq by the end of the year, and refocus our resources on the fight against terrorism.

Mr. DURBIN. Mr. President, I rise today to speak in support of the provisions in the supplemental spending bill to assist agricultural producers suffering from Hurricanes Katrina and Rita, drought, wildfires, and other natural disasters. I would like to thank Chairman COCHRAN and Senator BYRD for their work on this bill, as well as my colleagues who have worked with me on this matter since last summer's Midwest drought.

This has not been an easy year for our Nation's farmers and ranchers. Hurricanes Katrina and Rita wreaked havoc on producers throughout the gulf coast. Losses to livestock and crop production in the gulf coast total in the hundreds of millions of dollars. Many farmers in that part of the country will not even have the opportunity to plant their crops this season due to saltwater intrusion on their lands.

In addition, for farmers outside the gulf coast, the hurricane brought about higher fuel prices and increased the cost of shipping as the Port of New Orleans was temporarily closed. In my home State of Illinois, producers have suffered one of the worst droughts since 1895. The period from March 2005 to February 2006 was the third driest March to February period since 1895. Even with some very fortunate late rains, these drought conditions significantly lowered both yields and the value of the year's harvest.

According to the USDA's National Agricultural Statistics Service, NASS, the value of Illinois' corn crop decreased by more than $1.1 billion, or about 25 percent, from 2004 to 2005 even as corn acreage increased. At least 10 counties in northeast and western Illinois sustained greater than 20 percent losses in corn yields. Unfortunately, farmers and ranchers are not expecting this crop year to reverse last year's trend. USDA's Economic Research Service, ERS, expects net farm income to drop 23.2 percent this year, from $72.7 billion to $56.2 billion, due in large part to stagnant crop prices and rising energy costs.

To make matters more difficult, the price of diesel fuel has doubled since the summer of 2004. Fertilizer prices have taken off as well, increasing by more than 30 percent per acre since 2001. Even with increased efficiency, these rising prices are hurting our Nation's farming families.

Because farmers use so much energy running their tractors and combines, applying fertilizers, and hauling their products by truck to buyers and markets, these prices are squeezing the already thin profit margins of our Nation's producers. Especially when we keep in mind that commodity prices have stayed fairly level over the past 2 years we can see why these natural disasters and high energy costs may be putting our farmers at risk of losing their farms.

The provisions that some of my colleagues and the Bush administration seek to strike would provide assistance to producers who suffered crop losses due to natural disasters such as the drought in the Corn Belt and flooding in various parts of the country, and to those who lost livestock, such as Texas ranchers in this year's wildfires. The measures that are under attack here would also provide a direct payment to producers who are struggling to keep their heads above water due to the rapidly increasing cost of fuel and other inputs.

This is what surprises me most—at this trying time for our Nation's farmers and ranchers, Members of Congress are actively working to prevent this much needed assistance from reaching our farmers and ranchers. The Bush administration has even gone so far as to say that there has been no disaster at all, even though the Secretary of Agriculture designated 101 of 102 counties in Illinois as disaster areas. Well, the Bush administration budget crunchers aren't talking to their own disaster experts, let alone farmers in western Illinois or ranchers in Texas or anyone who is trying to pay rising energy costs while growing the wheat, corn, and soybeans that keep our people fed.

Now is not the time to turn away from the thousands of farmers who will depend on this assistance to purchase equipment and stay in business this season. I ask my colleagues to join me in expressing their support for these important provisions that will provide some much needed relief for our nation's agricultural producers. I hope the Senate will insist that agricultural assistance be included in the final supplemental spending bill, notwithstanding the misguided positions of the White House and House on this important matter.

Mr. LEAHY. Mr. President, yesterday I spoke on the floor about amendment 3662 filed by Senator FEINGOLD and cosponsored by myself and Senators BYRD, SALAZAR, LIEBERMAN and COLLINS, concerning the Special Inspector General for Iraq.

In that statement I pointed out that because of the administration's decision to request funds for Iraq reconstruction under traditional Foreign Operations accounts even though the funds would be used to continue many of the same activities previously funded under the Iraq Relief and Reconstruction Fund, it would end the Special IG's oversight of these funds.

The Feingold amendment would have ensured that the Special IG's oversight continued, but the Majority opposed his amendment.

As a result, we now have only the State Department Inspector General to oversee these funds, even though that office has no people in Iraq and no capacity to undertake a job of this size and complexity any time soon.

I understand that my friend from Wisconsin went to the floor prior to the vote on cloture and waited for an opportunity to offer his amendment, but he was unable to obtain floor time. After cloture was invoked his amendment was ruled nongermane, and he was out of luck as far as getting a vote on his amendment.

The Special IG has uncovered widespread waste, fraud and abuse. Shocking sums have been wasted by unqualified contractors who spent the taxpayer's money as if it grew on trees, with little to show for it. Many projects that have absorbed millions or tens of millions of dollars will never be completed.

The Special IG has not won any popularity contests with the agencies whose performance he is responsible for overseeing, nor with some in the majority in Congress. However, they have

never offered a substantive explanation for ending his oversight of the Iraq reconstruction funds.

I do want to correct one of my statements yesterday, when I said that members of the majority party, in opposing the Feingold amendment, were ''acting on behalf of some in the Pentagon and the White House who want to shut down the office of the Special IG.''

I am informed that members of the majority party were not acting on behalf of the Pentagon and the White House. It was not my intention to impugn the integrity or character of my friends in the majority who I respect and have worked closely with for years, but rather to convey my strong disagreement and disappointment with their opposition to the Feingold amendment and to the continued oversight of these funds by the Special IG.

Mr. DODD. Mr. President, today I wish to speak about the emergency supplemental bill and about the amendments related to the ongoing conflict in Iraq and other pressing issues of the day.

For example, I am deeply disappointed that Senator LEVIN and others who had Iraq-related amendments were not allowed to offer them postcloture. I would have supported the Levin amendment, just as I supported the underlying emergency supplemental earlier today.

Having said that, I think there is something very wrong with a process that doesn't allow for full and open debate on the emergency funding for Iraq and Afghanistan just passed by this body. That is why I voted against cloture on the underlying bill earlier this week.

Indeed, the Senate just approved more than $67 billion in emergency supplemental funding for our combined military engagements in Iraq and Afghanistan. But because of the special rules of the Senate related to the consideration of appropriations matters, most amendments which would have spoken to United States policy in Iraq or Afghanistan were ruled out of order and never received an up-or-down vote, or even an opportunity for full debate. This fact has done a real disservice to the American people and, I believe, left the false impression that Congress is fully on board with our current policies.

By limiting debate on this bill, I'm afraid this body has also missed an important opportunity to address other issues of serious concern to the American people, including, importantly, the high prices Americans are paying at the pump for gas. The energy issue, I would add, is central in our efforts not only to promote a strong economy and supplies for Americans at home, but to our global efforts to secure U.S. national security interests.

Since 2000, the price of a gallon of gas has more than doubled, even when adjusted for inflation. In my home state of Connecticut, the average price for a gallon of gas hit $3.04 last weekend. In some parts of the country, prices are even higher. And this winter, only mild weather kept people in colder parts of the country like New England from seeing record increases in their heating bills.

Anyone who drives a car, buys or sells anything shipped by truck or plane, or turns on the heat when it's cold, is paying record prices for energy and enduring serious financial hardship.

At current prices, the average driver can expect to spend about $1,440 more on transportation this year than they did just a year ago. That's a big chunk of money coming out of consumers' wallets and businesses' bottom line. It's also a real cause for concern for the overall economy—it has the potential to create inflation and act as a drag on economic growth.

Meanwhile, while consumers are paying more, a few large oil companies continue to reap record profits. Let me be clear that I do not begrudge a company—any company—from making a profit. The ability to earn a profit is central to our capitalist system and the American spirit of entrepreneurship. But there is a big difference between profits and profiteering. And in the opinion of many, the big oil companies—who control the market for their products—have been engaging in profiteering on the backs of the American consumer.

Regrettably, by invoking cloture on this bill, this body chose not to consider measures that would have provided timely relief to American consumers and would have strengthened our ability to prevent profiteering at the expense of American families and businesses.

I was ready to offer one such measure with my colleague, the junior senator from North Dakota. Many of my other colleagues were planning to offer measures of their own that also deserved consideration by this body. The senior senator from Oregon, for one, held the floor for several hours last Thursday asking for a vote on his amendment, only to be refused by the majority.

America has an energy policy that is rooted in the 19th century. We depend on fossil fuels that are increasing in cost and limited in supply; that contaminate our air, water, and food supplies; and that are found predominantly in parts of the world that are politically unstable. Meanwhile, global demand is growing as countries like China require greater fuel supplies to power their increasingly modern economies.

This antiquated policy is having many adverse effects on our national security. Frankly, if the industrialized world had a secure alternative supply of energy, we would likely better be able to address any number of major international security crises—including the genocide in Sudan and Iranian nuclear ambitions. Serious action to address either issue is being stymied by nations reliant on other nations' oil exports.

We cannot keep running away from this problem. By failing to act on—or even consider—any of the measures that were ready to be offered this week and last week, this body missed an important opportunity to provide tangible energy policy solutions for the American public, and an important opportunity to strengthen U.S. national security. And the end result, in my view, is a great disservice to the American people and to U.S. national security.

I will vote for the emergency supplemental bill because while our troops are in harm's way, I believe that we need to provide them with every necessary resource so they can come home safely. But I frankly think that having more time to debate these issues and amendments would have done much to ensure the safety and security of our troops and all Americans in the years to come.

Ms. SNOWE. Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I rise today to address the impact of amendment No. 3810 proposed by the distinguished Senator from Illinois, Mr. OBAMA. Strengthening competition in the Hurricanes Katrina and Rita reconstruction contracts is a worthy goal. Along with my Senate colleagues from both sides of the aisle, I have watched with disappointment the rush of Federal agencies such as the Department of Homeland Security, DHS, and the Federal Emergency Management Agency, FEMA, to award hundreds of millions in no-bid contracts. Since last fall, my Committee held three oversight hearings on the Gulf Coast hurricane response and reconstruction efforts. Testimony at these hearings clearly established that small businesses have often been the victims of no-bid reconstruction contracting. We received strong commitments from the Army Corps of Engineers, the Department of Homeland Security, and the Small Business Administration to work hard to remedy this problem.

In response to the efforts of my committee and our counterpart committee in the House, positive results are already starting to show for small contractors. As recently as March 31, 2006, the SBA and FEMA jointly announced 36 contracts valued at $3.6 billion which will be set aside for small and small disadvantaged businesses, aimed at maintenance and deactivation of roughly 150,000 housing units. Priority for award of these contracts would go to local businesses. Federal agencies are also beginning to award disaster relief contracts to small businesses located in Historically Underutilized Business Zones, HUBZones, as called for by the Office of Management and Budget Guidelines for Using Emergency Procurement Flexibilities. The Senate fully supported these efforts by unanimously passing amendment No. 3627 cosponsored by myself and Senators VITTER, KERRY, LANDRIEU, and

LOTT to make the gulf coast area a HUBZone and to waive a law prohibiting small business set-asides in certain industries. All these acquisition strategies enlarge the Federal Government's supplier base, and are mandated by the Federal Acquisition Regulation when qualified small businesses are available. It is my understanding that amendment No. 3810 was not intended to prohibit spending on these and similar efforts. I ask whether my distinguished colleague, the sponsor of the amendment, Senator OBAMA, had the same understanding?

Mr. OBAMA. I thank the distinguished Chair of the Senate Committee on Small Business and Entrepreneurship for the opportunity to discuss this issue. I believe small businesses are the heart of the American economy and I am committed to expanding opportunities for small businesses to compete for Federal contracts.

One of the reasons I offered the amendment was my concern that noncompetitive contracts have shut out small, local and disadvantaged businesses from contracting opportunities in the gulf coast. If we are serious about restoring the gulf coast, we must ensure that small and disadvantaged businesses have the tools and opportunities necessary to create the local jobs and provide the local services that are essential to a quick and sustainable recovery. The SBA has an important role to play and should be actively using its authority to promote small business growth and competitiveness.

I want to be clear that it was not the intent of the amendment to interfere with small business set-aside programs that use appropriate competitive procedures in the awarding of contracts. I have been troubled by reports of outrageous overhead charges going to large firms that just end up subcontracting the work anyway to small businesses. It is important to preserve Federal Acquisition Regulations that require contracts to be directed to small businesses where responsible small firms are available to provide the government with quality products and services at fair prices.

My amendment is directed at large Government contracts and seeks to prevent no-bid deals that deprive all of us of the benefits of fair competition. My amendment should not limit Federal funds for contracts legitimately set aside for competition among small business concerns. Small businesses help competition and competition helps small businesses. When a conference committee gets appointed on this bill, I will communicate this understanding to the conferees.

Again, I thank the distinguished leader of the Senate Committee on Small Business and Entrepreneurship, and I look forward to continuing to work with her to strengthen small businesses and to expand opportunity throughout the American economy.

Ms. SNOWE. I thank the distinguished Senator from Illinois for his clarification and his support of small business contracting.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. COCHRAN. Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. They have not.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 77, nays 21, as follows:

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

[Rollcall Vote No. 112 Leg.]

YEAS—77

Akaka	Dorgan	Murkowski
Allen	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Grassley	Obama
Biden	Harkin	Pryor
Bingaman	Hutchison	Reed
Bond	Inouye	Reid
Boxer	Jeffords	Roberts
Brownback	Johnson	Salazar
Burns	Kennedy	Santorum
Byrd	Kerry	Sarbanes
Cantwell	Kohl	Schumer
Carper	Kyl	Shelby
Chafee	Landrieu	Smith
Clinton	Lautenberg	Snowe
Cochran	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Talent
Cornyn	Lott	Thune
Dayton	Lugar	Vitter
DeWine	Martinez	Voinovich
Dodd	McConnell	Warner
Dole	Menendez	Wyden
Domenici	Mikulski	

NAYS—21

Alexander	Crapo	Hagel
Allard	DeMint	Inhofe
Bunning	Ensign	Isakson
Burr	Enzi	McCain
Chambliss	Frist	Sessions
Coburn	Graham	Sununu
Craig	Gregg	Thomas

NOT VOTING—2

Hatch	Rockefeller

The bill (H.R. 4939), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. INHOFE. Mr. President, on rollcall No. 112, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The Presiding Officer appointed Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU conferees on the part of the Senate.

Mrs. MURRAY. Mr. President, I wanted to take a minute to express my deep gratitude to Chairman COCHRAN who, as I stated earlier, has demonstrated extraordinary patience over the past 2 weeks we have been debating this supplemental bill.

I also want to express my thanks to the ranking member, Senator BYRD, who has continued to demonstrate his strong and resolute leadership on this bill.

I also want to thank the many members of our Appropriations Committee staff who have worked very hard.

First and foremost, I thank our staff director and deputy staff director on our side, Terry Sauvain and Chuck Kieffer.

I also thank the majority staff director, Keith Kennedy, and his staff, Clayton Heil and Les Spivey.

I want to make special mention of the extraordinary hard work of B.G. Wright, Kate Fitzpatrick, and Rachael Taylor. They have been keeping us all on track on this side as to which of the hundreds of filed amendments have been cleared and which have not.

Finally, I thank Peter Rogoff who has dedicated his life on the Senate floor for the last 2 weeks above and beyond the call.

I thank all our staff and floor staff for being here many long hours for the completion of this bill.

I yield the floor.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Washington for her kind remarks and for her leadership and assistance in getting this bill prepared by our committee, and for handling the duties of managing the bill on the floor of the Senate.

Senator BYRD, of course, the senior Democrat on the committee, has been an inspiration to me and a true leader in every sense of the word in our committee and in the Senate for a long

time. He continues to be a very important friend to me. I am very grateful for that friendship. I join Senator MURRAY in commending our staff. But, first of all, I think I should mention my appreciation for the majority leader, BILL FRIST; and HARRY REID, the Democratic leader, for giving us the latitude and the authority to manage this bill on the floor of the Senate for the Committee on Appropriations to help ensure that every Senator had an opportunity to speak and offer amendments, to be a part of the passage of this bill in every sense of the word. We appreciate the leaders giving us that authority and for not trying to manage the bill from their offices. I really appreciate that.

Also, I have to commend the staff members on our side: Keith Kennedy, staff director, who has been working in the Senate for the Appropriations Committee for a good many years. He has a lot of experience. He is a person of great integrity, and I am very fortunate that he has agreed to serve as staff director of this committee and continue to provide guidance and supervision for all of the members of the staff of the Committee on Appropriations.

We are very proud of all of the staff. Those who have been particularly helpful to me during the handling of this bill, in addition to Keith, include Clayton Heil, our counsel for the committee, who has been on the floor of the Senate for much of the handling of the bill; Les Spivey, who is also a member of the full committee staff, he does a good job as well. I guess you could say he is our token Mississippian who is on the first team of the committee staff.

Terry Sauvain has been someone with whom I have enjoyed working for a number of years. He has worked closely with Senator BYRD for a good many years. We appreciate Terry's continued good assistance, particularly in the handling of this bill.

Chuck Keiffer and Peter Rogoff—Peter works for Senator MURRAY on the committee staff and has a lot of experience. He has been very helpful to us as we have managed this bill in the Senate.

I thank David Schiappa, Laura Dove, and Jodie Hernandez. They have been at the desk keeping up with all of the amendments, colloquies, and order of business, and keeping people advised through cloakroom telephones and answering Member's questions when they come onto the Senate floor. They go to that spot and ask for the pending business or what the order of amendments may be. They have been absolutely professional and diligent and helpful in every way.

On the Democratic side, I thank Marty Paone and Lula Davis for helping to keep up with things for the Democrats and helping to provide advice and counsel to all of us who have been involved in the handling of this bill. We are deeply grateful for their assistance.

UNANIMOUS CONSENT AGREEMENT EXECUTIVE CALENDAR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that at 2:15 today, the Senate proceed to executive session for consideration en bloc of the following nominations: No. 617, Brian Cogan, to be U.S. district judge for the Eastern District of New York; No. 618, Thomas Golden, to be U.S. district judge for the Eastern District of Pennsylvania.

I further ask consent that the following Senators then be recognized to speak: Senator SPECTER for 5 minutes; Senator LEAHY for 5 minutes; Senator SANTORUM for 5 minutes. Further, following the use or yielding back of time, the Senate proceed to votes on the confirmation of the nominations in the order listed above; provided that following the votes, the President be immediately notified of the Senate's action and the Senate resume legislative session.

Mrs. MURRAY. There is no objection on the Democratic side.

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

MORNING BUSINESS

Mr. ALEXANDER. On behalf of the leader, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes in morning business.

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

The Senator is recognized for 10 minutes.

RECITING OR SINGING STATEMENTS OF NATIONAL UNITY IN ENGLISH

Mr. ALEXANDER. Mr. President, I am here today because I may have misunderstood the actions on the other side of the aisle. Something rather surprising has occurred. It would appear from their actions that my colleagues in the Democratic Party seem to believe that we ought to sing the national anthem, say the Pledge of Allegiance, and take the oath of citizenship in this country in something other than our common language, English.

Here is why I say that. On Monday, along with several other Senators, I introduced a very simple resolution, a resolution affirming that statements of national unity, especially the Pledge of Allegiance and the national anthem, ought to be recited or sung in our common language, English. That is all it says.

Let me read the relevant part of the resolution. It says:

> Now, therefore, be it
>
> Resolved, that the Senate affirms that statements or songs that symbolize the unity of the Nation, including the National Anthem, the Oath of Allegiance sworn by new United States citizens, and the Pledge of Allegiance to the Flag of the United States, should be recited or sung in English, the common language of the United States.

This is not a resolution about what we are free to do in the United States; this is about what we ought to do in the United States. It is very straightforward. It does not infringe on anyone's right to free speech, or prohibit translation. It does not say Americans should not learn a second language. In fact, I encourage our children to learn a second language or even a third language to better compete in this global economy.

The resolution does say that we believe that we Americans ought to recite the pledge and sing ''The Star-Spangled Banner'' and other statements and songs that unite us as a Nation in the language that unites us as a Nation, English.

Last Monday, every Senate office received a request for the resolution to be passed by unanimous consent. I would not expect this resolution to just be bipartisan, I would expect it to easily be unanimous. That request was agreed to by every Republican, but on the other side someone objected.

Should I assume that the Democratic side objected because they believe we Americans should, at least some of the time, sing our national anthem in Spanish or some other foreign language? Do they believe we should recite the Pledge of Allegiance in Chinese, which is the second most spoken foreign language in the United States?

This is important. It is important enough that we inscribed in this Chamber, above the Presiding Officer, our original motto for this country: ''One from many.'' It is not ''Many from one.'' Our greatest accomplishment as a country is not our diversity, which is a magnificent achievement; our greatest accomplishment is we have taken all of this diversity and made it into one country. And we have a few things that unite us: our common history, the principles of our founding documents, and our common language. If we should lose that, we would be a United Nations, not the United States of America.

This is important because this is the emotion which underlies most of the immigration debate we are having. The concern among many Americans, other than the rule of law which has to do with securing the border, is to make sure that those who come to our country become Americans. And we do not do that by race, we do not do that by ethnicity, we do not do that by what country an immigrant comes from, we do it by a few simple uniting ideas: our founding documents, our common history, and our common language.

This has been true for a long time in our country. When a legal immigrant comes to the United States—and this has been the law for 100 years—and he or she applies to become a citizen, he

or she must, by law, demonstrate an eighth grade level of understanding of the English language.

It was 150 years ago we founded common schools. We call them public schools today. Albert Shanker, the former head of the American Federation of Teachers, said the reason for the common school was so we could teach mostly immigrant children to read and write in English, to do math, and what it means to become an American, with the hope they would go home and teach their parents.

We have always known it is important as Americans to have a common language because that is how we can communicate with one another. Immigrants to our country understand this. That is why they come here. They want to be part of our country that shares the values of liberty and equal opportunity. They want to contribute to our history of striving toward those values. They want to learn our common language, and usually do, as evidenced by long waiting lists for a number of English as a second language adult education courses across our country. That is why this Senate, just a few weeks ago, passed an amendment to the immigration bill by a vote of 91 to 1 to help legal immigrants learn English and to allow those who become fluent in English to become American citizens 1 year faster.

We value our common language. It isn't an argument that is hard to understand. In fact, when I first announced this resolution, the first supportive e-mail I received in my office came from Mr. Ramon L. Cisneros, the publisher of La Campana, a Spanish-language newspaper in Nashville with 18,000 subscribers.

He wrote:

> . . . Thank you for this resolution. We are Hispanic Americans and sometimes we write in Spanish for the benefit of those newcomers who are in the process of learning English. However, our common language as Americans is and will always be English. And our national symbols should always be said and sung in English.

I didn't ask Mr. Cisneros to write to me, but I am glad he did. He is proud of his Hispanic heritage. He performs an important service for Hispanics in the Nashville area, which is a growing part of our State, but he is also a proud, patriotic American. Our country is enriched by citizens like Mr. Cisneros.

I am puzzled by the reaction from some of my colleagues in the Democratic Party who seem to want to endorse the idea that we should sing the national anthem in some other language and recite the Pledge of Allegiance in some other language. We salute the American flag. We pledge allegiance to the United States, and we speak in our common language. That is how we unite ourselves.

Also, we might do a little bit better if we taught more U.S. history and civics in our public schools, which is another subject I have been working on with strong support on the Democratic side from Senator KENNEDY, from Senator REID, and especially from Senator BYRD.

I might note that in the House of Representatives, some Democrats have already chosen to cosponsor this same identical resolution. It has been offered by Congressman RYUN of Kansas. I have a hard time understanding why Democrats in the Senate are not supportive. Maybe I just made a mistake. Maybe I misunderstood what has happened. So let me try once again.

I ask unanimous consent that S. Res. 458 be discharged from the Judiciary Committee; further, that the Senate proceed to its consideration. I further ask that the resolution and preamble be agreed to and the motion to reconsider be laid upon the table.

Mrs. MURRAY. Mr. President, on behalf of other Democratic Members, I will object.

The PRESIDING OFFICER. The objection is heard.

Mr. ALEXANDER. I think that makes my point. Apparently, I did not misunderstand. Apparently, the Democratic Party in the Senate does not agree that we should say the Pledge of Allegiance, sing the national anthem, and take the oath of citizenship in our common language, English. That is a grave misunderstanding of our country's greatest accomplishment. Our diversity is a magnificent achievement, but our greater achievement is that we have taken all of this diversity and formed it into one country so that we are the United States of America. It is a central part of becoming American.

I am extremely disappointed by this objection.

The PRESIDING OFFICER. The Senator from North Dakota.

ENGLISH IN AMERICA

Mr. CONRAD. Mr. President, let me say that Democrats and Republicans are perhaps not all of one mind on the question the Senator just raised.

I personally believe it is absolutely essential to the strength of America that we encourage and insist that people who come to this country speak in English. A common language is absolutely essential to the unity of a nation. I look to our neighbors to the north and see the incredible traumas they have been through because they are speaking in two different languages.

My own strong belief is we ought to say the pledge in English, we ought to sing the national anthem in English. That doesn't prevent someone else from singing it in another language. That does not offend me. But I do think that it is absolutely essential for the strength and the unity of our Nation that those who come here, those who become citizens, are able to speak English.

I come from a proud tradition of immigrants. We are sort of the North Dakota melting pot. I am part Danish, I am part Swedish, I am part Norwegian, I am part German, I am part Scots-Irish, I am part French. So many of the people of my State came here from Scandinavian and German countries. They are intensely proud of their traditions. Many of them continue to speak the languages they came to this country with, but almost without exception they made a priority of learning English, speaking in English. I believe that is essential to our common heritage, that we have a common language.

I personally certainly believe that in any official setting, we ought to sing the anthem in English, we ought to say the pledge in English. If someone wants to, at some other setting, sing in some other language, that does not offend me, but in any official setting and in terms of what we ask and insist people do who are going to be part of our country, it is absolutely imperative they learn English. That is not just for the good of the country, although it is certainly that, it is also for their own good.

My wife's family came here from Italy. My wife told me many times about growing up in that family. Her grandfather for a time came and lived with them. There was an insistence in their family on speaking English even though the grandfather who lived with them spoke no English.

I find many who come from an immigrant background—as did I, as did my wife and her family—in our families, there was an understanding that the first order of business was to learn English, to speak English if we were going to be part of this country of which we are so proud.

I hope very much this is not presented as a partisan matter. I don't think it is. As one person on this side of the aisle, I believe it is imperative that we take the pledge in English, that we sing the anthem in English, that we insist that people who come to be part of this country learn English. I believe it is absolutely essential that English clearly be the official language of our Nation. That is absolutely imperative for us as a country.

I also believe it is absolutely in the interest of the people who come here. That is certainly the lesson learned in my family, of people coming from all over the globe. My relatives who came from Denmark, my relatives who came from Sweden, my relatives who came from Norway, and my relatives who came from Germany were so proud to be part of this country. And they recognized that it was in their interest and it was their responsibility as a first order of business to learn English.

SUPPLEMENTAL APPROPRIATIONS AND AGRICULTURE DISASTER ASSISTANCE

Mr. CONRAD. Mr. President, I rise to talk about the legislation we have just passed and to say to my colleagues there are provisions in the legislation for agriculture disaster that have been ridiculed in some circles. I would say

that those who have ridiculed the notion of disaster assistance for our Nation's farmers are way off base, and they really do not know what they are talking about.

I was extremely disappointed in the Secretary of Agriculture, who has suggested the only problem that farmers have is in the gulf of this country. Look, we recognize that no part of the country was harder hit by Hurricanes Katrina and Rita than the gulf region. And these legislative proposals that are in this bill will first and foremost help them because these are national provisions, these are not provisions just for one section of our country.

But to suggest that nobody else in the country has had serious problems, that reflects an ignorance that ill becomes the Secretary of Agriculture, ill becomes a man who is supposed to be the spokesman for this Nation's farmers and ranchers.

Yes, Hurricanes Rita and Katrina devastated the gulf, and they deserve first-priority consideration. But they were not the only ones hurt. Here are the headlines out of North Dakota: ''Rain Halts Harvest;'' ''North Dakota Receives Major Disaster Declaration;'' ''Heavy Rain Leads To Crop Diseases;'' ''Beef Crop Could Be The Smallest In 10 Years;'' ''Crops, Hay Lost To Flooding;'' ''Rain Takes Its Toll On North Dakota Crops;'' ''Area Farmers Battle Flooding, Disease.''

Those were the headlines all across my State last year.

Shown on this chart are the number of counties in my State—they are the counties in yellow—that were given disaster designations by the President—by the President—last year. They are the counties in yellow. I say to the Presiding Officer, you will notice every single county was designated a disaster. Why? Because we had rainfall 250 percent of normal. I do not know what is happening. Some say it is global climate change. Some say it is a weather cycle. I do not know. But I do know the result.

The result is this, as shown in this picture: The result is farms all across North Dakota that looked like they were in the middle of lakes last year. This is what eastern North Dakota looked like last year, when we had a million acres of land that was even prevented from being planted—a million acres.

The Secretary of Agriculture said there is no problem outside the gulf. Where has he been? Who is he listening to? Does he not do even the least amount of homework before he makes these statements? We need a new Secretary of Agriculture, if that is what he reports to the President.

These are the acres prevented from being planted in North Dakota last year—over a million acres that could not even be planted—and this Secretary of Agriculture says there is no problem outside the Gulf States?

Mr. Secretary, you ought to get with it. You ought to inform yourself before making such ridiculous statements.

As shown in this picture, this is North Dakota last year. These are tractors stuck in the mud. They could not plant. And in hundreds of thousands of additional acres where they were able to plant, they got dramatically reduced production. In those places they got production, when they went to the elevator, they got dramatically discounted prices. Why? Because of a disaster of enormous consequence—no, not as severe as Hurricanes Katrina and Rita, where there was loss of life, which we mourn along with those who lost loved ones. We absolutely respect that they had, by far, the biggest catastrophe. And this legislation will primarily help them.

I am the author of this legislation. I had 27 cosponsors, on a bipartisan basis, in the Senate. When it was offered in the Appropriations Committee, it passed on a unanimous vote. When there was an attempt to take out this assistance on the floor of the Senate, 72 Senators said: No, we are not going to take out disaster assistance for our Nation's farmers and ranchers. That was the right decision. And, yes, this should be national in scope because everyone who is an American who suffered a natural disaster deserves some assistance.

Not only did farmers and ranchers suffer egregiously in different parts of the country from different types of natural disasters, but they were also hit with a second blow, and that was a dramatic runup in agricultural energy inputs. Every part of agriculture is dependent on inputs that are based on petroleum—whether it is fuel, with the cost up $3 billion; fertilizer, with the cost up $1.4 billion; marketing, storage, and transportation, with the cost up $400 million; electricity, with the cost up $200 million—with total energy-related costs up $5 billion in one year in agriculture.

That had a devastating effect in my State. I just had a series of farm meetings in which farmers brought to me their operating statements—the difference between last year and this year—and income was cut in half—cut in half—in 1 year because of natural disasters, because of discounted prices, because of a failure to even be able to plant, and, on top of that, because of dramatically escalating energy prices.

And we have a Secretary of Agriculture who says there is no problem outside the Gulf States? Excuse me, Mr. Secretary, where have you been? Shame on you for providing that kind of false statement to the American people.

Here, shown on this chart, are the agricultural groups that endorsed the legislation, the disaster assistance that we passed—22 groups—the broad spectrum of American agriculture saying: Yes, disaster assistance is essential.

Mr. President, I ask unanimous consent to have this material printed in the RECORD listing the 22 groups.

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

APRIL 25, 2006.

Hon. SAXBY CHAMBLISS,
Chairman, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,
Chairman, Appropriations Committee, U.S. Senate, Washington, DC.

Hon. TOM HARKIN,
Ranking Member, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.

Hon. ROBERT C. BYRD,
Ranking Member, Appropriations Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CHAMBLISS AND CHAIRMAN COCHRAN, SENATOR HARKIN AND SENATOR BYRD: On behalf of the below signed organizations, we are writing to urge you to oppose any efforts to delete the agricultural disaster assistance provisions from the FY06 Emergency Supplemental Appropriations bill when it is considered by the full Senate.

Virtually every state in the nation has been impacted by significant weather related and disaster losses. About 80 percent of U.S. counties were declared disaster or contiguous disaster counties last year due to devastating hurricanes, fires, floods, excessive moisture and severe drought. Besides heavy crop and livestock losses and increased production costs associated with rapidly escalating input costs, many producers also face contaminated fields and infrastructure losses that pose serious, long-term challenges to economic recovery.

We appreciate recent supplemental assistance offered to help some of the victims of the 2005 hurricane season. Unfortunately, this assistance is not available to all farmers and ranchers who suffered devastating losses due to hurricanes. Furthermore, none of the supplemental assistance is available to producers who suffered significant economic losses to crop and livestock operations as a result of fires, flooding, drought, excessive moisture and the record-high energy costs brought on by natural disasters.

Because of the urgent need for disaster assistance and the widespread losses which span the country, we believe the provisions in the supplemental appropriations measure are crafted in a manner that offers producers the combination of supplemental direct assistance and production loss assistance that is both timely and tailored to meet all disaster-related losses. Many producers need assistance within weeks to repay loans and secure new financing in time for spring planting, so prompt action on this measure is vitally important given that traditional production loss assistance can take up to six months.

Thank you for your consideration of our views.

Sincerely,

Agricultural Retailers Association.
Alabama Peanut Producers Association.
American Beekeeping Federation.
American Farm Bureau Federation.
American Sheep Industry Association.
American Soybean Association.
American Sugar Alliance.
Farm Credit Council.
Florida Peanut Producers Association.
Georgia Peanut Commission.
Independent Community Bankers of America.
National Association of Wheat Growers.
National Barley Growers Association.
National Corn Growers Association.
National Cotton Council.
National Council of Farmer Cooperatives.
National Farmers Union.
National Sorghum Producers.
National Sunflower Association.
Southern Peanut Farmers Federation.
USA Dry Pea and Lentil Council.
USA Rice Federation.

US Canola Association.
US Rice Producers Association.
Western Peanut Growers.

Mr. CONRAD. Maybe the Secretary of Agriculture might want to inform himself of what has been said.

Finally, I have a letter from the State agriculture commissioners telling us, unanimously, disaster assistance was necessary and needed.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE,
Washington, DC, April 20, 2006.

MEMBERS OF THE U.S. SENATE.

DEAR SENATOR: I am writing on behalf of the state commissioners, secretaries and directors of agriculture to express our strong support for emergency disaster assistance for farmers and ranchers as agreed to by the Senate Appropriations Committee in H.R. 4939, the FY 2006 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Hurricane Recovery (report 109–230) Assistance is necessary to help farmers, ranchers and their communities recoup from financial losses due to-hurricanes, drought, fires, tornadoes, floods, and other natural disasters.

Nearly all states have been affected by natural disasters and in turn many farms and ranches across this country have suffered losses and damages. About 80 percent of U.S. counties were declared disaster or contiguous disaster counties in the last year. While there are risk management programs, such as crop insurance, disaster loans, and emergency grazing; the relief needed greatly exceeds the levels these programs can provide. Supplemental assistance is being offered to farmers and ranchers harmed by the 2005 hurricane season, however, not all producers will be able to attain the necessary levels of assistance to return to viable production levels.

In addition, the weather-related damages and losses in agriculture have significantly affected specialty crop producers and nursery businesses. States appreciate the provision that also provides grants to states that can be used to provide economic assistance to agricultural producers, and gives priority to the support of specialty crops and livestock. This section demonstrates how the federal government and states can partner with one another in directing assistance to those who need it most.

We understand that the Senate will consider this legislation when they return from the Easter Recess NASDA strongly urges your prompt action and support of this emergency assistance. We look forward to working with you and your staff on this issue so important to agriculture.

Sincerely,

J. CARLTON COURTER, III,
Commissioner, NASDA President.

Mr. CONRAD. Mr. President, I hope the Secretary of Agriculture gets the message—gets the message—disaster assistance is needed in this country.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I would like to speak in morning business and ask unanimous consent to speak for up to 10 minutes.

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

MEDICAL CARE ACCESS PROTECTION ACT

Mr. ENSIGN. Mr. President, yesterday, I introduced the Medical Care Access Protection Act to address our Nation's medical liability crisis.

High medical liability insurance premiums are threatening the stability of our Nation's health care delivery system. These rates are forcing many doctors, hospitals, and other health care providers to move out of high-liability States, limit the scope of their practices, and even close their doors permanently.

The crisis is affecting more and more patients and is threatening access to reliable quality health care services in many States across our country.

Because of unaffordable medical liability insurance premiums, it is now common for obstetricians to no longer deliver babies, and for other specialists to no longer provide emergency calls or provide certain high-risk procedures.

Ask yourself this question: What if you were in need of an emergency procedure? What if you were the woman who had a high-risk pregnancy and could not find a specialist to provide you with the care you needed? The medical liability crisis is threatening access to reliable quality health care services this is happening to patients all over America.

Additionally, some emergency departments have been forced to temporarily shut down in recent years. In my home State of Nevada, our level I trauma center closed for 10 days in 2002. This closure left every patient within a 10,000 square mile area unserved by a level I trauma center.

Jim Lawson, unfortunately, was one of those in need of the trauma unit at that time. Jim lived in Las Vegas, and was just one month shy of his 60th birthday. He had recently returned from visiting his daughter in California. When he returned, he was injured in a severe car accident.

Jim should have been taken to University Medical Center's level I trauma center, but it was closed. Instead, Jim was taken to another emergency room, where he was to be stabilized and then transferred to Salt Lake City's trauma center. Tragically, Jim never made it that far. He died that day due to cardiac arrest caused by blunt force from physical trauma.

Why was Nevada's only level I trauma center closed? A simple fact: Medical liability premiums could not be afforded by the doctors, and there were not enough doctors to provide care. The State had to actually step in and take over the liability to reopen the trauma center.

More than 35 percent of neurosurgeons have altered their emergency or trauma call coverage because of the medical liability crisis. This means that patients with head injuries or in need of neurosurgical services must be transferred to other facilities, delaying much needed care.

An example of this problem was brought to my attention by Dr. Alamo of Henderson, Nevada. Dr. Alamo was presented with a teenager suffering from myasthenia gravis. She was in a crisis and in need of immediate medical treatment. Because of the medical liability situation, there was no emergency neurologist on call to assist this young woman. Dr. Alamo called several in the area, and none of them wanted to take her case because of the medical liability situation. So Dr. Alamo had the young woman transported to California by helicopter to receive the medical care she needed.

These kinds of situations should not happen and should not be forced to happen because of the medical liability crisis we have in America today. Stories such as these are becoming all too common across our country.

I recently heard of seven patients who died in Chester County, Pennsylvania, because they did not have access to neurosurgical care. These patients were transported to neighboring counties instead of being treated locally where there was no available neurosurgeon. Some of these patients died during transport, and others died while on the operating table. This is unacceptable.

Women's health care is also in serious jeopardy. In Pennsylvania, the legal climate caused nine maternity wards to close over the past several years. And hundreds of OB/GYNs have left the State, retired, or limited their services. This story is being repeated all over America.

The bottom line is that patients cannot get the health care they need when they need it most. By definition, I believe this is a medical crisis. This crisis is affecting more and more patients, and it is threatening access to care.

To address the growing medical liability crisis in my State of Nevada, legislation was enacted that includes a cap on noneconomic damages and a cap on total damages for trauma care.

In order to control health care costs and make health care more readily available, we must extend similar protections to other States.

Our entire Nation needs serious medical liability reform now.

Without Federal legislation, the exodus of these providers from the practice of medicine will continue, and patients will find it increasingly difficult to obtain needed care. This is not a Republican or Democratic issue; this is a patient issue. Simply put, patients cannot find access to care when they need it most in many areas.

I introduced the Medical Care Access Protection Act to address the national crisis our doctors, hospitals, and those needing health care face today. My legislation is a comprehensive medical liability reform measure. The bill sets reasonable limits on noneconomic damages, while also providing for unlimited economic damages.

The Medical Care Access Protection Act is a responsible reform measure that includes joint liability and collateral source improvements, and limits

on attorney fees according to a sliding award scale.

My legislation also includes an expert witness provision to ensure that relevant medical experts serve as trial witnesses instead of so-called ''professional witnesses'' who are used to further abuse the system and further drive up medical costs.

My bill also preserves States' rights by keeping the State medical liability statutes in place and by allowing States that enact medical liability reform bills in the future to supersede the Federal limits on damages.

The Medical Care Access Protection Act uses the Texas style of caps on noneconomic damages which has brought real reform to the Texas liability system. This provides a cap of $250,000 for a judgment against a physician or a health care professional. In addition, the patient can be awarded up to $250,000 for a judgment against one health care institution. Judgments against two or more health care institutions cannot exceed $500,000, with each institution liable for not more than $250,000. Thus the noneconomic damages can total $750,000.

The Texas style of caps on noneconomic damages is working. Patients are experiencing better access to health care, and Texas communities are finding it easier to recruit new doctors. At least 3,000 new doctors have established practices in Texas since the law's passage in 2003. Many of these doctors are serving in medically underserved areas of the State. Some counties, such as Cameron County along the Texas-Mexico border, are experiencing unprecedented success in physician recruitment—the opposite of what is happening in Pennsylvania.

The number of medical specialists in Texas is also growing. Patients have access to more specialists and emergency room physicians. Since 2003, Texas has gained a total of 93 orthopedic surgeons and more than 80 OB/GYNs.

Insurance costs have decreased significantly for doctors and hospitals. Medical liability rates, which had been out of control, have been going down. Physicians' insurance rates had risen by as much as 54 percent in the last few years. But with medical liability reform, physicians in Texas have seen their rates drop by a significant amount. More than 4,000 Texas physicians have opened new professional liability policies. Some of these doctors are new to the State.

The medical liability structure in Texas is working. These types of outcomes should be shared by every State and ultimately every patient in America. The American Medical Association has removed Texas from its list of States experiencing a medical liability crisis. It should be our goal that every State in America be removed from the crisis list.

Let's put an end to this crisis once and for all. Let's enact meaningful medical liability reform today.

The Medical Care Access Protection Act is not a battle of right versus left; it is a battle of right versus wrong. This bill is the right prescription for patients. We need to secure patient access to quality health care services when they need it most.

Let's make sure expectant mothers have access to OB/GYNs and trauma care victims have access to necessary services in their hour of most critical need. And let's make sure we continue to provide patients with the opportunity to receive affordable, accessible, and available health care for years to come.

The Medical Care Access Protection Act is substantially different from legislation we have brought to the Senate floor in previous years, and it warrants serious consideration.

We are going to have a vote on whether to even debate this bill next week. The American people need to contact their Senators. They need to say: Let's bring the bill to the floor and have an open and honest debate on this measure. Are you going to stand with the trial lawyers, or are you going to stand with the patients in America? That is the question we have to ask ourselves. It is time for us to stand with the patients. If the people of America want change, they will have to contact their legislators. This has to be a grassroots effort that rises up from across the country.

I believe the time for action is now. As we consider this bill, I hope Senators will put aside partisan differences and political alliances and will put the patients of America first.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

BRIAN M. COGAN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. According to the previous order, the Senate will go into executive session.

The clerk will report the first nomination.

The legislative clerk read the nomination of Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. All time is yielded back.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I endorse the nomination of Brian Mark Cogan for the U.S. District Court for the Eastern District of New York. Mr. Cogan graduated from the University of Illinois in 1976, and received a law degree from Cornell in 1979. He is admitted to the bar in both New York and Florida. From 1979 to 1980, he was a law clerk for Judge Aronovitz in the U.S. District Court for the Southern District of Florida, and he was an associate and later a partner and general counsel for the law firm of Stroock & Stroock & Lavan.

Mr. Cogan possesses the qualifications to be an outstanding Federal judge. He had a hearing before the Judiciary Committee, which I chair, and we voted him out unanimously.

Based on his record, I urge my colleagues to support his confirmation today.

I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, this afternoon the Senate will confirm two more lifetime appointments to the Federal judiciary, Thomas Golden of Pennsylvania and Brian Cogan of New York. These confirmations will bring the total number of Senate-confirmed judicial appointments since January 2001 to 240, including the confirmations of two Supreme Court Justices and 43 circuit court judges.

Democrats in the Senate have been cooperative in considering and confirming consensus nominees. In fact, 100 judges were confirmed during the 17 months when there was a Democratic majority in the Senate compared to only 140 judges in the other 45 months under Republican control.

This morning, the Senate Judiciary Committee reported out another five judicial nominees unanimously. When they are considered and confirmed by the Senate, we will not only reach 245 judicial confirmations, but we will equal the number of judicial nominations considered in the entire session in the election year of 1996 when a Republican Senate controlled consideration of President Clinton's nominations. In session not a single nomination to the court of appeals was considered, not one. Of course this year we have already joined in confirming Judge Michael Chagares to the Third Circuit and I expect Democratic Senators to join in confirming the nomination of Milan Smith to the Ninth Circuit when that nomination is scheduled by the majority leader.

Unfortunately, the Senate Republican leadership is again bent on seeking to use nominations to score partisan points. Our job is to fulfill our duty under the Constitution for the American people so that we can assure them that the judges confirmed to lifetime appointments to the highest courts in this country are fair to those who enter their courtrooms and to the law, rather than to advance a partisan agenda. Regrettably, this is not the first time the Republican leadership in

the Senate has chosen to pursue a partisan agenda using judicial nominees. Sadly, published reports during the last couple of weeks indicate that the Senate Republican leadership is, instead, preparing to cater to the extreme rightwing faction that is agitating for fights over judicial nominations. We will see that when they insist on confrontation over such controversial nominations as Judge Terrence Boyle, Norman Randy Smith or Brett Kavanaugh. Despite Democratic cooperation in the confirmation of scores of nominees and the undeniable fact that we have treated this President's nominees more fairly than Republicans treated those of President Clinton, they seem intent on using controversial judicial nominations to stir up their partisan political base.

Rather than address the priorities of Americans by focusing on proposals to end the subsidies to big oil and rein in gas prices, rather than devote our time to passing comprehensive immigration reform legislation, rather than completing a budget, the Republican leader came to the floor last week to signal a fight over controversial judicial nominations. One of the nominations that the Republicans want to rubberstamp is that of Judge Terrence Boyle to the U.S. Court of Appeals for the Fourth Circuit. We have learned from recent news reports that, as a sitting U.S. district judge and while a circuit court nominee, Judge Boyle ruled on multiple cases involving corporations in which he held investments. In at least one instance, he is alleged to have bought General Electric stock while presiding over a lawsuit in which General Electric was accused of illegally denying disability benefits to a longtime employee. Two months later, he ruled in favor of GE and denied the employee's claim for long-term and pension disability benefits. Whether or not it turns out that Judge Boyle broke Federal law or canons of judicial ethics, these types of conflicts of interest have no place on the Federal bench. Certainly, they should not be rewarded with a promotion. They should be investigated.

The Republican leadership would rather have the Senate be a rubberstamp for rewarding this administration's cronies with lifetime appointments to high Federal courts. They have tried before. If the White House had its way, we would already have confirmed Claude Allen to the Fourth Circuit. He is the former Bush administration official who recently resigned his position as a top domestic policy adviser to the President. Last month we learned why he resigned when he was arrested for fraudulent conduct over an extended period of time. Had Democrats not objected to the White House attempt to shift a circuit judgeship from Maryland to Virginia, someone now the subject of a criminal prosecution for the equivalent of stealing from retail stores would be a sitting judge on the Fourth Circuit confirmed with a Republican rubberstamp.

A look at the Federal judiciary in Pennsylvania demonstrates yet again that President Bush's nominees have been treated far better than President Clinton's and shows dramatically how Democrats have worked in a bipartisan way to fill vacancies, despite the fact that Republicans blocked more than 60 of President Clinton's judicial nominees. With today's confirmation of Thomas Golden to be a district court judge in Pennsylvania, 21 of President Bush's nominees to the Federal courts in Pennsylvania will have been confirmed, more than for any other State except California.

With this confirmation, President Bush's nominees will make up 21 of the 43 active Federal circuit and district court judges for Pennsylvania—that is more than 49 percent of the Pennsylvania Federal bench. On the Pennsylvania district courts alone, President Bush's will now sit in 18 of the 36 judgeships.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House. Republicans denied votes to nine district and one circuit court nominees of President Clinton in Pennsylvania alone. Despite the efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote. Despite records that showed these to be well-qualified nominees, these nominations were blocked from Senate consideration.

So while I congratulate Thomas Golden and his family on his confirmation, I remember those who were not treated so fairly by Senate Republicans.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 113 Ex.]

YEAS—95

Akaka	Dorgan	McConnell
Alexander	Durbin	Menendez
Allard	Ensign	Mikulski
Allen	Enzi	Murkowski
Baucus	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Brownback	Gregg	Reed
Burns	Hagel	Reid
Burr	Harkin	Roberts
Byrd	Hutchison	Salazar
Cantwell	Inhofe	Santorum
Carper	Inouye	Sarbanes
Chafee	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden
Domenici	McCain	

NOT VOTING—5

Bayh	Bunning	Rockefeller
Boxer	Hatch	

The nomination was confirmed.

NOMINATION OF THOMAS M. GOLDEN TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Thomas M. Golden, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to recommend to my colleagues the confirmation of Thomas M. Golden to the U.S. District Court for the Eastern District of Pennsylvania.

Mr. Golden graduated from Penn State University in 1969, and received a law degree from Dickinson School of Law in 1972. Thereafter, he has been in the practice of law with Stevens & Lee, first as an associate and then as a partner. And from 1979 to the present, he has owned his own firm, Golden Masano Bradley and serves as managing partner in that capacity.

Mr. Golden enjoys an excellent reputation for academic achievement, for lawyerly skills, for integrity, and for community service. Alvernia College awarded Mr. Golden a doctorate of human letters for service to the community and legal profession in 2003. He is past president of the Pennsylvania Bar Association and the Berks County Bar Association.

Holding those positions is demonstrative of active community service, taking on responsibilities to promote the public welfare beyond his work as a private practicing attorney.

The American Bar Association gave Mr. Golden a unanimous ''well-qualified'' rating. In my years on the Judiciary Committee and now as chairman of the committee, I have seen many nominees, and I believe Tom Golden has outstanding potential for the Federal district court. I urge my colleagues to support him.

Mr. SANTORUM. Mr. President, it is a pleasure for me to come to the floor of the Senate to give good words of encouragement to my colleagues to support Tom Golden for the Eastern District of Pennsylvania judgeship. This is a vacancy that the Office of Administration at the U.S. Courts has determined is a judicial emergency, so it is high time that we get this vacancy filled. Tom Golden has proven to be just the right medicine for us to be able to move this process very quickly in the Senate.

On April 27 he was moved out of committee by a voice vote, so I guess, from all reports at least, unanimously. Certainly there were no vocal objections. He now comes to the floor for confirmation. I congratulate him in anticipation of a strong positive vote today on his successfully negotiated, what can be tough shoals in the Senate when it comes to judicial nomination.

The record speaks for itself. This is a man of great legal ability, as well as someone who is a fine member of his community and citizen of this country. He started out with great potential. He graduated from Penn State University, which happens to be my alma mater, and also graduated from the Dickinson School of Law, which happens to be my alma mater. He has a fine background and education, and he has come forward from that education to work at a law firm in Reading, PA. He is from Berks County. Berks County is one of the larger counties in our State. It has not had a judge there for some time, even though there is a courthouse in Reading. We are quite excited. Folks in the Eastern District are rather exited about the opportunity of having their cases heard and their filings be filed before judges and motions be heard in Reading as opposed to having to travel all the way to Philadelphia to have their cases proceed.

This is not just a good moment for Tom Golden, but it is a good moment for all of the litigants in the western part of the Eastern District, to be able to have their cases heard in a much more convenient fashion.

Aside from a variety of involvements in charitable organizations and specific organizations, I want to mention the fact that Tom was very active in the bar association. In fact, not only is he in the House of Delegates at the ABA, and has been since 2002, he was the president of the Pennsylvania Bar Association from 2003 to 2004 and served, as you can imagine, often as chair leading up to his election to the presidency in 2006. He has been active in the Berks County Bar Association and a whole lot of other legal areas.

He was rated ''well-qualified,'' not surprisingly, by the bar association. He is coming here with the highest recommendations from the legal community, as well as the community at large in Berks County.

It is a pleasure to come here with a noncontroversial nomination, someone who has the highest character, as well as great legal ability, and someone who, I am confident, will do a fine new job as judge on the Eastern District of Pennsylvania.

Mr. BIDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas M. Golden, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—96

Akaka	Domenici	McCain
Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Brownback	Gregg	Reed
Burns	Hagel	Reid
Burr	Harkin	Roberts
Byrd	Hutchison	Salazar
Cantwell	Inhofe	Santorum
Carper	Inouye	Sarbanes
Chafee	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden

NOT VOTING—4

Boxer	Hatch
Bunning	Rockefeller

The nomination was confirmed.

Mr. DEMINT. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The PRESIDING OFFICER. The Senator from South Carolina.

MORNING BUSINESS

Mr. DEMINT. Mr. President, I ask unanimous consent that the time until 5:30 p.m. be equally divided between the two leaders or their designees in morning business.

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

Mr. DEMINT. Mr. President, I ask to be recognized for 10 minutes in morning business.

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

HEALTH CARE AND MEDICAL MALPRACTICE

Mr. DEMINT. Mr. President, next week this Senate is going to consider one of the most important issues that we will consider as a Congress and as a nation, and that issue is health care. All of us know that the cost of health care, the cost of health insurance, and, in many cases, access to doctors around the country is becoming a serious problem. Many are uninsured. It is an issue we talk about a lot in the Senate, but it is an issue we haven't done a lot about.

This is like some other issues, I am afraid, where our tongue doesn't exactly match our action. We heard a lot of talk on the Senate floor about jobs and jobs going overseas, but when the proposals come up to make America the best place in the world to do business, to lower the cost of doing business in this country, to continue investment tax credits, to put some caps on frivolous lawsuits, to reduce the costly and unnecessary regulations, and even to do things that make energy less expensive so we can manufacture in this country, I am afraid my colleagues, particularly my Democratic colleagues, block those actions and, again, unfortunately, pit business against people and profits against jobs. What we know and most Americans know is that people have jobs with businesses, and businesses that don't have profits don't create jobs.

Our rhetoric needs to match our action. We need to stop blocking legislation that needs to be done and blaming other folks when it doesn't get done.

We have seen the same thing happen with energy, unfortunately. For the

last several decades, my Democratic colleagues have blocked the development of America's energy supplies, blocked our own energy independence, even back in the seventies, when President Carter stopped the development of nuclear power generation and our European allies moved on to where now 80 percent of their electricity comes from clean and efficient nuclear power. Even the founder of Greenpeace has come back and said it was a mistake to stop that. Yet today we make electricity with natural gas, which is increasing the demand for natural gas and has raised the prices so that many of our manufacturers can no longer compete because of the high cost of energy in this country. And the price keeps going up.

We have seen the same thing happen with oil and gas where for years we blocked the development of our own energy supplies, our own oil supplies, and now we are down here trying to blame the President and others for the high cost of gasoline.

If we track what happens on many of the votes—I know I have heard on this floor that the oil reserves in Alaska wouldn't make that big a difference. But we know that only a 2- or 3-percent increase in our supply at this time would dramatically reduce the cost of gasoline. Yet on all of these dates over the years, going back to 1991, consistently our Democratic colleagues have voted to block the development of oil reserves in ANWR, and we see the price of gasoline going up consistent with those votes.

I have heard on this floor for a number of years that the 5-percent additional supply that would be provided by ANWR would make no difference in the cost of gasoline. Yet we saw during Katrina, when we lost 5 percent of our supply, what it did to the cost of gasoline and what it is doing today.

We can't continue to block what needs to be done and then blame other people when we have problems because it doesn't get done.

Today I wish to talk particularly about health care because we have gotten word from our Democratic colleagues that they are going to block several important provisions that we are going to try to get on the floor for debate next week.

One of those is medical malpractice. A very important component in the cost of health care is the fact that we are suing doctors out of business. We have 20 States now that are considered in crisis because of medical liability. We have another 24 that show warning signs, which means the loss of doctors, the loss of access to care, and less insurance available. South Carolina is in that group.

Let me share some statistics that should get folks' attention: 59 percent of physicians believe that the fear of liability discourages discussion and thinking about ways to reduce health care costs. The costs of defensive medicine are estimated to be between $70 billion and $126 billion a year. I think I need to say that again. The cost of defensive medicine is up to $126 billion a year to try to cover doctors from liability because of unlimited lawsuits against doctors. Blue Cross, a major insurer, when surveyed said it is already a serious problem as far as adding to the cost of health insurance premiums.

There are many things we can do to fix that, but folks need to understand the real costs because I know my Democratic colleagues will say that it is not a factor.

The only people getting rich from medical malpractice are the personal injury lawyers. Keep these things in mind during our debate next week: More than 70 percent of the claims against doctors or hospitals are dropped or dismissed before they reach a verdict, but even if they are dismissed, the claims costs are $18,000 in legal expenses. In 2004, medical liability costs that were settled—when cases are settled—the legal costs were $60,000. In the cases where they actually went to trial but the doctor or hospital won, the average cost jumped to $94,000.

The Wall Street Journal points out a number of facts like these, but one of them should really hit home. They were using Texas as an example because Texas has made some reforms that we will be considering for our country that have made a big difference.

Hospital premiums to protect against lawsuits more than doubled in Texas between 2000 and 2003. But I think probably the most disheartening statistic I have seen is that between 1999 and 2002, the annual per-bed cost for litigation protection for nursing homes went from $250 to $5,000. That is what nursing homes have to pay just for liability coverage for malpractice lawsuits. That is at a time when we have a new and large wave of retirees whom we need help when it comes to nursing homes. Yet we are suing them out of their hospital beds.

We know we can fix this. Part of the problem, I am afraid, is right here in Congress. As I said before, the only people really getting rich from the system we have now are personal injury lawyers. One statistic to remember is between 2003 and 2004, personal injury lawyers gave $102 million to House and Senate candidates. They got a good payback. In fact, it was a 10,000-percent rate of return because during that same period, over $18 billion in malpractice awards were given during 1 year—over $18 billion. We cannot continue to allow this to be a part of our health care system and then come down here and complain about the cost of health care.

We know that many doctors are leaving rural areas and no longer delivering babies. This is a fact. This is not political rhetoric. We know that in many places around the country, if someone is injured badly with a head injury in a car accident and they go to an emergency room, there are no neurologists there because they won't take calls because they are likely to get paid very little from Medicaid or another insurance company, but they could lose millions of dollars because of lawsuits.

There are some commonsense things we can do, and we have seen this happen in Texas with their reforms that we will be looking at next week. I implore my colleagues to consider what Texas did, and before we get into all the misrepresentations, the malpractice bills we are going to talk about next week do not put any limits on economic damages and allow up to $750,000 for pain and suffering. So a person who is injured could get their salary for life, all their health care paid for, and up to $750,000 additional money for pain and suffering in Texas. What that has done in just 1 year is cut their lawsuits in half. The cost of liability insurance has been reduced almost 20 percent in just a short period of time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEMINT. Mr. President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I won't object assuming there will be 2 additional minutes on this side.

The PRESIDING OFFICER. Time is equally divided.

Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I will conclude again with the hope and the request that we can debate this honestly. Certainly we do not want patients being hurt and not being compensated, but we also don't want many more patients not finding a doctor, not being able to afford their health care or to get health insurance. These are things we can fix if we work together.

If you notice on my chart, I don't accuse this of being Republican or Democrat. It is just an issue we need to address. We need to do something commonsense with medical malpractice. Please, let us put the bill on the floor next week for debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, is the Senator from Massachusetts seeking recognition for a unanimous consent request?

Mr. KENNEDY. I am. I was going to make comments for 2 or 3 minutes and then make a consent request.

Mr. LEAHY. I was going to proceed for about 5 minutes, but if the Senator from Massachusetts wishes to go first, that is fine.

Mr. KENNEDY. I will wait.

MEDICAL MALPRACTICE

Mr. LEAHY. Mr. President, it is interesting to hear the statistics being tossed around. I am sure the distinguished Senator did not mean by his chart to suggest somehow bribes have been offered to people in how they vote.

Mr. President, we have States without caps on medical malpractice recoveries. They have 14 percent more practicing physicians than those with caps. We hear about the increasingly burdensome medical malpractice premiums and, indeed, they are. Health care providers pay onerous amounts to be insured. That is why I have introduced a bill directed specifically toward medical malpractice insurance reform because, after all, there is no correlation between malpractice claims and rising insurance premiums. Between 2000 and 2004, insurers increased premiums 134 percent, even though payments remained flat.

They say this legislation drastically reduces insurance rates. Of course, the American Insurance Association has said we have not promised price reductions for tort reform. They have been quoted as saying: We wouldn't tell you or anyone the reason to pass tort reform would be to reduce insurance rates. In fact, a majority of States that have enacted caps have seen no reductions. In fact, on average, doctors in States with caps pay more for insurance than they do in States without caps.

The fact is, there is one place that makes money. Claims go down and insurance premiums go up. It is like the rising gas prices and the record oil company profits. Maybe we ought to be asking medical malpractice insurers exactly why their premiums are so exorbitant? If it is not because they are paying an increasing amount of claims. They are not doing that. Rates are going up much faster than any claims. It could be a soft stock market, bad investments, or greed. That is what we ought to ask about. In my State, without caps, we increased the number of doctors. So don't use this argument that somehow in rural areas, in rural States, we are going to lose doctors. We are gaining doctors. We should ask the insurance companies why their rates go up, even though the payments are flat.

We should also remember that America's courts belong to the American people, not to the special interests of the insurance companies. These bills are bad public policy. They are ill-timed.

We ought to be debating the priorities of the American people, not debating ways to make greater profits for the insurance companies. We ought to talk about energy policy and skyrocketing gas prices. Wouldn't it be good to have a real debate on the fiasco in Iraq today, a real debate about what has gone wrong in the war in Iraq? That could take a couple of months just to list them. A lot has gone wrong since the President announced: ''Mission Accomplished.''

We ought to be talking about the comprehensive immigration bill or stem cell research. What about the horrific genocide in Darfur?

So I am disappointed that the majority leader has decided instead that the Senate's and the public's valuable time should be taken up with these bills. I am also disappointed that he has decided to bypass any consideration of these bills. Instead, the insurance companies, and probably some of the large medical companies, have a special interest bill that benefits the insurance companies at the expense of patients with legitimate injuries coming straight to the floor.

These are real people. I will give you one example in my own State of Vermont. On April 7, 2000, Diana Levine had a severe migraine headache. She went to a health center. Ms. Levine was a musician. She received a painkiller, along with an injection of another sedative. That caused complications and she had two amputation surgeries of her left arm. A musician. She sued the corporate giant, Wyeth, for improper guidelines on the sedative because it didn't warn about these dangerous combinations. They knew about it, but they didn't warn anybody. She said:

> I never expected to sue anyone in my life. . . . Sometimes it takes something like this to make it known when a drug is not being used right.

After a full trial, knowing that her career as a musician was gone, the jury said she deserved $2.4 million for past and future medical expenses and, of course, $5 million for the daily pain she is suffering. Most of that would have been cut out under this bill. That makes me think this bill is political and doesn't go to the root cause of medical malpractice.

Let's not forget that medical errors happen to 100,000 people each year. One out of over 100 hospitalized patients suffers negligent care. Just turn on the news every night and we hear about it. More people die as a result of medical errors than automobile and workplace accidents combined. More die from that than automobile accidents and workplace accidents combined, but only 3 percent of them even file a claim. These statistics tell us there is not so much a malpractice lawsuit problem as a medical safety problem.

I fail to see how arbitrarily limiting the rights of citizens addresses this serious problem, particularly because in many cases the judicial system is the only forum in which such an error is brought to light. Rather than looking for ways to limit our citizens' access to justice, we should look for ways in which we can encourage the medical community to strive for the highest standards in the delivery of its services. It is in our interest as citizens, and it is certainly in the interest of all the dedicated and caring people in the medical profession whose oath commands them to do no harm. My wife Marcelle dedicated her career to the care of others through nursing, and I know how seriously those in the medical profession take their solemn responsibilities. The best place for positive change to occur is from within the medical profession, not from within our courtrooms.

The bills on the floor today favor the interests of insurance companies over patients, the interests of profit over sound health care, and they provide illusory promises of lower insurance rates for doctors, while addressing none of the underlying causes of medical malpractice. This is not the fix that is needed.

We hear numerous complaints from politicians about the harm malpractice lawsuits cause to patient access and the medical profession. We hear claims about doctors practicing defensive medicine at the expense of innovation and aggressive treatment. We hear claims about doctors fleeing communities. We hear claims about the reluctance of our young people to enter the medical profession. We hear claims about pregnant women who cannot find obstetricians to provide care throughout pregnancy and birth. There might be some merit to this legislation if these claims we routinely hear were true. They are not.

The myths associated with medical malpractice lawsuits have virtually all been discredited. Two of the primary arguments in favor of capping noneconomic damages are lowering insurance premiums and preventing doctors from leaving their State or their profession. The available data suggests that these arguments are unfounded.

In my home State of Vermont, the most recent data show that the number of physicians practicing in the State has risen steadily from 1,918 doctors in 1996, to 2,589 doctors in 2004. The number of OB–GYNs in Vermont is also higher today than it was in 2000. Today Vermont residents benefit from 113 OB-GYNs, compared with 91 in 2000.

This trend exists nationally as well: The number of physicians nationally has risen between 1996 and 2004. We also now have more physicians under the age of 35 today than we did in 1996. The number of doctors per capita in this country has been steadily increasing since 1965. It is hard to understand how these trends can be characterized as the loss of people from the medical profession. There is also no correlation between a State damages cap and the number of doctors practicing in the State. Nationally, States without caps have 14 percent more practicing physicians.

As we consider the majority leader's bills, I urge other Senators to help expose the myths associated with the legislation we address today. In fairness to the American people, we should be debating the facts, not the myths. If we acknowledge that the real problem is medical malpractice and the injuries and deaths that result, and not the lawsuits that seek to remedy these harms, I know we can go a long way to helping the medical profession work from within to assure that doctors meet the highest possible standards and strive to prevent medical errors. After all, those in the medical profession are in the best position to understand what changes must occur, and

how best to make sure that needed changes occur. As an example of this I want to highlight the efforts of anesthesiologists, who accomplished a nearly sevenfold reduction in anesthesia-related errors through cooperative changes to their systems and practices. Not surprisingly, when anesthesia-related errors decreased, so did insurance premiums. This should be our model of how to effectively address medical malpractice. If we work together, between needed reforms in the insurance industry, and by supporting medical professionals in improving the critical work they do, I know we can tackle this problem effectively.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I thank my colleague and friend from Vermont for his excellent statement and comments. I look forward to joining with him on the debate of that issue when we have a chance on Monday and Tuesday next. I share the disappointment of the Senator from Vermont that we will not have an opportunity to address the stem cell issue on the floor of the Senate, which can offer such extraordinary hope to so many families in this country.

We are in the life science century. We have seen this enormous progress that has been made with the mapping of the human genome, with imaging, nanotechnology—breathtaking advances—and stem cell research offers a very similar kind of opportunity. We have legislation that is on the calendar that was approved in a bipartisan way in the House of Representatives, and it has been on the calendar now for about a year. I think most of us were heartened when we heard our majority leader indicate his general support—a change in position—his general support for the items which are in the House bill that is on the calendar now before the Senate. Evidently, though, we will not have an opportunity next week to consider that stem cell bill.

When I think of the stem cell legislation, I think of the possibilities of hope for families who are facing Alzheimer's disease or cancer, Parkinson's disease, diabetes because the possibilities in research are virtually unlimited. There are no assurances of the outcome, no absolute assurance that we are going to come up with cures, but for those who are on the cutting edge of basic and applied research in the science area or in the health area believe that this stem cell research offers enormous possibilities. I wish that had been included in the agenda for next week's discussion about health care, but it has not been.

HATE CRIMES

Mr. KENNEDY. Mr. President, I share the disappointment of many that the Republican leadership has delayed calling up the sex offender registration bill. The House passed its version last September and the Senate Judiciary Committee reported a much improved version to the full Senate last October.

When the House passed its bill, it approved an amendment to improve the Federal hate crimes laws as well. The Senate bill does not include that provision, but many of us had hoped to add it as an amendment. I urge my colleagues to support it.

The inclusion of the Federal hate crimes law is not inconsistent with the goals of the legislation to stop crimes against children. We can clearly do more to protect our communities and encourage them to do so. Hate crimes are a violation of everything our country stands for. These are crimes against entire communities, against the whole Nation, and against the fundamental ideals on which America was founded, and they have a major impact on children. The vast majority of Congress agrees.

Last year, Senator SMITH and I offered our hate crimes bill as an amendment to the Defense Authorization Act, and it passed by a bipartisan vote of 65 to 33. The House passed a nearly identical hate crimes amendment by a vote of 223 to 199, which made it part of its sex offender registration bill. The substantial majority of both Houses of Congress have now voted in favor of the hate crimes proposal, and the time is long overdue to pass these protections into law.

The hate crimes bill is supported by a broad coalition. Over 200 law enforcement and civil rights groups, including the National District Attorneys Association, the National Sheriff's Association, and the National Association of Chiefs of Police, the Anti-Defamation League, and the U.S. Council of Mayors.

A strong Federal role in prosecuting hate crimes is essential for both practical and symbolic reasons. In practical terms, the bill will have a real world impact on the actual criminal investigations and prosecution. The symbolic value of the bill is equally important. Hate crimes target whole communities, not just individuals. Attacking people because they are gay, African American, Arab or Muslim or Jewish, or any other criteria is bigotry at its worst. We must say loudly and clearly to those inclined to commit them that they will go to prison if they do.

The vast majority of us in Congress recognize the importance of passing a hate crimes bill. This year we can make the statement even clearer by turning it into law.

UNANIMOUS CONSENT REQUEST—S. 1086

Mr. KENNEDY. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Democratic leader, but no later than May 25, 2006, the Senate proceed to the consideration of Calender No. 251, S. 1086, and that it be considered under the following limitations:

That there be 1 hour of debate on the bill, with the time equally divided and controlled by the two leaders or their designees; the only amendment in order, other than the committee-reported substitute amendment, be a Kennedy-Smith hate crimes amendment on which there will be 2 hours of debate with the time equally divided and controlled in the usual form; that upon the use or yielding back of time on the amendment, without further intervening action or debate, the Senate proceed to vote in relation to the amendment; that upon disposition of the Kennedy-Smith amendment and the yielding back of time on the bill, the committee substitute, as amended, if amended, be agreed to; the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. In my capacity as a Senator from Minnesota, at the request of leadership, I object.

Objection is heard.

Mr. KENNEDY. Mr. President, I regret that the Republican leadership has blocked our efforts to have a vote on this amendment. I expect that they will move forward on the immediate passage of the underlying bill. We should also get a vote on hate crimes. It is long overdue. It is clear that the Republican leadership will do anything to stop our hate crimes bill. I don't think it is right to delay consideration of the Senate bill on sex offenders, so the battle on hate crimes must continue. Given today's objections, let's move ahead on S. 1086.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TORT REFORM AND RELATED ISSUES

Mr. BURNS. Mr. President, next week should be a week of looking at our health care system and debating on the direction that I think the policy should go in that area. Not only do we have tort reform that has been suggested by the leader, but also the ability of small business to band together across States to lower the cost of insurance, especially small business owners who have less than 10 employees, and sole proprietors, and even individuals, to band together and do something about lowering their costs of insurance.

Today, I want to open minds and start setting the framework of what this debate is all about that will occur next week.

It is about the unrestrained escalation of jury awards that are driving

up the cost of many medical procedures. Consequently, many of our best and brightest in the medical field are limiting services, retiring early, or move to States where liability premiums are stable in order to carry out their Hippocratic Oath. The true victims of this disturbing trend are the vulnerable and sick among us whose access to quality care becomes more restricted with each day that this crisis is not addressed. It is time for responsible legislators to do what is right for our health care system and the medical community and pass S. 22, the Medical Care Access Protection Act of 2006 and S. 23, the Healthy Mothers and Healthy Babies Act.

The consequences of this trend fall hardest on women and children. Contrary to what the other side may say, the exploding cost of liability insurance has limited access to OB/GYNs. It has caused women to receive less prenatal and preventive health care, and many low-income women to lose critical access to community clinic services.

This is not happening because of a sudden increase in physician negligence. It is happening because of the ever increasing number of lawsuits filed against health care providers each day. By and large, these are meritless suits filed by trial lawyers who seek to take advantage of the justice system in order to enrich themselves. I urge members of the Senate not to fall prey to the influence of these trial lawyers, and we know they have it. Every time this issue has come before this body, the trial lawyer lobby has flexed its muscle to put a stop to its progress. If we work together we can come to a plan to address this situation.

Who is it that these trial lawyers are opposing? It is not only the pleas for help from doctors, who overwhelmingly support reform, it's also the will of the American people, who support medical liability reform at a rate of 75 percent. And the reason they support it is not because they think those who have been harmed by a doctor's negligence shouldn't be compensated, it's because they know how these trial lawyers are hurting them, their families and neighbors. They see the commercials from these so called law firms on late-night television offering to sue any doctor over anything and everything possible. Or they or someone they know has had difficulty finding an OB/GYN to deliver a baby.

In fact, to give this issue even more of a human face, my daughter had to give up delivering babies because she could no longer afford the crushing burden of inflated insurance costs imposed upon her by these trial lawyers bringing frivolous lawsuit after frivolous lawsuit against OB/GYNs.

Of course, insurance companies—we have heard they make all kinds of money. I tell you, in my State of Montana I think only a very few companies offer any kind of medical liability. While the trial lawyers' bank accounts have continued to grow, the number of doctors able to perform one of the most important acts a doctor can perform has gone down and patients are the ones being hurt.

Given the choice between siding with doctors and patients or the legal community, I think I will take the side of the doctors and the patients every time.

That is not to say if a person has been wronged or harmed by negligence, they shouldn't be able to recover their economic loss. It is time for us to step up to the plate and set the policy and finally do something to ease this cost of not only insurance but our total health care system.

Those who would oppose medical liability reform will say there is no problem, there are no frivolous lawsuits, and these reforms only harm those who have been hurt by doctors' negligence. Those assertions are simply false. No two ways about it. Let's look at the facts. On any given day there are nearly 125,000 lawsuits pending against health care providers, and 75 percent of these will close with no payment.

Some would say that is not bad, there is no harm, 75 percent will close with no payment—so what? The cost comes to the medical community when you have to pay for and provide a defense. Statistics show that of cases that do go to trial, 86 percent of the doctors will be found not liable. Still, the cost of defending the case is very costly. Consequently, the doctors who are targeted by these lawsuits will spend an average of $90,000 to defend themselves. That is added into the cost of our health care, not only for providers but also into our insurance premiums.

More striking is the impact these suits have on American access to quality medical care. One in seven obstetricians no longer delivers babies due to the fear of being sued; 30 percent to 50 percent of high-risk specialists are sued every year. That is a high number. How would you want to spend all this time in medical school, all this time and money, and then fall into a category that, once you go into practice, you have a 30- to 50-percent chance of being sued every year while you are in practice?

Mr. President, 79 percent of physicians practice defensive medicine. What is that? It is ordering costly and unnecessary tests due to the fear of being sued, of not covering all the bases—not only covering all the bases but maybe covering them twice. This adds between $83 billion and $151 billion per year in added costs to patients and their physicians.

The impact on my State of Montana and other rural States has been even more disturbing. Today there are only 104 obstetricians practicing in Montana. The population of Montana is 900,000. Over the past decade, liability premiums for many hospitals, including many nonprofit critical access hospitals in Montana, have risen nearly 1,000 percent.

I am a big proponent of rural health in order to maintain smaller hospitals, critical access hospitals, and delivery of health care services closer to the people. I think I have 12 or 13 counties that have no doctors at all—none, zip. That concerns me. People who live in those counties should have access to health care providers. Right now those of us in rural America simply cannot afford this. Right now, in Montana, we are very thin in those low populated counties that are remote from a bigger city that may have a larger medical corridor. As a result, many in my State travel hundreds of miles to see a doctor, sometimes all the way to cities such as Seattle and Minneapolis, Salt Lake City, or Denver, CO, for specialized care. I fear this situation will only worsen if we do not act now.

We can't continue to sit back and allow this to go on, and allow this situation to damage our health care system. Our doctors cannot afford it and, more importantly, our loved ones who rely on access to affordable health care cannot afford it, either.

I urge my colleagues to pass both of these bills, S. 22 and S. 23. These bills bring a fair and reasonable reform to medical liability systems, the system that will work. In fact, the model we are sort of patterning this one after is working in Texas. Since the enactment of similar laws in the State of Texas, the largest liability carrier has dropped its premium by 22 percent, competition in the health care liability market is increasing, premiums are stable or down, and access to health care is up. I think that is what we want to see happen.

Clearly this approach is working to the benefit of doctors and patients and, more importantly, I want to put the emphasis on patients. The only people hurt by these commonsense reforms are the folks who make a living in frivolous lawsuits. So I call upon this body to reject their money, their influence, and do what is right for the American people, especially young mothers, and for healthy babies.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

MEDICAL LIABILITY CRISIS

Mr. BURR. Mr. President, some in this institution suggest that there is no liability crisis in health care in America. I am here today to say that I don't think anyone in America believes that. They may believe it in this institution. As a Senator from North Carolina, I can state no one from North Carolina believes it.

Not only has the out-of-control litigation in health care over the last decade inflated the cost for every American, it has now begun to affect the access we have to health care services.

Doctors across the State in North Carolina report they have been forced to reduce the coverage of critical medical services, especially in obstetrics, neurosurgery, orthopedics, plastic surgery, and primary care because of the sharp increase in the cost of medical malpractice insurance coverage. It has gotten so high they cannot afford the coverage.

Hospitals are concerned about the potential reduction in their services to their communities in the future as a result of the current crisis in medical liability insurance where premium increases and declining reimbursements continue. Hospitals report that the insurance crisis is making it increasingly more difficult for their medical staff to obtain adequate insurance coverage, and more importantly, at affordable prices.

The crisis is real. We can no longer in this institution act like an ostrich, put our head in a hole in the ground, and believe because we cannot see it, it does not exist.

Some nursing homes in North Carolina this year have no choice but to operate without liability insurance in order to stay open. The oldest and the frail in this country would not have the facilities to live in but for the brave decision of some owners that forego the insurance they can't afford.

Other long-term care facilities, faced with the huge increase in premiums, have been forced to reduce staff hours, freeze wages and reduce residents' activities. Those are things we do not want to see happen to that population.

North Carolina faces a medical liability insurance crisis. I had a friend who graduated from Wake Forest with me and was lucky enough to go to medical school. Today he is a nephrologist. I don't even know what a nephrologist is. I am not sure that too many people in America know what a nephrologist is. But I can tell you that he tells me nephrologists rarely get sued. In the last 3 years, his liability insurance has increased 300 percent. He has had a 300-percent increase in his cost to continue to practice medicine in a specialty that rarely sees lawsuits.

North Carolina hospitals have experienced medical liability insurance premiums increasing from 400 to 500 percent for the past 3 years, with small rural hospitals experiencing the greatest increases.

According to two recent studies, North Carolina's nursing homes are experiencing a tremendous increase in their medical liability premiums. Premiums for some nursing homes in North Carolina have skyrocketed by as much as 1,800 percent since 1995. But some in this institution suggest there is not a liability crisis in health care in America.

The U.S. Department of Health and Human Services has concluded that the leading cause of the national liability insurance crisis is the recent explosion in multimillion dollar litigation awards and the resulting instability this creates in the medical liability insurance market.

The U.S. Department of Health and Human Services cited that North Carolina is tied with Nevada for the most mega malpractice awards in recent years. But some in this institution suggest that there is not a medical liability crisis in America.

Not only is it a crisis, health care services are out of the realm of the average American. It is driving doctors out of the profession of delivering medical services. In medical schools across the country this year, just as last year and the year before, many students will make a decision as to the specialties they choose for their entire medical profession based upon the likelihood of being sued in a court versus where their interests and their love might exist in health care. But some suggest there is not a liability crisis in America.

In North Carolina today we have a shortage of OB/GYNs, we have a shortage of neurosurgeons, we have a shortage of thoracic surgeons. When you look at the demographic shift that is happening in America, the Census Bureau projects that in North Carolina alone we will have a 53-percent increase in the State's population over the next 20 years. We will be the seventh most populated State. The OB/GYNs better move there because without OB/GYNs we are not going to deliver new babies. If they move there for retirement, which is probably our largest growth area, they may find out that they are moving to a State that has a tremendous health care infrastructure but the state does not have the specialists in neurology, in neurosurgery, and thoracic surgery available for their age group, and then they will have not made the wisest decision. But some suggest there is no crisis.

Lawsuits today are the leading cause of liability insurance increases. Changes are needed to protect patient access to health care. States that have enacted comprehensive common sense liability reforms have experienced much lower increases in medical liability insurance premiums compared to States such as North Carolina and Nevada because we have yet to adopt such reforms.

It is imperative this institution accept the national responsibility to end this crisis in health care, to make sure that the next students in our medical schools make decisions based upon where they want to practice and who, in fact, they want to help and not based upon where their fear exists of where the trial bar is most likely to target for the next lawsuit.

Over the years, I have heard from a lot of folks in North Carolina. I received this letter from a doctor in Greensboro, NC, in the month of April. It says:

> As an orthopaedic trauma surgeon, I urge you to pass medical liability reform this year. Each year, reform legislation passes the House of Representatives, but stalls in the Senate. Special interests are standing in the way of reform.

I can say that special interests are not the patients across this country, it is not the patient who is looking for the specialist in North Carolina.

The letter goes on to say:

> I can tell you from the point of view of someone on the front line of medicine that America's (and North Carolina's) medical liability crisis has to be solved. Medical lawsuit abuse and unpredictable and huge verdicts are forcing good doctors out of practice. Fewer young doctors are entering important, but high risk specialties, including orthopedics, obstetrics, and emergency medicine. Others are cutting back on critical, but risky procedures, leaving patients to wonder where they will get care when they most need it.

The cost of defensive medicine alone is staggering. I see it all the time: doctors ordering tests and referring patients to specialists more out of fear of lawsuits than because doctors believe the tests or extra visits are medically indicated. These costs are dragging down our health care system and our economy, and they ultimately increase out-of-pocket patient costs. It is time we fix this broken system.

I am not sure that anyone summed up the crisis in America in a one-page letter better than this doctor, this doctor who said that he is on the front line of medicine in America and in North Carolina. He put his finger on the point that if we don't solve it today, fewer young doctors will be entering the profession. That means less choice. Fewer doctors doing high-risk procedures in trauma care, something that doctors perform because they are trying to save a life.

Others are cutting back on critical but risky procedures, leaving patients to wonder who will be there to do these procedures.

In this institution, we fight cost and access. In America, we fight cost and access. Many times the decisions we make as Americans, such as choosing to move to a particular area because the schools are good, also includes the big component that there is a major medical facility available for us and our family.

The realities are, as this goes on, those major medical areas are going to be more and more important because in rural America there will not be doctors. And if there are no doctors, we know today, based upon what doctors tell us, there won't be OB/GYNs. We will have to tell pregnant women, let us know when you think you are going to go in labor because it is a 2-hour drive to the nearest facility that delivers babies. Or, as we have seen in some places, no natural child births, only Caesarian, because there is a risk of litigation to natural delivery that does not exist with the procedure of Caesarian birth. But some suggest in this institution that the liability crisis does not exist in America.

We come to the Senate to debate how we change health care policy so that health care is accessible and affordable for all Americans. We understand today how many Americans, or we think we do, go without insurance, without coverage, without the security at night of knowing that whatever happens to them, they have a policy to take care of.

If we did not solve this problem, it does not matter what the policy says. If the doctor is not there, where is our level of security? Where is the level of security of an American today that lives in a rural market where their hospital is closed? Not just their doctor left, but because of an 1,800-percent increase in the cost of liability insurance, they have decided to close the doors.

The burden falls on the payer—us—on insurance companies to try to raise the reimbursements big enough to make the payments for liability coverage. Why? Because of mega-awards, because of the influence those mega-awards have, in fact, had on the insurance product itself.

Dr. Handy was not the only one who wrote me. I had an interesting note from a doctor in Fayetteville, a member of a four-person neurology practice that cannot attract physicians to join the practice because of the inhospitable liability environment that exists. She and her husband are both neurosurgeons. They want to stay in North Carolina, but they may need to move and are actively looking elsewhere because they cannot even attract a neurologist to come into an existing practice.

They realize, as two neurosurgeons, if your practice cannot grow based on today's reimbursement structure, there is no way they can survive. Increases in their costs of insurance have limited their ability to deliver charity care. They have also decreased their participation in workers' comp. Their practice writes off more than $1 million a year in uncollectible accounts. There are currently only four neurosurgeons in Fayetteville, NC—the pentagon of the Army, Fort Bragg, NC, where over 55,000 men and women in the U.S. Army call home.

But some still suggest there is not a crisis. You see, it is easy to suggest that something does not exist because I think there is a tendency in our system that until it directly affects us, it really does not exist.

The reality is that every day we meet in this incredible, historic institution, there are people across this country who do not have access to a doctor, who cannot afford the services, who have been affected by the fact that the liability crisis in America is, in fact, real and has affected them.

Well, the challenge for this Senate, as we move forward, is to make sure our voices are louder than those who suggest there is not a crisis, to make sure the human face of those around America—who are affected directly and indirectly by the liability crisis that exists in medicine today—to make sure their voice is heard, their face is seen, that in this institution, as we talk about solutions, we look around the country and say: What have others done?

Well, that is what we are getting ready to do next week. We have looked around the country and seen who has been successful. And we are going to adopt a model that exists in Texas. It is not one that tightens as much as California. California, usually not necessarily the one that looks at Washington and says: Limit something for us—California woke up and said: There may not be a liabilities crisis in America, but there is a liability crisis in California, and we are going to put caps in, we are going to bring some sanity to the system, we are going to bring in the parameters that drive price's down and encourage doctors to practice here in, yes, obstetrics, in neurology, in neurosurgery, and thoracic surgery.

California thrives today. What was California's comment about what we might do in Washington? It was: My gosh, don't make us raise our caps to what you are going to establish in all the States. We are below that today. I never thought I would say: California does something right. Let's mirror it. But that day has come in the Senate but at a time where some still suggest there is not a crisis.

What do we want to do? Replicate what, in fact, States have replicated to address the high cost of health care, the lack of access, the flight of doctors, the need for specialists. We want to adopt that nationally. It is as simple as that.

Next week, people will come to the floor of the Senate and they will, in an incredible way, suggest there is not a crisis in America. I want those in the Chamber today to remember next week not just the doctors who say there is a crisis, and it is real, but to remember the patients out there who are directly affected by our inability to solve this problem. They are the ones for which the safety net is supposed to be there to protect them. But the safety net only works if the infrastructure is there. This is not about cost by itself today. This is about access. And when access goes away, our ability to address it with a safety net is gone.

I urge my colleagues to stay engaged. I look forward to next week's debate.

I thank the Presiding Officer for the time, and I yield back.

The PRESIDING OFFICER (Mr. BURR). The time of the majority has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 20 minutes in morning business.

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

MEDICAL LIABILITY REFORM

Mr. CORNYN. Mr. President, I come to the floor to add a few words to the eloquent words spoken by the Senator from North Carolina about a national crisis in access to good quality health care.

Some have said we do not so much have a health care system in America today as a sick care system. We know there is a lot we can do to change that and improve that. But we, at bottom, need to make sure everyone in this country has access to good quality health care.

One of the ways we do that is by making it less onerous for health care providers—doctors and hospital workers—to practice their chosen profession. But right now—because of soaring costs of medical liability insurance, because of our unpredictable, some might say, litigation lottery system in this country—we need to come up with some practical ways to solve that problem, to help bring down those costs, to make it possible for doctors and health care providers to practice their profession. In the end, that is the only way we are going to be able to follow through on this promise of universal access to good quality health care in this country.

Now, we, fortunately—as Louis Brandeis described the States, he called them laboratories of democracy. And we know, as Americans, not all good ideas come from Washington, DC. Indeed, an awful lot of bad ideas come out of Washington, DC. What we need to do is to look for good models and good examples of success stories and to try to emulate those on a national basis.

Now, three times in the 108th Congress we brought to the floor legislation designed to modestly limit runaway damages—not for economic damages; that is, lost wages, medical bills, and the like—but, rather, to provide some reasonable caps on what are called noneconomic damages, things such as pain and suffering, punitive damage awards, and the like.

Three times we brought proposals to this floor to provide modest caps, to try to emulate the success stories in States across this Nation, to try to lower health care costs and increase access to health care, but we were denied an opportunity to have an up-or-down vote on those reforms.

We brought forward a bill limited to obstetricians and gynecologists because of the lack of doctors to deliver babies for pregnant women. We were told no. We then brought forward a bill limited to emergency room physicians, again, to try to deal with the crisis and the lack of access to well-trained emergency room physicians. Again, we were told no by the other side of the aisle.

But I have learned one thing in the short time I have been in the U.S. Congress; and that is, perseverance pays off. So if at first you do not succeed, try, try again, because, hopefully—hopefully—circumstances will have changed, people will reconsider. Hopefully, constituents, whom Members of the Senate represent, are talking to

their Senators and saying: We need reform. We need change. And so here we are again to make another try.

Just 2½ years ago, the voters in my State, the voters in Texas, passed proposition 12, a referendum that paved the way for medical liability reform and helped to stem the tide of frivolous and expensive litigation that had for so long plagued our civil justice system.

The result: Decreased costs and increased numbers of physicians. And with it, better access to good quality health care for the people of my State.

Consider the following: All major physician liability carriers in Texas have cut their rates since the passage of the reforms, most by double digits. Texas physicians have seen their liability rates cut, on average, 13.5 percent. Roughly half of Texas doctors have seen their rates slashed a quarter, producing roughly $49 million in annualized premium savings for Texas physicians.

Let me make clear, this is not just about saving doctors money. That is not what this is about. This is about patient access because when the costs of doing business go so high, doctors who have practiced a long time, who are nearing retirement, say: Do you know what. I think I am going to retire early. Or when young, smart men and women are deciding what careers to pursue—if they look at a career where the overhead costs of practicing their chosen profession are so high that the rate of return on this investment they have made will be so low—they will decide to do something else.

That is why we have had a lack of access to health care in my State and in this country and why this issue of liability insurance rates coming down is so important to the ultimate goal of increased access to good quality health care.

In my State, since the reforms were passed, five carriers have announced double-digit rate cuts, and recently Medical Protective, a company that writes medical liability insurance coverage, announced a 13-percent rate cut in February—their third announced rate cut within a span of 11 months.

The largest underwriter, Texas Medical Liability Trust, has cut premiums almost 21 percent, resulting in $86 million in savings, plus a $10 million dividend for its policyholders.

Competition is also increasing. With the passage of these reforms, Texas has added three new regulated carriers, 20 unregulated carriers, and now Texas physicians can competitively shop for their medical liability insurance policies.

But that is not the only good news. By far, the most encouraging results of these reforms has been a flood of new physicians coming to Texas. So there are more people to treat my constituents, the patients of Texas.

Since proposition 12 passed, this medical liability reform, Texas has added somewhere in the order of between 3,000 and 4,000 new physicians. The Texas medical board is anticipating a record 4,000 applications for new physician licenses just this year, which is twice last year's total, and 30 percent more than the State's single greatest growth year.

After a net loss of 14 obstetricians between the years 2001 and 2003, Texas has now seen a net gain of 146 obstetricians. Texas experienced a net loss of nine orthopedic surgeons from 2000 to 2003. Since these reforms were passed, the State has experienced a net gain of 127 orthopedic surgeons. And those who need it most are the ones who are benefiting, as physicians move to jurisdictions where there has been a woeful lack of available health care.

Sadly, in my State, the parts of the State that need access to health care the most are the ones that have been the least hospitable and, indeed, the most hostile to the health care providers because they have been the areas where medical liability lawsuits have run amok. This, in fact, has helped rein that in and bring some common sense to the system.

For example, Cameron County, along the Texas-Mexico border, is experiencing the greatest ever increase in numbers of physicians. Jefferson County, which is Beaumont, Nueces County, which is Corpus Christi, and Victoria County, which is Victoria, saw a net loss of physicians in the 18 months before these reforms were passed, but currently all three counties are producing impressive gains, adding much needed specialists and emergency room physicians. As a result, the people of those areas have benefited enormously. Each of the medically underserved communities of Corpus Christi and Beaumont now has a neurosurgeon that they did not have before the passage of the reforms.

Sometimes lost in the numbers are the real benefits that are realized, the day-to-day improvements in the lives of the people who are affected. After the passage of these reforms, two obstetricians in the small town of Fredericksburg, TX, announced their return with an advertisement in the local newspaper that said: ''We're Back.'' One of these obstetricians, a Dr. David Cantu, had been working for more than 10 years with no claims, but he and his partner had to quit practicing their profession of obstetrics and gynecology because of the cost of insurance. Dr. Cantu's overhead was hitting 100 percent. In other words, everything he was earning was going to overhead, and he had a 3-month stretch of time when he could not draw down any pay whatsoever.

As soon as Dr. Cantu stopped delivering babies, the practice saw an immediate decrease in their insurance costs, but the patients were negatively impacted because they then had to travel miles away to have their babies delivered. This was doubly difficult for them considering that a full 70 percent of Dr. Cantu's patients were Medicaid patients and 40 percent were Spanish-speaking patients.

With this reform, Dr. Cantu and his partner are now able to deliver babies once again. When asked why proposition 12 in Texas helped him, Dr. Cantu said:

> Because now I come out ahead instead of paying to be an obstetrician. Prop. 12 made the practice of obstetrics affordable.

After 4 years of searching for a neurosurgeon in Corpus Christi, the community successfully recruited Dr. Matthew Alexander from a Wisconsin residency program. Dr. Alexander told the Corpus Christi Caller-Times he would not have come to Texas had the reforms not passed. As a result, patients are now getting procedures previously unavailable to them.

Consider, for example, high school principal and triathlete Travis Longanecker, who was a recipient of an artificial disc in his back, the first procedure of its kind in south Texas. The surgery has alleviated his pain and allowed him to return to a normal life—again, a procedure that could not have previously been performed because Corpus Christi was having a difficult time recruiting a neurosurgeon to actually come practice there. Or consider George Rodriguez, who had a spinal abscess and arrived at the hospital paralyzed from the waist down. He had been in a paralyzed state for roughly 24 hours. Dr. Alexander again successfully performed the necessary procedure. But had the surgery been delayed for as little as 1 hour, George Rodriguez would have been paralyzed for life.

These stories are not about theory. This is not about actuaries and about insurance policies and premiums. These stories are not the stuff of academic journals, and these stories at bottom boil down to basic issues of life and death and quality of life. These are real-life examples. These are real people whose lives are much better as a direct result of the relief provided after the people of Texas took to the polls, took action, and passed these reforms.

While I am very proud of the reforms passed by Texas and the great strides we have been able to make in that State of 23 million people toward a better health care system, the fact is, we now have an opportunity to extend those benefits to all of the people in this country by passing nationwide legislation which would build on that Texas model and accomplish these reforms. I hope our colleagues who previously have blocked our ability to have an up-or-down vote on this important legislation will reconsider. The proof is as plain as the nose on your face. It is there for anyone and everyone to look at and to learn from. I hope those who have previously blocked our ability to address this important issue will have learned and will reconsider.

Obviously, health care is so important to all of our families and all of our lives. I am pleased that we will also be bringing to the floor the Health Insurance Marketplace Modernization and Affordability Act of 2005. That is a long title, but basically it is about giving

small businesses and other individuals an opportunity to pool together to try to make health insurance coverage more affordable and accessible so more people can have health insurance. We can use this to build on some of the great reforms we passed as recently as 2003 which allow people to create such things as health savings accounts, which has given rise to the whole notion of consumer-driven health care.

Someone pointed out to me not too long ago that we know more about the used cars we buy than we do about the health care services we purchase because we can find out about quality, we can find out about price, and we can compare. The fact is, the American consumer is largely denied that opportunity, and we need to provide that sort of transparency so that patients can compare and make the best decision for their needs and their family, and which, not coincidentally, will help bring down the price of health care services because people will be able to then pay out of their health savings account. Obviously, that will have an impact on utilization rates as well.

I thank the Chair for his patience and willingness to assume that position so I could say these few words both out of pride for my State and for the successful experiment we have conducted in Texas which has now served as a wonderful model for the United States going forward to try to address a true crisis. But not only a crisis, it is something that, once we address this and hopefully pass this medical liability legislation, Senator ENZI's health care bill which will provide greater access to health insurance and provide people with a better life, that we will ultimately have done something good that the American people can say: I know my Senator and my Congressman are up in Washington, and they are actually listening to what we are saying. They are actually dealing with the great issues that affect the quality of my life and my family's life, and that we will have done something of which we can be very proud.

I yield the floor.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In December, 2004, a 30-year-old man was beaten outside a restaurant in downtown Seattle, WA. The man received a concussion, split lip, loose teeth, a black eye, and bruises from being kicked while on the ground. The victim believed his assailants beat him up because they thought that he was gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

35TH ANNIVERSARY OF AMTRAK

Mr. LAUTENBERG. Mr. President, I rise today to commemorate the 35th anniversary of Amtrak. When the first Amtrak Clocker train left New York, bound for New Jersey and Philadelphia, on May 1, 1971, it ushered in a new era of passenger rail travel in the United States. Millions of passengers from every corner of America can attest to the fact that Amtrak remains a vital part of our nationwide transportation network, and I firmly believe it's imperative that we not just preserve our nation's passenger rail system, but also develop it.

Amtrak's transformation from a tiny initiative with only 25 workers and widespread expectations of failure, to a successful national corporation with 19,700 employees in nearly every state, is one of the great success stories I've witnessed during my many years in the Senate. Every day approximately 68,000 travelers rely on Amtrak as an effective alternative to the hassles and delays of air travel, and the increasingly prohibitive gas costs and traffic congestion associated with highway travel.

Amtrak remains enormously important to my home State of New Jersey. Last year, for instance, over 3.4 million people boarded or exited an Amtrak train at the six rail stations in New Jersey, and nearly 1,700 New Jersey residents worked for Amtrak during this same time period. Approximately 110 Amtrak trains travel through my home State every day; this service, combined with the many rail lines that New Jersey Transit, SEPTA, PATH, and PATCO operate, truly makes New Jersey a national leader in passenger rail. I am immensely proud of this distinction—as all New Jerseyans are—and it would not be possible without Amtrak. The benefits of such a system are immense; without rails, our State would suffocate under extreme highway and airport traffic congestion. On Amtrak's Northeast Corridor service between Washington, DC, and Boston, MA, which stops at several points in New Jersey, the trains carry as many people as 75,000 fully loaded Boeing 757 jets each year. By contrast, there are only 102 flights between downtown Washington, DC, and the three New York City-area airports on an average weekday.

On December 11, 2000, the first Acela Express service began on the Northeast Corridor. As one of the leading proponents of high-speed rail in the Congress, it has been a marvel to see the success of this train and its example of how high-speed rail can be successful in our country. I am a frequent rider of the Acela Express between New Jersey and Washington, and I appreciate the service for the same reasons that many others do: it is efficient, it is comfortable, it is cost-effective, and it is convenient. Most tellingly, the Acela Express's operations do not require a subsidy, and I expect its ridership to continue to grow as others discover the advantages of this remarkable train.

Mr. President, it is unfortunate that despite the great successes of Amtrak, it is necessary for the many defenders of the system myself included to fight for its survival at every turn. There are many within the Bush administration—and within the House and Senate—who would like nothing better than to see Amtrak wither and die, stranding millions of travelers in the process. We cannot let this happen, and as long as I am a member of the Senate, I will not let this happen. I will continue to work with a diverse set of colleagues on both sides of the aisle who realize the advantages of providing options for travelers and having a balanced national transportation system.

In short, Mr. President, I salute Amtrak for its achievements, and I extend the railroad and its employees, who are the backbone of the railroad's operation, warmest wishes for continued success through the next 35 years.

VOTE EXPLANATION

Mr. HATCH. Mr. President, due to the untimely loss of my beloved sister, Marilyn ''Nubs'' Hatch Kuch, I have been necessarily absent for a portion of the debate and votes on Wednesday, May 3 and Thursday, May 4, 2006.

Concerning the votes I missed, if I were present I would have voted as follows: nay for amendment No. 3616, striking funding to States based on their production of certain types of crops, livestock and/or dairy products; nay for amendment No. 3673, providing funds for assessments of critical reservoirs and dams in the State of Hawaii; nay for amendment No. 3601, allocating $1,000,000 for the monitoring of waters off the coast of the State of Hawaii; yea for amendment No. 3704, allocating $20,000,000 from the AmeriCorps program to the Veterans Health Administration for medical facilities; yea for final passage of H.R. 4939, the Fiscal Year 2006 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery; yea for Executive Calendar No. 617, the nomination of Brian M. Cogan of New York to be the U.S. District Judge for the Eastern District of New York; and yea for Executive Calendar No. 618, the nomination of Thomas M. Golden of Pennsylvania to be the U.S. District Judge for the Eastern District of Pennsylvania. None of these votes would have changed the final outcome.

Mr. SCHUMER. Mr. President, yesterday I was pleased to introduce,

along with 21 of my Senate colleagues from diverse political, geographic, and ethnic backgrounds, a bipartisan and bicameral bill to reauthorize the Voting Rights Act of 1965.

The Senate Judiciary Committee has had a very busy year. Last Fall, while the House was beginning its hearings on the Voting Rights Act, we were just finishing our hearings and final vote on the nomination of John G. Roberts, Jr. to be Chief Justice of the Supreme Court. Soon after that, we began preparing for hearings on the nomination of Harriet Miers to replace Justice O'Connor on the Supreme Court. When that nomination was withdrawn, we had to start over with a new nominee, Samuel Alito. We held hearings for Justice Alito in January, and since then, we've had a very full schedule which has included several hearings on the legality of the President's domestic spying program and, of course, countless hours marking up comprehensive immigration legislation.

So, we are just now beginning our work on the Voting Rights Act. But our relatively late start here in the Senate should not be interpreted to suggest that the Voting Rights Act is not a priority compared to the other matters we have had to address. To the contrary, the actions we take with respect to the Voting Rights Act—like the actions we took during the Supreme Court confirmation hearings—will dramatically impact the rights and lives of American citizens for generations to come.

The Voting Rights Act has been hailed as the single most effective piece of civil rights legislation that we have ever passed. The Act does not simply guarantee the right to vote, but it ensures the effective exercise of that fundamental right. In 1965, when President Johnson signed the bill into law, there were only 300 minorities elected to State, local, or federal office. Today, just 4 decades later, there are some 10,000 minorities serving as elected public officials.

Leaders from both parties, including President Bush and Attorney General Gonzales, have said they support reauthorization. Today, leaders from both parties of both houses of Congress have come together to introduce this reauthorization bill.

The magic of the Voting Rights Act is apparent in my own hometown, New York City. New York City is one of the most diverse cities in the country, and the Voting Rights Act has been extremely effective in ensuring that all of our citizens are able to participate equally in the political process. But many of the Act's successes in New York have come only since the last time we renewed its major provisions.

For example, the first African American mayor of New York City wasn't elected until 1989, and the first African American wasn't elected to statewide office until 1994. In 2002, the first Asian American was elected to the New York City Council. And finally, just last year, a mayoral candidate became the first Latino to win his party's nomination.

These strides are important, but they are too few and too recent to say for certain that the goals of the Voting Rights Act have been met. There is still a lot of work to do, and as a member of the Judiciary Committee, I look forward to reviewing the evidence and testimony that is going to be presented at our hearings in the weeks to come, and to working with my colleagues from both Houses and on both sides of the aisle to ensure that this bill is passed well before the deadline.

SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

Mr. SUNUNU. Mr. President, I rise to speak on legislation I introduced yesterday, the Small Public Housing Authorities Paperwork Reduction Act. This legislation is an important step toward alleviating some of the burden placed on our Nation's smallest public housing authorities. PHAs play an important role in meeting the housing needs of the Nation's low-income individuals, families, seniors, and the disabled. Unfortunately, they face a challenge when balancing the housing needs of those they serve with the, oftentimes, consuming and duplicative reporting requirements placed upon them. The legislation I am introducing today seeks to address just one annual report that will free up a significant amount of time and resources, allowing housing authorities to focus more attention on the individuals they serve.

Specifically, this legislation would exempt PHAs with 500 or fewer public housing units and any number of section 8 vouchers from the requirement of submitting an annual plan to the Department of Housing and Urban Development. The 1992 Public Housing Reform Act required PHAs to submit separate 5-year and annual plans to HUD. The redundancy of the annual plan process creates an undue burden for small PHAs by requiring them to provide identical information to HUD every 12 months. For example, an annual plan outlines a PHA's goals, policies, eligibility guidelines, and other information that is unlikely to change from year to year. Under this bill, small PHAs would only be required to submit their 5-year plan—a more appropriate timeline for reevaluating their goals and policies—to better allow them to use scarce human and financial resources to directly serve the needs of their communities. Additionally, this bill would only exempt those PHAs that have demonstrated compliance with HUD regulations. PHAs that have been designated by HUD as troubled would not be exempted from the annual plan.

It is also important to note that PHAs would still be required to conduct an annual meeting in which residents and community members are included in the planning and development of a housing authority's objectives and priorities. My legislation makes certain that residents have an opportunity to comment on any changes to the goals, objectives, and policies of the agency. Housing authorities are also required to notify tenants of any proposed changes at least 45 days before the public hearing occurs. The annual public meeting, in combination with State and local public meeting requirements, will continue to ensure that any changes made to a PHA's policies are well vetted, with particular attention paid to resident concerns.

PHA directors in my State and across the country contend that this legislation is a significant step toward reducing the excessive paperwork and reporting requirements that burden their agencies. I agree, that by mitigating some of this burden, we will allow PHAs to focus more time and energy for their mission-driven service to their housing residents. Not all PHAs have the time, staff, or resources available to complete these annual plans. Some PHAs have had to hire outside consultants to complete the plans, a costly expense for these agencies. Given the fiscal constraints PHAs are facing, it is more important now than ever to give housing authorities the flexibility needed to work within these budget constraints. This legislation is one simple way Congress can assist in providing needed relief to PHAs.

My colleague, Congressman RANDY NEUGEBAUER, has introduced similar legislation which passed in the House of Representatives on December 13, 2005, by a vote of 387 to 2. The overwhelming support in the House for such an initiative makes very clear the need for this type of relief. I am hopeful my colleagues in the Senate will also see the value of providing paperwork reduction for those agencies that have demonstrated their ability to comply with current regulations.

Finally, I am pleased to have the support of the New Hampshire Housing Finance Authority and local agencies across my State in this effort. New Hampshire's PHAs continue to do an exceptional job of providing for the housing needs of those who need it most. State and local housing agencies perform an invaluable community function by securing housing for families and individuals in need. I remain committed to working further with them throughout this legislative process and to reducing unnecessary federal regulatory burdens for housing.

COVER THE UNINSURED WEEK

Mr KOHL. Mr. President, this week has been designated Cover the Uninsured Week. It is week that we mark every year to spur our Nation to act to address the growing number of Americans who lack health insurance. Sadly, that this has become an annual event shows that we have made little

progress. I hope this year will be different, and that the administration and the congressional leadership will finally make health care a priority.

The U.S. Census Bureau estimates that more than 45 million Americans lack health insurance—that is one out of every six people. Wisconsin fares slightly better with 11 percent of our population without health coverage.

These numbers have increased every year since 1999. All across the country, families and businesses are struggling to afford basic health care, and too many are losing the battle.

Government joined the fray, with some success, in the past. In 1997, Congress created the State Children's Health Insurance Program, which led to the BadgerCare program in Wisconsin. Since SCHIP's inception, the program has provided medical coverage and care to millions of children throughout the Nation who otherwise would have gone without. In addition, States have stepped in to provide a safety net for the poorest of the poor through Medicaid and high-risk insurance pools.

Despite these gains, many working families still need help. According to a report by the nonpartisan Commonwealth Fund, 41 percent of working-age Americans with incomes between $20,000 and $40,000 a year were uninsured for at least part of 2005. This is a dramatic increase from 2001, when just 28 percent of those with moderate incomes were uninsured.

This is an alarming statistic but not surprising. Skyrocketing health care costs have rendered insurance unaffordable to most families and businesses. In 1996, annual premiums for employers grew by 0.8 percent; by 2003, that growth averaged 13.9 percent. Last year, the average premium jumped 9.2 percent, and some areas of Wisconsin saw increases of as much as 24 percent.

All employers struggle with the costs of health care, but none more than the small employer. Many have stopped offering health insurance altogether, swelling the number of uninsured full-time workers.

Congress could help employers to continue providing health insurance by passing the Small Employers Health Benefits Program Act, which I cosponsored. The legislation, modeled after the health insurance system available to Federal workers, allows small employers to band together to purchase health insurance for their employees and negotiate better prices. It also gives employers a refundable tax credit to help with the costs of providing insurance for low-income employees.

Helping employers afford health care premiums is only part of the answer; we also must tackle the problem of escalating health care costs driven largely by the rising cost of prescription drugs. Americans pay the highest prices in the world for medicines sold in other countries for a fraction of the cost. I support reforms such as allowing Americans to purchase less expensive prescription drugs from Canada and other countries with strong protections to ensure the safety of those medicines. I have also cosponsored legislation to speed to market generic drugs, which cost much less than their brand-name counterparts. And I believe we must allow Medicare to negotiate directly with drug companies for lower prices for seniors participating in the new Medicare drug benefit.

America is the leader of the world in health care innovation. We have the highest per-capita spending on health care of any developed nation, but we rank at the bottom when it comes to health insurance coverage.

That is inexcusable. For too long we have said the right things, but failed to take concrete action. Let's make the next year different. Next year, we should spend this week celebrating real progress rather than lamenting another year of inaction. Another year of empty rhetoric and pointing fingers will get us no closer to the goal of ensuring all Americans reliable, affordable health coverage. I stand ready to work with those on both sides of the aisle who are interested in making a real difference in the coming year.

ADDITIONAL STATEMENTS

RECOGNIZING TAFT HIGH SCHOOL

• Mrs. FEINSTEIN. Mr. President, I would like to take the opportunity to congratulate the students of the Taft High School Academic Decathlon Team on becoming this year's 2006 National Champions.

Each year, the U.S. Academic Decathlon tests our Nation's best and brightest in a host of subjects including calculus, writing, impromptu speaking, music, and art history. The competition is consistently among the most rigorous in the country.

Amassing an outstanding 51,659 points out of a possible 60,000, Taft High School earned one of the most sweeping and significant victories in recent decathlon history. As one decathlon official noted, ''I've never seen anything like this.''

These students could not have achieved this memorable accomplishment without the tremendous support and encouragement from their dedicated teachers and parents.

I commend the team coach Dr. Arthur Berchin and Taft High School faculty and administrators for their invaluable guidance, and I applaud the participants' parents for their unwavering dedication and commitment to helping these students reach their full potential.

I would also like to recognize team members Zachary Ellington, Michael Farrell, Farhan Khan, David Lopez, David Novgorodsky, Julia Rebrova, Atish Sawant, Dean Schaffer, and Monica Schettler for their tremendous poise and determination. I encourage them to continue the hard work and perseverance that have brought them this victory. They are wonderful examples of true scholarship, and have made Taft High School, the county of Los Angeles, and the State of California very proud.

What is more extraordinary is that each Taft High School team member placed first, second, or third in all ten of their individual events, totaling 43 medals and capturing 7 of the top 9 awards for individual performance.

Equally important, the Taft High School Academic Decathlon Team is one strengthened by diversity, including students from Russia and Bangladesh. Good schools, like good societies and good families, celebrate and cherish diversity.

Many of these students have decided to take their scholastic successes to the next level, and will attend a myriad of prestigious colleges and universities in the fall. All participants have already taken undergraduate-level courses, and their passionate pursuit of academic excellence is indeed noteworthy.

Once again, I would like to honor the entire Taft High School Academic Decathlon Team on a well-deserved victory. Each of these students holds wonderful promise and I applaud them for their many achievements. Their futures are bright and their performance will continue to serve as an inspiration to us all.•

HAL DAVID CELEBRATES HIS 85TH BIRTHDAY

• Mr. KENNEDY. Mr. President, May 25th marks the 85th birthday of an extraordinary American artist—Hal David. Hal is one of America's most prolific and beloved lyricists, and I congratulate him as he celebrates this birthday and a lifetime of memorable songs.

Hal David's music has been entertaining millions for generations. His collaborations with Burt Bacharach on songs performed by Dionne Warwick are legendary. He has won the hearts of music lovers of all ages, and has earned 20 gold records, several Grammys, and an Academy Award.

Over the years he has also earned the immense respect of his colleagues nationally and internationally. He was elected to the Songwriter's Hall of Fame and awarded their prestigious Johnny Mercer Award. He received the Grammy Trustee Award from the Academy of Recording Arts and Sciences, and the Ivor Novello Award from the British Performing Rights Society.

He has written film scores including ''The April Fools'' and ''A House is Not a Home.'' His brilliant works for the theater include ''Promises, Promises,'' which received a Grammy Award and a Tony Award nomination.

Hal has been an inspiring advocate for young songwriters as well. He is a member of the board of directors of ASCAP and formerly served as its

President. He is also chairman of the board of the National Academy of Popular Music.

It is worth pointing out, as we debate immigration reform, that Hal wrote the song, ''America Is,'' which was the official song of the Liberty Centennial campaign for the restoration of the Statue of Liberty and Ellis Island.

Many of us are privileged to know Hal personally. He is a remarkable artist and an outstanding humanitarian. Hal wrote the famous ''What the World Needs Now is Love,'' and in so many ways, Hal has always expanded that love with his magnificent songs that have enriched all of our lives. I congratulate him on this special birthday, and I wish him many more beautiful years. As my mother would have said, ''Tell that nice young Hal David not to worry about turning 85—he won't slow down for another 10 or 15 years.'' May the raindrops keep falling on your head, Hal, and keep nourishing your special genius.●

RECOGNITION OF AN OUTSTANDING MASSACHUSETTS CORPORATION

● Mr. KERRY. Mr. President, I am honored to recognize iRobot Corporation, an outstanding Massachusetts company that develops cutting edge technology, and to congratulate the board, management team and staff on the quality products they provide to our armed services.

Minimizing troop casualties is an endless task for both our civilian and military leaders, and I am proud to represent a State that hosts some of the country's leading thinkers in addressing that challenge. I had the pleasure of visiting such a company recently and I was deeply impressed by the commitment and perseverance of the people at iRobot.

Founded in 1990 by three roboticists from the Massachusetts Institute of Technology—Helen Greiner, Colin Angle and Rodney Brooks—iRobot designs behavior-based, artificially intelligent robots. These robots are built to perform dangerous duties that would otherwise risk the lives of our soldiers in Afghanistan and Iraq. Their economic impact on our state is considerable. As a homegrown Massachusetts business, iRobot brings in millions of dollars in revenue to the State's economy, and it is the only publicly traded company dedicated solely to this emerging industry.

I recently had the opportunity to see firsthand an extraordinary piece of equipment developed by iRobot—the PackBot Tactical Mobile Robot. The PackBot is a lightweight robot designed to disarm IEDs. There are currently more than 300 PackBot robots deployed in Iraq, Afghanistan, and around the world. Since mobilization, PackBot robots have performed thousands of missions and in the process saved countless soldiers' lives.

I applaud iRobot's efforts to develop 21st century technology to help our troops accomplish their missions, and I am very proud that such an exemplary company calls Massachusetts home.●

CONGRATULATING THE STUDENTS OF EAST BRUNSWICK HIGH SCHOOL

● Mr. LAUTENBERG. Mr. President, I rise today to congratulate the students of East Brunswick High School in New Jersey for winning the 2006 ''We the People: The Citizen and the Constitution'' competition. The breadth of knowledge displayed about our government should serve as an inspiration to all Americans.

The road to the national championship was not an easy one. The students spent months researching different constitutional topics, ranging from the philosophical underpinnings of the Constitution to issues currently being debated on the Senate floor. Participants then participated in mock congressional hearings where they were questioned by state judges, professors, lawyers, and journalists.

East Brunswick first won the New Jersey state competition to earn the right to participate in the national finals here in Washington, DC. In three days of intense competition, the students competed against more than 1,500 other students from every State and the District of Columbia. This is East Brunswick's third consecutive win in this prestigious competition.

I would like to congratulate each member of the East Brunswick High School team: Brian Boyarksy, David Chu, Nelson Chu, Dana Covit, Megan DeMarco, Ben DeMarzo, Craig Distel, Deborah Elson, Dana Feuchtbaum, Munira Gunja, Melinda Guo, Shelby Highstein, Evan Hoffman, Jayasree Iyer, Ryan Korn, Michael Martelo, Carol Ann Moccio, Jeffrey Myers, Ari Ne'eman, Daniel Nowicki, Aditya Panda, Sherwin Salar, Gil Shefer, Aaron Sin, Lauren Slater, Eric Smith, Merichelle Villapando, Amy Wang, and Jason Yang. Congratulations also to their coaches Barbara Maier and Joyce Lentz, and their teacher Alan Brodman.

I am confident the Senate will join me in wishing all the members of this team congratulations and much success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 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. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

H.R. 3351. An act to make technical corrections to laws relating to Native Americans, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 12:15 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 bills, in which it requests the concurrence of the Senate:

H.R. 4700. An act to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan.

H.R. 5253. An act to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 99. Concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

H. Con. Res. 359. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4700. An act to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 99. Concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 22. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 23. A bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 4, 2006, she had presented to the President of the United States the following enrolled bill:

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

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–6701. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled ''College Scholarship Fraud Prevention Act of 2000 Annual Report to Congress—May 2006''; to the Committee on Commerce, Science, and Transportation.

EC–6702. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Fundamental Properties of Asphalts and Modified Asphalts—II''; to the Committee on Commerce, Science, and Transportation.

EC–6703. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Safe Routes to School (SRTS) Task Force Report; to the Committee on Commerce, Science, and Transportation.

EC–6704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (55)—Amdt. No. 460'' ((RIN2120-AA63)(Docket No. 30486)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (16)—Amdt. No. 459'' ((RIN2120-AA63)(Docket No. 30477)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Model 500, 501, 550, S550, 551, and 560 Airplanes'' ((RIN2120-AA64)(Docket No. 2004-NM-53)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 Helicopters'' ((RIN2120-AA64)(Docket No. 2005-SW-10)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aerospatiale Model ATR42-200, -300, and -320 Airplanes'' ((RIN2120-AA64)(Docket No. 2004-NM-152)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model EC 155B and B1 Helicopters'' ((RIN2120-AA64)(Docket No. 2004-SW-46)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120-AA64)(Docket No. 2005-NM-108)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777-200 Series Airplanes'' ((RIN2120-AA64)(Docket No. 2005-NM-207)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MT-Propeller Entwicklung GmbH Propellers'' ((RIN2120-AA64)(Docket No. 2004-NE-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747SP, 747SR, 747-100, -100B, -100B SUD, -200B, -200C, -200F, and -300 Series Airplanes'' ((RIN2120-AA64)(Docket No. 2001-NM-213)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines'' ((RIN2120-AA64)(Docket No. 2000-NE-42)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Series Turbofan Engines'' ((RIN2120-AA64)(Docket No. 2004-NE-26)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135 Airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes'' ((RIN2120-AA64)(Docket No. 2005-NM-185)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6717. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40 and -50 Series Airplanes, and Model DC-9-81 and DC-9-82 Airplanes'' ((RIN2120-AA64)(Docket No. 2004-NM-128)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6718. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model BAe 146 and Model Avro 146-RJ Airplanes'' ((RIN2120-AA64)(Docket No. 2005-NM-181)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6719. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747-200C, -200F, -400, -400D, and -400F Series Airplanes'' ((RIN2120-AA64)(Docket No. 2005-NM-187)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6720. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747-200F, 747-200C, 747-400, 747-400D, and 747-400F Series Airplanes'' ((RIN2120-AA64) (Docket No. 2005-NM-008)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6721. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes'' ((RIN2120-AA64) (Docket No. 2005-NM-210)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6722. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 720 and 720B Series Airplanes'' ((RIN2120-AA64) (Docket No. 2006-NM-031)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6723. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes'' ((RIN2120-AA64) (Docket No. 2006-NM-020)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6724. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc Models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines'' ((RIN2120-AA64) (Docket No. 2005-NE-48)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6725. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Cessna Aircraft Company Models 208 and 208B Airplanes'' ((RIN2120-AA64) (Docket No. 2006-CE-07)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6726. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Wenatchee, WA'' ((RIN2120-AA66) (Docket No. 05-ANM-06)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6727. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the St. Louis Class B Airspace Area; MO'' ((RIN2120-AA66) (Docket No. 03-AWA-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6728. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Palm Springs, CA'' ((RIN2120-AA66) (Docket No. 05-AWP-14)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6729. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Kennett, MO'' ((RIN2120-AA66) (Docket No. 05-ACE-32)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6730. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Gothenburg, Quinn Field, NE'' ((RIN2120-AA66)(Docket No. 06-ACE-1)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6731. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Scott City Municipal Airport, KS'' ((RIN2120-AA66)(Docket No. 06-ACE-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6732. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Beatrice, NE'' ((RIN2120-AA66)(Docket No. 05-ACE-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6733. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the St. Louis Class B Airspace Area; MO; Correction'' ((RIN2120-AA66)(Docket No. 03-AWA-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6734. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Scott City Municipal Airport, KS'' ((RIN2120-AA66)(Docket No. 06-ACE-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6735. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Beatrice, NE'' ((RIN2120-AA66)(Docket No. 05-ACE-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the St. Louis Class B Airspace Area; MO'' ((RIN2120-AA66)(Docket No. 03-AWA-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6737. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Norton Sound Low, Woody Island Low and 1234L Offshore Airspace Areas; AK'' ((RIN2120-AA66)(Docket No. 05-AAL-38)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6738. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Offshore Airspace Areas: Gulf of Alaska Low and Control 1487L; AK'' ((RIN2120-AA66)(Docket No. 05-AAL-32)) received on April 28, 2006; to the Committee on Commerce, Science , and Transportation.

EC–6739. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Chignik, AK'' ((RIN2120-AA66)(Docket No. 05-AAL-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6740. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Toksook Bay, AK'' ((RIN2120-AA66)(Docket No. 05-AAL-36)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6741. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Nicholasville, KY'' ((RIN2120-AA66)(Docket No. 05-ASO-12)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Holy Cross, AK'' ((RIN2120-AA66)(Docket No. 05-AAL-34)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6743. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Koyuk Alfred Adams, AK'' ((RIN2120-AA66)(Docket No. 05-AAL-14)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6744. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Sand Point, AK'' ((RIN2120-AA66)(Docket No. 05-AAL-39)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6745. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Enroute Domestic Airspace, Vandenberg AFB, CA; Correction'' ((RIN2120-AA66)(Docket No. 05-AWP-15)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6746. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Enroute Domestic Airspace, Vandenberg AFB, CA'' ((RIN2120-AA66)(Docket No. 05-AWP-15)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E5 Airspace; David City, NE'' ((RIN2120-AA66)(Docket No. 05-ACE-34)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Restricted Area 2507E; Chocolate Mountains, CA'' ((RIN2120-AA66)(Docket No. 04-AWP-6)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Colored Federal Airways; AK'' ((RIN2120-AA66)(Docket No. 05-AAL-31)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of High Altitude Area Navigation Routes; South Central United States'' ((RIN2120-AA66)(Docket No. 05-ASO-7)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of High Altitude Area Navigation Routes; South Central United States; Correction'' ((RIN2120-AA66)(Docket No. 05-ASO-7)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6752. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (31); Amdt. No 3152'' ((RIN2120-AA65)(Docket No. 30478)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6753. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (91); Amdt. No 3156'' ((RIN2120-AA65)(Docket No. 30482)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6754. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (33); Amdt. No 3157'' ((RIN2120-AA65)(Docket No. 30483)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6755. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (22); Amdt. No 3158'' ((RIN2120-AA65)(Docket No. 30484)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6756. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (30); Amdt. No 3159'' ((RIN2120-AA65)(Docket No. 30485)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6757. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (40); Amdt. No 3160'' ((RIN2120-AA65)(Docket No. 30487)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6758. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (23); Amdt. No 3161'' ((RIN2120-AA65)(Docket No. 30488)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6759. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (50); Amdt. No 3162'' ((RIN2120-AA65)(Docket No. 30489)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6760. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (11); Amdt. No 3163'' ((RIN2120-AA65)(Docket No. 30490)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6761. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Junk Fax Prevention Act of 2005, Report and Order and Third Order on Reconsideration'' (FCC 06-42) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6762. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Encino, Texas; and Steamboat Springs, Colorado)'' (MB Docket Nos. 05-100 and 05-153) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6763. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Portage and Stoughton, Wisconsin)'' (MB Docket No. 04-239) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6764. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Coalgate, Oklahoma and Silver Springs Shores, Florida)'' (MB Docket Nos. 05-274 and 05-275) received on April 28 , 2006; to the Committee on Commerce, Science, and Transportation.

EC–6765. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Paint Rock and Big Lake, Texas)'' (MB Docket No. 05-31) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6766. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dover and North Canton, Ohio)'' (MB Docket No. 04-377) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6767. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Abilene and Burlingame)'' (MB Docket No. 05-133) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6768. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Franklin, Addis, and Eunice, Louisiana)'' (MB Docket No. 05–291) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6769. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hallettsville, Meyersville, San Antonio and Yoakum, Texas)'' (MB Docket No. 05–246) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6770. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Aquila, Apache Junction, Buckeye, Glendale, Peoria, Wenden, and Wickenburg, Arizona)'' (MB Docket No. 05–270) received on April 28, 2006; to the Committee on Commerce, Science , and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit.

Renee Marie Bumb, of New Jersey, to be United States District Judge for the District of New Jersey.

Noel Lawrence Hillman, of New Jersey, to be United States District Judge for the District of New Jersey.

Peter G. Sheridan, of New Jersey, to be United States District Judge for the District of New Jersey.

Susan Davis Wigenton, of New Jersey, to be United States District Judge for the District of New Jersey.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. LINCOLN:

S. 2709. A bill to temporarily suspend the duty on muzzles for dogs; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2710. A bill to temporarily suspend the duty on dog leashes; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2711. A bill to temporarily suspend the duty on harnesses for dogs; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2712. A bill to temporarily suspend the duty on collars for dogs; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2713. A bill to temporarily suspend the duty on certain reception apparatus; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2714. A bill to temporarily suspend the duty on certain reception apparatus; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2715. A bill to temporarily suspend the duty on certain clock radio combos; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2716. A bill to temporarily reduce the duty on floor coverings and mats of vulcanized rubber; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2717. A bill to temporarily reduce the duty on manicure and pedicure sets; to the Committee on Finance.

By Mr. ENSIGN:

S. 2718. A bill to require full disclosure by entities receiving Federal funds, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida:

S. 2719. A bill to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the ''Earl D. Hutto Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS:

S. 2720. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. CRAPO, Mr. JOHNSON, Mr. THUNE, Mr. DEMINT, and Mr. ALLEN):

S. 2721. A bill to simplify the taxation of business activity, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2722. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the ''Lieutenant Michael P. Murphy Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mrs. CLINTON):

S. 2723. A bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA–PD plan to promptly pay claims submitted under part D, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. ALEXANDER, Mr. CHAFEE, Mr. GREGG, Mr. DODD, Mrs. FEINSTEIN, and Mr. GRAHAM):

S. 2724. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, and Mr. OBAMA):

S. 2725. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2726. A bill to suspend temporarily the duty on Acid Blue 80; to the Committee on Finance.

By Mr. REED:

S. 2727. A bill to extend the temporary suspension of duty on Solvent blue 124; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2728. A bill to extend the temporary suspension of duty on Pigment Red 185; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2729. A bill to suspend temporarily the duty on Pigment Brown 25; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2730. A bill to extend the temporary suspension of duty on Pigment Yellow 175; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2731. A bill to suspend temporarily the duty on Pigment Yellow 213; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2732. A bill to suspend temporarily the duty on Pigment Yellow 219; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2733. A bill to extend the temporary suspension of duty on Pigment Yellow 154; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2734. A bill to suspend temporarily the duty on Pigment Blue 80; to the Committee on Finance.

By Mr. BOND (for himself and Mr. AKAKA):

S. 2735. A bill to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 2736. A bill to require the Secretary of Veterans Affairs to establish centers to provide enhanced services to veterans with amputations and prosthetic devices, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2737. A bill to extend the temporary suspension of duty on benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl)amino]carbonyl]-, methyl ester; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2738. A bill to extend the temporary suspension of duty on Pigment Red 187; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2739. A bill to suspend temporarily the duty on Pigment Yellow 214; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2740. A bill to suspend temporarily the duty on Pigment Yellow 180; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2741. A bill to extend the temporary suspension of duty on Solvent blue 104; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2742. A bill to extend the temporary suspension of duty on 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2743. A bill to extend the temporary suspension of duty on 1-oxa-3, 20-Diazadispiro [5.1.11.2] Heneicosan-21-one 2,2,4,4-Tetramethyl, reaction products with Epichloro-hydrin, hydrolyzed and polymerized; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2744. A bill to suspend temporarily the duty on isobutyl parahydroxybenzoic acid and its sodium salt; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2745. A bill to suspend temporarily the duty on phospinic acid, diethyl-, aluminum salt; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2746. A bill to suspend temporarily the duty on Phosphinic acid, diethyl-, aluminum salt along with synergists and encapsulating agents; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. CHAFEE, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2747. A bill to enhance energy efficiency and conserve oil and natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. LUGAR, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2748. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote energy production and conservation, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. KYL, and Mrs. HUTCHISON):

S. 2749. A bill to update the Silk Road Strategy Act of 1999 to modify targeting of assistance in order to support the economic and political independence of the countries of Central Asia and the South Caucasus in recognition of political and economic changes in these regions since enactment of the original legislation; to the Committee on Foreign Relations.

By Mr. DEMINT:

S. 2750. A bill to improve access to emergency medical services through medical liability reform and additional Medicare payments; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mr. DOMENICI):

S. 2751. A bill to strengthen the National Oceanic and Atmospheric Administration's drought monitoring and forecasting capabilities; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2752. A bill to amend titles II and XVIII of the Social Security Act to limit the service of a member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund serving as a member of the public to one four-year term and to require the President to consult with the chairman and ranking member of the Committee on Finance of the Senate prior to nominating an individual to serve as such a member; to the Committee on Finance.

By Mr. AKAKA:

S. 2753. A bill to require a program to improve the provision of caregiver assistance services for veterans; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself and Mr. FRIST):

S. Res. 465. A resolution expressing the sense of the Senate with respect to childhood stroke and designating May 6, 2006, as ''National Childhood Stroke Awareness Day''; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. TALENT, Mr. DEWINE, Mr. REID, and Mr. BROWNBACK):

S. Res. 466. A resolution designating May 20, 2006, as ''Negro Leaguers Recognition Day''; considered and agreed to.

By Mr. THUNE (for himself and Mr. FRIST):

S. Res. 467. A resolution expressing the sense of the Senate that the President should use all diplomatic means necessary and reasonable to influence oil-producing nations to immediately increase oil production and that the Secretary of Energy should submit to Congress a report detailing the estimated production levels and estimated production capacity of all major oil-producing countries; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 468. A resolution supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 22, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 23

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 23, a bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

S. 811

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Louisiana (Mr. VITTER) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 930

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 1015

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1015, a bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce.

S. 1046

At the request of Mr. KYL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1086

At the request of Mr. OBAMA, his name 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.

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1086, supra.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1555

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1555, a bill to amend the Farm Security and Rural Investment Act of 2002 to reform funding for the Seniors Farmers' Market Nutrition Program, and for other purposes.

S. 1631

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1631, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes.

S. 1741

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2025

At the request of Mr. BAYH, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2178

At the request of Mr. SPECTER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2302

At the request of Mr. LOTT, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2322

At the request of Mr. ENZI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2418

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2418, a bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose.

S. 2419

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

S. 2548

At the request of Mr. STEVENS, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2556

At the request of Mr. BAYH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2566

At the request of Mr. LUGAR, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2652

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2652, a bill to amend chapter 27 of title 18, United States code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country.

S. 2653

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2697

At the request of Mr. LUGAR, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2697, a bill to establish the position of the United States Ambassador for ASEAN.

S. 2703

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2703, supra.

AMENDMENT NO. 3704

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 3704 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3717

At the request of Mr. BIDEN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3717 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3718

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3718 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3728

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 3728 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. JEFFORDS, his name was added as a cosponsor of amendment No. 3728 proposed to H.R. 4939, supra.

AMENDMENT NO. 3729

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 3729 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3732

At the request of Mr. BAUCUS, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 3732 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3761

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 3761 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3851

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 3851 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENSIGN:

S. 2718. A bill to require full disclosure by entities receiving Federal funds, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ENSIGN. Mr. President, the American taxpayers are fed up. They are tired of the pork projects and the billions of dollars being spent on unaccountable, unnecessary, and wasteful Federal spending. Whether spending is a result of earmarks, or the often unsupervised process of Federal agencies awarding grants, spending is out of control.

Americans work hard every day, and they struggle to meet the heavy tax burden that Washington imposes on them. Despite their struggle and sacrifice, Washington has failed to ensure that Americans' tax dollars are being spent wisely. The American public believes, and they are right, that Congress has lost sight of the fact that every dollar we spend here in Washington belongs to them. These are dollars that could have been spent by the people who earned them to care for their own families.

The American taxpayers have had enough. They are frustrated and disgusted. And I join them in their frustration and disgust. Congress has not done a very good job of oversight. It is time for Congress to empower the American people so that government is more accountable to them. That is why I am introducing new legislation—the Website for American Taxpayers to Check and Help Deter Out-of-control Government Spending—or the WATCHDOG Act.

This bill will give our constituents the tools they need to become citizen watchdogs. Americans will be able to see for themselves how their tax dollars are being spent. This bill will greatly improve transparency and help eliminate wasteful, fraudulent, duplicative, and unnecessary spending. It will give the American people the tools to monitor how Congress uses the earmarks process and how the bureaucrats, who spend billions of dollars a year in unsupervised grants, spend their tax dollars.

Americans are aggravated because too often when they learn about wasteful spending it is too late for them to do anything about it. They learn about spending by reading their morning papers after the legislation has been signed into law or the grant money has been awarded. Sometimes that is how members of Congress learn about them as well. It's time to remove the cloak of secrecy that surrounds the earmarking and grantmaking processes. We need to shine a very bright light on how spending decisions are made.

In this case, that bright light will be a publicly searchable online database that provides information on every organization receiving Federal funds. The Office of Management and Budget would be required to make all Federal grant and loan recipient data available to the public.

The data must include information on Federal grant awards, including an itemized breakdown by agency and program. The database must also list all subgrantees of an organization that receives Federal funds. This bill also reforms and streamlines the grant process by requiring organizations that apply for Federal funding to use a single source application number, which they would use for requesting funding from any Federal agency.

Those projects that are using Federal funds efficiently and with positive results will become obvious, and those programs that are duplicative, fail to show results, squander their funding, or act fraudulently will also become obvious.

Here in Washington we have done a dismal job when it comes to cutting out unnecessary spending. By shining a light on this process, the American public will have a chance to help us eliminate billions of dollars in wasteful

Federal funding. We owe it to the taxpayers and to future generations to clean up our act. This legislation gives taxpayers an important tool to hold Congress' feet to the fire.

By Mr. NELSON of Florida:

S. 2719. A bill to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the ''Earl D. Hutto Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that this bill ''To designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the 'Earl D. Hutto Post office Building' '' 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. 2719

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

SECTION 1. EARL D. HUTTO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, shall be known and designated as the ''Earl D. Hutto Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Earl D. Hutto Post Office Building''.

By Mr. BAUCUS:

S. 2720. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, on October 4, 1957, an object the size of a basketball shot into space. And history changed.

The Soviet Union had launched Sputnik. And Americans reacted with fear. That fear quickly turned to determination to win the race to space.

Just one month later, the Russians launched Sputnik II with one precious passenger: a Russian mutt named Laika. Laika became the first living being to orbit earth. Today, a dog in space might seem like a good start for a Disney film. But in 1957, American scientists worried that these events foreshadowed Soviet military and strategic advantage.

By the following summer, Congress had created NASA. Sputnik's launch had provided the catalyst. For years before, scientific organizations and even the White House had declared the exploration of space as a priority. It took Sputnik to move us to action.

Half a century later, we find ourselves waiting for the next Sputnik. Report after report has outlined the risk that America runs by not doing more in research and education. A recent report entitled ''Waiting for Sputnik'' cautions that our workforce must include a greater percentage of ''knowledge workers''—including scientists and engineers—if we are to maintain our technological lead in defense capabilities. And another recent report, ''Rising Above the Gathering Storm,'' expresses fear that America's lead in science and technology can be abruptly lost and difficult or impossible to regain.

What these reports and others are telling us is one thing: We cannot wait for the next Sputnik. We must recognize that our advantage is fleeting. We must begin today with more science, more education, and more commitment to research to prepare for the future.

Asia has recognized this. Asia is plowing more funding into science and education. China, in particular, understands that technological advancement means security, independence, and economic growth. Spending on research and development has increased by 140 percent in China, Korea and Taiwan. In America, it has increased by only 34 percent.

Asia's commitment is already paying off. More than a hundred Fortune 500 companies have opened research centers in India and China. I have visited some of them. I was impressed with the level of skill of the workers I met there.

China's commitment to research, at $60 billion in expenditures, is dramatic by any measure. Over the last few years, China has doubled the share of its economy that it invests in research. China intends to double the amount committed to basic research in the next decade. Currently, only America beats out China in numbers of researchers in the workforce.

Over the last few months, I have offered a series of proposals to improve America's competitiveness. Today, I am pleased to introduce the Research Competitiveness Act of 2006. This bill would improve our research competitiveness in four major areas. All four address incentives in our tax code. Government also supports research through Federal spending. But I am not addressing those areas today.

First, my bill improves and simplifies the credit for applied research in section 41 of the tax code. This credit has grown to be overly complex, both for taxpayers and the IRS. Beginning in 2008, my bill would create a simpler 20 percent credit for qualifying research expenses that exceed 50 percent of the average expenses for the prior 3 years.

And just as important: The bill makes the credit permanent. Because the credit has been temporary, it has simply not been as effective as it could be. Since its creation in 1981, it has been extended 10 times. Congress even allowed it to lapse during one period.

The credit expired again just last December. And another short-term extension is pending in both tax reconciliation bills in conference. Last year, the experts at the Joint Committee on Taxation wrote: ''Perhaps the greatest criticism of the R&E credit among taxpayers regards its temporary nature.'' Joint Tax went on to say, ''A credit of longer duration may more successfully induce additional research than would a temporary credit, even if the temporary credit is periodically renewed.''

Currently, there are two different ways to claim a tax credit for qualifying research expenses. First, the ''traditional'' credit relies on incremental increases in expenses compared to a mid-1980s base period. Second, the ''alternative incremental'' credit measures the increase in research over the average of the prior 4 years.

Both of these credits have base periods involving gross receipts. My bill replaces these with a new credit, known as the ''Alternative Simplified Credit,'' based on research spending without reference to gross receipts. The current formula hurts companies that have fluctuating sales. And it hurts companies that take on a new line of business not dependent on research.

The Senate has passed this alternative formula as an optional credit several times. It is now pending in both versions of the tax reconciliation bill. It has not yet been enacted, though, even on a temporary basis.

I support the 2-year extension of the R&E credit contained in the Senate version of the tax reconciliation bill. That is why this new simpler formula in my bill would not start until 2008. That start date would give companies plenty of time to adjust their accounting.

The main complaint about the existing credits is that they are very complex, particularly the reference to the 20-year-old base period. This base period creates problems for the taxpayer in trying to calculate the credit. And it creates problems for the IRS in trying to administer and audit those claims.

The new credit focuses only on expenses, not gross receipts. And is still an incremental credit, so that companies must continue to increase research spending over time.

A tax credit is a cost-effective way to promote R&E. A report by the Congressional Research Service finds that without government support, investment in R&E would fall short of the socially optimal amount. Thus CRS endorses Government policies to boost private sector R&E.

Also, American workers who are engaged in R&E activities benefit from some of the most intellectually stimulating, high-paying, high-skilled jobs in the economy.

My own State of Montana has excellent examples of this economic activity. During the 1990s, about 400 establishments in Montana provided high-technology services, at an average wage of about $35,000 per year. These jobs paid nearly 80 percent more than the average private sector wage, which was less than $20,000 a year during the same period. Many of these jobs would never have been created without the assistance of the R&E credit.

My research bill would also establish a uniform reimbursement rate for all contract and consortia R&E. It would provide that 80 percent of expenses for research performed for the taxpayer by other parties count as qualifying research expenses under the regular credit.

Currently, when a taxpayer pays someone else to perform research for the taxpayer, the taxpayer can claim one of three rates in order to determine how much the taxpayer can include for the research credit. The lower amount is meant to assure overhead expenses that normally do not qualify for the R&E credit are not counted. Different rates, however, create unnecessary complexity. Therefore, my bill creates a uniform rate of 80 percent.

The second major research area that this bill addresses is the need to enhance and simplify the credit for basic research. This credit benefits universities and other entities committed to basic research. And it benefits the companies or individuals who donate to them. My bill provides that payments under the university basic research credit would count as contractor expenses at the rate of 100 percent.

The current formula for calculating the university basic research credit—defined as research ''for the advancement of science with no specific commercial objective''—is even more complex that the regular traditional R&E credit. Because of this complexity, this credit costs less than one-half of 1 percent of the cost of the regular R&E credit. It is completely under-utilized. It needs to be simplified to encourage businesses to give more for basic research.

American universities have been powerful engines of scientific discovery. To maintain our premier global position in basic research, America relies on sustained high levels of basic research funding and the ability to recruit the most talented students in the world. The gestation of scientific discovery is long. At least at first, we cannot know the commercial applications of a discovery. But America leads the world in biotechnology today because of support for basic research in chemistry and physics in the 1960s. Maintaining a commitment to scientific inquiry, therefore, must be part of our vision for sustained competitiveness.

Translating university discoveries into commercial products also takes innovation, capital, and risk. The Center for Strategic and International Studies asked what kind of government intervention can maintain technological leadership. One source of technological innovation that provides America with comparative advantage is the combination of university research programs, entrepreneurs, and risk capital from venture capital, corporations, or governments. Research clusters around Silicon Valley and North Carolina's Research Triangle exemplify this sort of combination.

The National Academies reached a similar conclusion in a 2002 review of the National Nanotechnology Initiatives. In a report, they wrote: ''To enhance the transition from basic to applied research, the committee recommends that industrial partnerships be stimulated and nurtured to help accelerate the commercialization of national nanotechnology developments.''

To further that goal, the third major area this bill addresses is fostering the creation of research parks. This part of the bill would benefit state and local governments and universities that want to create research centers for businesses incubating scientific discoveries with promise for commercial development.

Stanford created the Nation's first high-tech research park in 1951, in response to the demand for industrial land near the university and an emerging electronics industry tied closely to the School of Engineering. The Stanford Research Park traces its origins to a business started with $538 in a Palo Alto garage by two men named Bill Hewlett and Dave Packard. The Park is now home to 140 companies in electronics, software, biotechnology, and other high tech fields.

Similarly, the North Carolina Research Triangle was founded in 1959 by university, government, and business leaders with money from private contributions. It now has 112 research and development organizations, 37,600 employees, and capital investment of more than $2.7 billion. More recently, Virginia has fostered a research park now housing 53 private-sector companies, nonprofits, VCU research institutes, and state laboratories. The Virginia park employs more than 1,300 people.

The creation of these parks would seem to be an obvious choice. But it takes a significant commitment from a range of sources to bring them into being. To foster the creation and expansion of these successful parks, my bill will encourage their creation through the use of tax-exempt bond financing. Allowing tax-exempt bond authority would bring down the cost to establish such parks.

Foreign countries are emulating this successful formula. They are establishing high-tech clusters through government and university partnerships with private industry.

Back in 2000, a partnership was formed to foster TechRanch to assist Montana State University and other Montana-based research institutions in their efforts to commercialize research. But TechRanch is desperately in need of some new high-tech facilities. It could surely benefit from a provision such as this. I encourage my Colleagues to visit research parks in their States to see how my bill could be helpful in fostering more successful ventures.

A related item is a small fix to help universities that use tax-exempt bonds to build research facilities primarily for federal research in the basic or fundamental research area. Some of these facilities housing federal research—mostly NIH and NSF funded projects—are in danger of losing their tax-exempt bond status. Counsel have notified some state officials that they may be running afoul of a prohibition on ''private use'' in the tax code, because one private party has a superior claim to others in the use of inventions that result from research.

The complication comes from a 1980 law. In 1980, Congress enacted the Patent and Trademark Law Amendments Act, also known as the Bayh-Dole Act. The Bayh-Dole Act requires the Federal Government to retain a non-exclusive, royalty-free right on any discovery. In order to foster more basic research through Federal-State-university partnerships, we need to clarify that this provision of the Bayh-Dole act does not cause these bonds to lose their tax-exempt status. And my bill directs the Treasury Department to do so. I understand that the Treasury Department is aware of this significant concern. Whether or not Congress enacts my legislation, I hope that the Treasury Department will clarify the situation later this year.

The fourth major area that my bill addresses is innovation at the small business level. Recently, representatives of a number of small nanotechnology companies came to visit me. They told me that their greatest problem was surviving what they called the ''valley of death.'' That's what they called the first few years of business, when an entrepreneur has a promising technology but little money to test or develop it. Many businesses simply do not survive the ''valley of death.'' I believe that Congress should find a way to assist these businesses with promising technology.

Nanotechnology, for instance, shows much promise. According to one recent report, over the next decade, nanotechnology will affect most manufactured goods. As stated in Senate testimony by one National Science Foundation official earlier this year, ''Nanotechnology is truly our next great frontier in science and engineering.'' It took me a while to understand just what nanotechnology is. But it is basically the control of things at very, very small dimensions. By understanding and controlling at that dimension, people can find new and unique applications. These applications range from common consumer products—such as making our sunblocks—better to improving disease-fighting medicines—to designing more fuel-efficient cars.

So, to help these small businesses convert their promising science into successful businesses, my bill would establish tax credits for investments in qualifying small technology innovation companies. These struggling start-up ventures often cannot utilize existing incentives in the tax code—like the R&E tax credit—because they have no tax liability and may have little income for the first few years. They need access to cheap capital to get through

those first few research-intensive years.

The credit in my bill would be similar to the existing and successful New Markets Tax Credit. The New Markets Credit has provided billions of dollars of investment to low-income communities across the country. In my bill, entities with some expertise and knowledge of research would receive an allocation from Treasury to analyze and select qualifying research investments. These investment entities would then target small business with promising technologies that focus the majority of their expenditures on activity qualifying as research expenses under the R&E credit.

In sum, my bill would boost both applied and basic research. It would boost research by businesses big and small. And it would foster research by for-profit and non-profits alike.

There is no clear answer to how to address the concerns raised in the ''Waiting for Sputnik'' report. But the answer is clear that we must try—and soon.

A noted environmentalist once said: ''Every major advance in the technological competence of man has forced revolutionary changes in the economic and political structure of society.'' From telephones to rockets to computers, I believe that this is true.

Let us work to see that the next big technological advance is discovered here in America. Only through continued commitment to research can we ensure that it is.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2722. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the ''Lieutenant Michael P. Murphy Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, today I rise to discuss legislation that designates the United States Post Office Building in Patchogue, New York as the ''Lieutenant Michael P. Murphy Post Office Building.''

Almost a year ago, Navy LT Michael P. Murphy was reported missing in the mountains of Afghanistan while on a covert reconnaissance mission in search of Taliban and al-Qaida insurgents. Reports indicate Lieutenant Murphy and the three other members of his Navy SEAL team came under heavy attack by Taliban insurgents soon after they were inserted by helicopter into their position. The military creed of ''never leaving a fallen comrade behind'' was never more appropriate as this American hero's body was recovered on the Fourth of July, our Nation's Independence Day. Michael Murphy was only 29 years of age at the time of his passing, but as his father recalls, ''He squeezed more life into 29 years than I will ever see.''

Lieutenant Murphy attended Patchogue-Medford High School on Long Island, where he was a National Honor Society student and a varsity football athlete. After graduating high school he attended Penn State University where he majored in political science and excelled academically. At the time of his graduation, he decided to fulfill a lifelong dream of becoming a Navy SEAL. While realizing this would be a formidable challenge, Michael was determined to serve our country. Michael was engaged to be married, and he planned to attend law school after his military service.

I ask that the Senate come together and honor this brave American hero for his service to our Nation.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, and Mr. OBAMA):

S. 2725. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the ''Standing with Minimum Wage Earners Act''. This legislation will raise the minimum wage over the next two years and link future increases in the minimum wage to Congressional raises.

Today, working parents earning the minimum wage are struggling to make ends meet and to build better lives for their children. The Federal minimum wage is currently $5.15 an hour, an amount that has not been increased since 1997. Sadly, during that time, Congress has given itself eight annual pay raises. We can no longer stand by and regularly give ourselves a pay increase while denying a minimum wage increase to help the more than 7 million men and women working hard across this nation. At a time when working families are struggling to put food on the table, it's critically important that we here in Washington do something. If Members of Congress need an annual cost of living adjustment, then certainly the lowest-paid members of our society do too.

There are currently 13 million American children living in poverty across this country, and this number is increasing every day. Families work hard and yet cannot make enough money to support themselves. More families are falling into poverty every day, and these families are working 40 hours a week. This is unacceptable.

Minimum wage workers have not had a raise in nearly a decade. The reality is a full-time job that pays minimum wage just does not provide enough money to support a family today. A single mother with two children who works 40 hours a week, 52 weeks a year earns only $10,700 a year. This amount—$10,700 a year—is almost $6,000 below the Federal poverty line for a family of three. We have a responsibility to help families earn a living wage.

My legislation will benefit all minimum wage earners, and it would especially benefit women who represent a disproportionate number of low-wage workers. 61 percent of minimum wage earners are women, even though women only comprise 48 percent of the total workforce. And almost one-third of these working women are raising children.

The women in my State of New York would feel the effects of a minimum wage increase most dramatically. New York is one of the top five States with the greatest number of low-wage women workers.

In addition to helping America's hardest working families, raising the minimum wage will also narrow the dramatic income gap between the haves and the have-nots across the country. The average income of the richest fifth of New York State families is 8.1 times the average income of the poorest fifth. Nationwide, families in the top fifth made 7.3 times more than those in the bottom fifth. This discrepancy needs to be fixed and my bill would be a step in the right direction towards fairness for America's hard-working families.

My legislation would increase the minimum wage first to $5.85 an hour, then to $6.55 an hour, and ultimately to $7.25 an hour within the next two years. In addition, my legislation then ensures that every time Congress gives itself a raise in the future that Americans get a raise too. This is the right and fair thing to do for hardworking Americans.

I would like to recognize my cosponsors Senators KENNEDY, JEFFORDS, LEAHY, HARKIN and OBAMA and thank them for joining me in this effort.

The ''Standing with Minimum Wage Earners Act'' has letters of support from Service Employees International Union (SEIU), the American Federation of Labor—Congress of Industrial Organization (AFL–CIO) and the Coalition for Human Needs.

I ask my colleagues to recognize the moral aspect of this issue. It is simply wrong to pay people a wage that they can barely live on. And it is shameful to continue to give ourselves raises as millions of American families struggle to survive. We should raise the Federal minimum wage so that working parents can lift their children out of poverty. It is past time to make this investment in our children and families.

By Mr. BOND (for himself and Mr. AKAKA):

S. 2735. A bill to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, my distinguished colleague Senator AKAKA and I are introducing legislation today to reauthorize the National Dam Safety and

Security Program. The goal of this program, administered by FEMA, has been to advance dam safety in the United States and prevent loss of life and property damage from dam failures at both the Federal and State programmatic levels.

Over the last several months we have seen in both my home State of Missouri and my colleague's State of Hawaii, how critically important proper regulation, inspection and safety training is for maintaining our Nation's dams. The National Dam Safety Program Act provides much needed assistance to State dam safety programs, which are responsible for regulating 95 percent of the 80,000 dams in the U.S.

The States receive training assistance for their dam safety engineers and State grant assistance based on the number of dams in the State. The National Dam Safety Program, currently administered by FEMA within DHS, expires in September 30, 2006 and needs to be reauthorized.

I am proud to introduce this legislation along with my colleague Senator AKAKA in order to strengthen the protection of our citizens and critical infrastructure from dam failures through the Dam Safety and Security Program.

Mr. AKAKA. Mr. President, I rise today, along with my colleague, Senator CHRISTOPHER BOND, to introduce the Dam Safety Act of 2006. This legislation is designed to help prevent such tragic failures as the collapse of the privately owned Ka Loko Dam in Kauai last March in which seven people died. The legislation complements legislation that I introduced with Senator INOUYE, S. 2444, the Dam Rehabilitation and Repair Act of 2006, which assists in securing and repairing publicly owned dams. Both of these bills are critical to preventing the type of devastating collapse which occurred on Kauai.

This legislation is vitally important not only to my State but to every State. There are approximately 79,000 dams registered in the National Inventory of Dams. However, there are many more dams that are small and unregulated. This bill provides funding for State dam safety programs to enhance their oversight and support abilities.

The Dam Safety Act of 2006 reauthorizes the National Dam Safety Program, NDSP, which was first established as part of the Water Resources Development Act of 1996 Public Law 104–303. In 2002, the NDSP was reauthorized for another 4 years by the enactment of the Dam Safety and Security Act of 2002 Public Law 107–310. It expires at the end of this fiscal year, so its reauthorization is imperative.

The National Dam Safety Program delivers vital Federal resources to State governments to improve their dam safety programs by providing funds for training, technical assistance, research, and support. Federal incentive grants are awarded to States to enhance their dam safety programs. In addition, funds have been used to hire staff for inspections, pay for specialized training, and develop specialized mapping in the event that a dam failure necessitates evacuation.

Of the approximately $12 million authorized for each fiscal year, $8 million is divided among the States to improve safety programs and $2 million is allocated for research to identify more effective techniques to assess, construct, and monitor dams. In addition, $700,000 is available for training assistance for State engineers, and $1 million is used for the National Inventory of Dams.

The costs of failing to maintain dams properly are extremely high. There have been at least 29 dam failures in the United States during the past 2 years causing more than $200 million in property damages. The failure of the Silver Lake Dam in Michigan in 2003 caused more than $100 million in property damage. A December 2005 dam collapse in Missouri injured three children and destroyed several homes. People caught in the path of a dam collapse are often helpless to escape.

Such was the tragic situation in Hawaii when, in March, the Ka Loko Dam, a 116-year earthen dam, on the island of Kauai suddenly collapsed during heavy rains, killing seven people. When a dam collapses, destruction is often swift and uncontrollable. In the case on Kauai, local, State, and Federal officials quickly responded to the tragedy, assisting citizens while engineers from both the State Department of Land and Natural Resources and the U.S. Army Corps of Engineers inspected the over 50 dams on Kauai. Neighbors worked together to help neighbors, and our Governor quickly requested more funds, which the legislature approved, for cleanup and additional inspections.

While most of the responsibility is at the State and local level, there is a role for the Federal Government in supplementing State resources and developing national guidelines for dam safety. The funds Hawaii receives under the program help the State's staff to acquire and maintain equipment and software to assess dam safety. It is a small amount but vitally important to my State and to every State.

I urge my colleagues to join Senator BOND and me in supporting the reauthorization of the National Dam Safety Program.

I ask unanimous consent to insert in the RECORD at this point a letter from the Dam Safety Coalition endorsing this legislation.

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

DAM SAFETY COALITION,
Washington, DC, May 4, 2006.

Hon. KIT BOND,
Russell Senate Office Building,
Washington, DC.
Hon. DANIEL AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOND AND SENATOR AKAKA: We would like to commend you for your commitment to dam safety and to the reauthorization of the National Dam Safety Program.

Dams are a vital part of our nation's aging infrastructure and provide enormous benefits to the majority of Americans—benefits that include drinking water, flood protection, renewable hydroelectric power, navigation, irrigation and recreation. Yet, these critical daily benefits provided by the nation's dams are inextricably linked to the potential consequences of a dam failure if the dam is not maintained, or is unable to impound water, pass large flood events or withstand earthquake events in a safe manner.

The Dam Safety Coalition is proud to highlight the achievements of the National Dam Safety Program, administered by the Federal Emergency Management Agency (FEMA). Specifically, the program has fostered significant improvements in state dam safety programs, provided critical training to state engineers and established unprecedented cooperation between federal dam safety agencies and state dam safety programs. It requires FEMA to provide assistance to states in establishing, maintaining and improving dam safety programs.

Dams in the United States are aging, downstream development below dams is increasing dramatically and many older dams do not meet current dam safety standards. Dam failures are largely preventable disasters.

In 2005, the American Society of Civil Engineers published the Report Card for America's Infrastructure giving the condition of our nation's dams a grade of D, equal to the overall infrastructure grade. States have identified 3,500 unsafe or deficient dams, many being susceptible to large flood events or earthquakes. It is a reasonable expectation of every American to be protected by our government; including protection from preventable disasters such as dam failures.

To contact the Dam Safety Coalition please call Brian Pallasch if we can be of assistance.

We look forward to working with you to enact the National Dam Safety Act in the 109th Congress.

Sincerely,

BRIAN T. PALLASCH,
Co-Chair, Dam Safety Coalition.
LORI C. SPRAGENS,
Executive Director, ASDSO.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 2736. A bill to require the Secretary of Veterans Affairs to establish centers to provide enhanced services to veterans with amputations and prosthetic devices, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, today I seek floor recognition to introduce legislation to create a series of Amputation and Prosthetic Rehabilitation Centers in the Department of Veterans Affairs.

As many of you are aware, VA already operates numerous specialty care centers for the treatment of veterans with spinal cord injury, traumatic brain injury, and visual impairment. However, at this moment, VA does not operate any similar centers of care for the treatment of veterans with amputations.

I do not mean to suggest that VA does not provide excellent care and services to those veterans who have unfortunately lost a limb or part of limb.

But, there's always room for improvement in the care VA delivers and, just as importantly, there is room for improvement in the prosthetic services and devices that help those men and women with their physical restoration.

Many of us have spoken personally with service members who are recuperating from injuries at Walter Reed Army Medical Center or Bethesda Naval Hospital. Today's extraordinary battlefield medicine is bringing back to our shores service members from Iraq and Afghanistan who would never have lived through their injuries in previous wars. Thanks to the best health care facilities the military has to offer and the wonders of modern medicine, these brave Americans will eventually leave the hospital. Then, most will start the difficult process of reintegrating into civilian life. For those whose injuries resulted in an amputation, that process is just a little more difficult.

My hope with this bill is that these centers will be the lynchpin of a fully integrated Prosthetic Service Network; similar to those I mentioned at the outset of my remarks for the care of spinal cord injury, traumatic brain injury, and blindness. They would be fully responsible for the system-wide coordination of all of the Physical and Occupational Therapy and Prosthetics care provided to this new generation of severely wounded veterans. In addition, they will provide a new level of service to those who have long lived with amputations caused during previous wars or conflicts.

Further, it is my hope and expectation that these centers will house and drive much of the prosthetic and amputee related research and development projects conducted by VA. I believe that by gathering under one roof specialists, who have dedicated their medical practice to caring for and rehabilitating those who have lost limbs, we will drive the marketplace of ideas and develop the best treatment in the country. There is no limit to what modern technology, American ingenuity, and a great cause can accomplish.

Just the other day, my Committee held a hearing on VA's research program. At that meeting, I had the opportunity to speak with a VA clinician who, along with many of his colleagues, has created a proto-type prosthetic for someone who had lost part of a hand, but still had wrist control. In just a few moments time, I was able to wire the equipment to my own arm and with a little practice pick up a glass of water, hold it in the prosthetic hand, and then return it to the table and remove the hand from it without spilling a drop. It was nothing short of amazing. It was also a small glimpse of where we can go.

Of course, discoveries and inventions, like that hand, do not just remain in the VA vacuum. Once created, tested and approved, the R&D will leave the VA world and almost immediately benefit the civilian population of amputees. By combining the resources of our government and the needs of our veterans, we can improve the American medical system for all of our citizens.

With the right technology, the best health care services, and a little personal drive, many of our amputees will return to active lives. They will play tennis, basketball, go kayaking, and even climb mountains. And while I am not suggesting that these centers will cause all of that to happen, I believe they will create the environment in which those things can happen.

I hope all of my colleagues will join me in supporting this bill now. And I hope to report it out of my committee and bring it to the floor for a vote later this summer.

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. 2736

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

SECTION 1. AMPUTATION AND PROSTHETIC REHABILITATION CENTERS FOR VETERANS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish not less than five centers to provide rehabilitation services to veterans with amputations or prosthetic devices.

(2) PURPOSE.—The purpose of each center established pursuant to paragraph (1) are—

(A) to provide regional clinical facilities of the Department of Veterans Affairs with special expertise in prosthetics, rehabilitation with the use of prosthetics, treatment, and coordination of care for veterans who have an amputation of any functional part of the body; and

(B) to provide information and supportive services to all facilities of the Department of Veterans Affairs concerning the care and treatment of veterans with a prosthetic device.

(3) DESIGNATION.—Each center established pursuant to paragraph (1) shall be known as an ''Amputation and Prosthetic Rehabilitation Center'' (in this section referred to as a ''Center'').

(b) GEOGRAPHIC DISTRIBUTION.—In identifying appropriate facilities for the location of the Centers established pursuant to subsection (a), the Secretary shall ensure, to the maximum extent practicable, that such Centers are geographically located so as to be accessible to as many veterans as possible in the United States.

(c) STAFF AND RESOURCES.—Each Center shall include the following:

(1) A modern, well-equipped, and appropriately certified laboratory facility capable of providing state-of-the-art and complex prosthetic devices to all veterans with an amputation, including veterans with an amputation incurred in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Certified and experienced prosthetists, including prosthetists with certifications in new fabrication techniques.

(3) An accredited Physical Medicine and Rehabilitation (PM&R) service with staff who are well-trained in current prosthetic services and emerging trends for treatment of amputations.

(4) A modern gait laboratory, permanently located within such Center.

(d) NO DUPLICATION OF SERVICES OF POLYTRAUMA CENTERS.—

(1) IN GENERAL.—The Secretary shall, to the extent practicable, ensure that the services provided by the Centers established pursuant to subsection (a) do not duplicate the services provided by the polytrauma centers of the Department of Veterans Affairs designated as Tier I or Tier II Polytrauma centers.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed to prohibit the location of a Center so as to facilitate the ready support of a polytrauma center, referred to in that paragraph.

Mr. AKAKA. Mr. President, today I rise with my good friend and colleague, Senator CRAIG from Idaho, to introduce legislation to establish at least five Amputation and Prosthetic Rehabilitation Centers within the Department of Veterans Affairs (VA). Through progressive and specialized expertise in the area of prosthetics and rehabilitation, the visible reminders of the sacrifices made by our wounded warriors will become less evident and hopefully less of a factor in their everyday lives.

Specialty care for amputees has become an even more pressing concern because of the types of injuries our brave soldiers have sustained in Operation Iraqi Freedom and Operation Enduring Freedom. Many would agree that this is not the same kind of war that other generations of veterans have fought. The use of body armor and improvements in battlefield medicine have saved more lives, but in many cases have left our soldiers with traumatic injuries. Servicemembers in the current conflicts have suffered from twice as many amputations as those who fought in past wars. Unfortunately, the incidence of multiple amputations from bomb blasts is higher in this war.

The VA health care system has only begun to see the men and women from Operation Enduring Freedom and Operation Iraqi Freedom who are in need of long-term rehabilitation. Indeed, these veterans are young and plan on being active for a long time. VA is well poised to take on this challenge. An ongoing study at the Providence VA hospital is looking at ''biohybrid'' limbs which are implanted into tissue and later become an integral part of the patient.

We cannot, however, forget about the war our current veterans continue to fight everyday against time and their health. Veterans struggling with diseases such as diabetes are often faced with amputation. The establishment of the Amputation and Prosthetic Rehabilitation Centers will provide advanced care to those who have endured the loss of a limb, which will help them regain full function and a better quality of life.

The centers will provide VA regional clinical facilities with cutting edge expertise in prosthetics, rehabilitation with the use of prosthetics, treatment, and coordination of care for a veteran with an amputation. By placing these centers in locations with the highest concentrations of veterans, those in need will truly benefit from these specialized services.

VA has always been a leader in progressive treatment and care. These centers will maintain VA as a leader by providing the tools and staff necessary to do so. The legislation requires that the centers must have a well-equipped and appropriately certified laboratory facility necessary to provide the most state-of-the-art and complex prosthetic devices.

With experienced prosthetists trained and certified in the area of new techniques, an accredited Physical Medicine and Rehabilitation service with trained staff in the most current prosthetic services, and a permanent modern gait laboratory located within each center, veterans are sure to receive the most advanced treatment and care.

A critical part of this legislation is that these centers will serve as resources for smaller VA hospitals which may not have all of the expertise but will certainly have the patients.

As Ranking Member of the Committee on Veterans' Affairs, I urge my colleagues to join Chairman CRAIG and myself in support of providing treatment to those in need so they can stand on their own.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. CHAFEE, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2747. A bill to enhance energy efficiency and conserve oil and natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. LUGAR, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2748. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote energy production and conservation, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President. I rise today to introduce two energy bills: the Enhanced Energy Security Act of 2006; and the Enhanced Energy Security Tax Incentives Act of 2006.

All of us know that we face a challenging energy situation in this country in both the short term and the long term. The world market price of crude oil is above $72 per barrel. We have seen gasoline prices above $3 per gallon in many parts of the country. In my home State of New Mexico, these prices are a real hardship to the many New Mexicans who are forced to drive long-distances to work, without the prospect of car pooling or public transportation. The steep rise in the price of gas at the pump is putting a nearly unbearable squeeze on family budgets in New Mexico and all across America.

So, we have a major national problem and not much time left in this Congress to make progress on it. The question is, what can we do in the remaining weeks of this Congress that would be bipartisan, that could be signed into law by the President, and that would hold out the prospect of eventually helping to moderate the price of gasoline at the pump?

I have thought for some time that the most effective way of approaching the real issues driving the high prices that consumers find unacceptable is through a four-part strategy focusing on 1. increasing consumer protection, 2. increasing supply, 3. increasing efficiency of oil and gas use, and 4. providing incentives for forward-looking energy choices in the market.

A fair number of bills have already been introduced that deal with the first two parts of that strategy. What has been lacking is a bipartisan path forward to consensus on increasing energy efficiency and on stimulating forward-looking investments in energy efficiency and renewable energy technologies.

Today's bills are intended to fill that gap. Each of these two bills is designed to go to a single committee with jurisdiction over most, if not all, of its contents.

The first bill, the Enhanced Energy Security Act of 2006, is comprised of provisions that generally fall in the jurisdiction of the Committee on Energy and Natural Resources.

The second bill, the Enhanced Energy Security Tax Incentives Act of 2006, is comprised solely of provisions in the jurisdiction of the Senate Finance Committee.

Some of the provisions in these two bills have been drawn from other bills, including S. 2025, the Vehicles and Fuels Choices for American Security Act, which was introduced last year by Senators BAYH, COLEMAN, LIEBERMAN and BROWNBACK along with others. I appreciate their leadership and their support for this effort. What is newsworthy here today is that we are putting a large body of good policy ideas in a form that will facilitate committee action here in the Senate.

Relying on the Energy and the Finance committees to do the necessary homework to come up with bipartisan solutions to our energy challenges is the best way for us to make progress in this Congress. Both committees have leaders, in Senators DOMENICI and Senator GRASSLEY, who demonstrated their commitment to bipartisan engagement on energy issues during the enactment of last year's Energy Policy Act of 2005. I am looking forward to working with both Committee Chairs to move forward with the ideas in these bills on a bipartisan basis.

The basic idea behind the first bill, which is coming to the Energy Committee, is that if we want, in the long term, to moderate the prices that consumers are seeing in today's markets from oil and natural gas, we need to focus more strongly on increasing energy efficiency, and particularly increased efficiency of our use of oil and natural gas.

That's an area where we were unable to do much in the last Energy bill. But, there is a lot that needs to be done.

Among the most important provisions we are taking from S. 2025 and putting in the new bill, is an emphasis on an expanded plan for economy-wide oil savings. The President is to come up with a plan that will cut our oil use, from projected levels, by 2.5 million barrels of oil per day by 2016, 7 million barrels of oil per day by 2026, and 10 million barrels of oil per day by 2031.

The new bill, also like S. 2025, includes a number of initiatives designed to reduce our nearly total reliance on petroleum products in the transportation sector. These include: programs that will speed the development of new vehicle technologies such as ''plug-in hybrids'' and the use of advanced light weight materials in vehicles; expanding the authority of the Secretary of Energy to provide loan guarantees and competitive grants to auto manufacturers and parts manufacturers for converting existing facilities or building new facilities for manufacturing fuel-efficient vehicles and vehicle components; increasing the availability of alternative fuels, such as E85, across the country by providing funding for alternative fuel fueling stations; and providing incentives for the production of cellulosic ethanol—including loan guarantees and a reverse auction for production payments.

The new bill will also include a number of provisions aimed at relieving demand and price pressure on natural gas. These include: strengthening the Federal purchase requirement for renewable energy; the 10 percent renewable portfolio standard that has passed the full Senate 3 times in the past 4 years; encouraging States to strengthen their programs on demand-side management; and better educating consumers about energy efficiency measures that they can take.

The basic idea behind the second bill, the Enhanced Energy Security Tax Incentives Act of 2006, is to create fiscal incentives that help forward-looking energy technologies to enter the market. As is often the case with technological advancements, many of the energy technology alternatives that are poised to enter the marketplace will not be able to successfully compete without some transitional help.

The first set of provisions in the bill extends, through 2010, the various alternative fuel, efficiency and renewable energy tax provisions we passed last year. These existing tax incentives will work best if investors, manufacturers and consumers know that the government is committed and that they can plan for these tax incentives being there for a few years. The tax provisions we are extending include provisions to encourage the purchase of energy efficient housing and office materials, as well as the generation of electricity from alternative sources such

as biomass, fuel cells, the wind and the sun. It will be nearly impossible for Congress to create a comprehensive national energy policy if important energy tax incentives such as these are in a perpetual state of uncertainty over the long term. If we extend these tax incentives through 2010 now, we will see a great increase in their usefulness in an industry that needs a few years lead-time to plan and build major energy projects.

The second set of provisions in the new tax bill will create new incentives to encourage our country to move towards more fuel efficient vehicles, such as hybrids. It accomplishes this in several ways.

First, as the President has suggested, we lift the current cap on the number of vehicles per manufacturer that are eligible for a consumer tax credit. This proposal was also part of the package unveiled last week by Senators DOMENICI and FRIST. Under the bill I will be introducing, this modified version of the tax credit will be also extended until 2010.

Next, we create a 35 percent tax credit for manufacturers on the expenses involved in retrofitting or setting up manufacturing facilities to make these fuel efficient vehicles.

To encourage businesses with fleets of vehicles, we create a 15 percent tax credit for the purchase of more than 10 fuel efficient vehicles in a year.

In order to encourage alternative fueling stations, we expand the current 30 percent tax credit to 50 percent and allow it to be operative until the end of 2010.

Finally, we create a 25 percent tax credit for the purchase of qualified idling reduction equipment so that vehicles currently on the road are not running their engines any more than necessary.

While this is a rather large expansion of the currently available tax incentives for fuel efficient vehicles, it is what is going to be necessary to get our vehicle policy headed in the right direction.

The legislation also contains new provisions to encourage the purchase of fuel efficient technologies for residences and businesses. It creates a 10 percent tax credit for the purchase of energy efficient combined heat and power units as well as provides for three year depreciation on the purchase price for ''smart meters.'' These provisions have broad support in the Senate but were regrettably dropped in last year's conference on the Energy Bill. I think is important that we look at these provisions anew.

A question that usually arises when you talk about expanding tax incentives is whether they are going to be paid for. Many of us here in the Senate are worried about the deficit, so the tax bill that I am describing contains several revenue offsets, such as the provisions contained in last year's reconciliation tax bill that get rid of tax benefits in the oil and gas industry that are unnecessary and a waste of taxpayer dollars. This legislation would also close the SUV tax loophole that provides a windfall for the purchasers of inefficient cars at a time when the nation needs to be discouraging this activity.

I look forward to working with the Chairman and Ranking Member of the Finance Committee on both these new tax incentives but also on ways of paying for them, so that we are acting in a way that is fiscally responsible.

I ask unanimous consent that the text of both bills 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. 2747

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 ''Enhanced Energy Security Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—NATIONAL OIL SAVINGS PLAN AND REQUIREMENTS

Sec. 101. Oil savings target and action plan.
Sec. 102. Standards and requirements.
Sec. 103. Initial evaluation.
Sec. 104. Review and update of action plan.
Sec. 105. Baseline and analysis requirements.

TITLE II—FEDERAL PROGRAMS FOR THE CONSERVATION OF OIL

Sec. 201. Federal fleet conservation requirements.
Sec. 202. Assistance for State programs to retire fuel-inefficient motor vehicles.
Sec. 203. Assistance to States to reduce school bus idling.
Sec. 204. Near-term vehicle technology program.
Sec. 205. Lightweight materials research and development.
Sec. 206. Loan guarantees for fuel-efficient automobile manufacturer and suppliers.
Sec. 207. Funding for alternative infrastructure for the distribution of transportation fuels.
Sec. 208. Deployment of new technologies to reduce oil use in transportation.
Sec. 209. Production incentives for cellulosic biofuels.

TITLE III—FEDERAL PROGRAMS FOR THE CONSERVATION OF NATURAL GAS

Sec. 301. Renewable portfolio standard.
Sec. 302. Federal requirement to purchase electricity generated by renewable energy.

TITLE IV—GENERAL ENERGY EFFICIENCY PROGRAMS

Sec. 401. Energy savings performance contracts.
Sec. 402. Deployment of new technologies for high-efficiency consumer products.
Sec. 403. National media campaign to decrease oil and natural gas consumption.
Sec. 404. Energy efficiency resource programs.

TITLE V—ASSISTANCE TO ENERGY CONSUMERS

Sec. 501. Energy emergency disaster relief loans to small business and agricultural producers.
Sec. 502. Efficient and safe equipment replacement program for weatherization purposes.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Energy.

TITLE I—NATIONAL OIL SAVINGS PLAN AND REQUIREMENTS

SEC. 101. OIL SAVINGS TARGET AND ACTION PLAN.

Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this title as the ''Director'') shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to section 102 that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under section 105—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis of—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) whether all such requirements, taken together, will achieve the oil savings specified in this section.

SEC. 102. STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—On or before the date of publication of the action plan under section 101, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in subsection (b).

(b) AUTHORITIES.—The head of each agency described in subsection (a) shall use to carry out this section—

(1) any authority in existence on the date of enactment of this Act (including regulations); and

(2) any new authority provided under this Act (including an amendment made by this Act).

(c) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in subsection (a) shall promulgate final versions of the regulations required under this section.

(d) AGENCY ANALYSES.—Each proposed and final regulation promulgated under this section shall—

(1) be designed to achieve at least the oil savings resulting from the regulation under the action plan published under section 101; and

(2) be accompanied by an analysis by the applicable agency describing the manner in which the regulation will promote the achievement of the oil savings from the baseline determined under section 105.

SEC. 103. INITIAL EVALUATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall publish in the Federal Register a Federal Government-wide analysis of the oil savings achieved from the baseline established under section 105.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section 101, simultaneously with the analysis required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 102.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. 104. REVIEW AND UPDATE OF ACTION PLAN.

(a) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(1) evaluates the progress achieved in implementing the oil savings targets established under section 101;

(2) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(3)(A) analyzes the potential to achieve oil savings that are in addition to the savings required by section 101; and

(B) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section 101, simultaneously with the report required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 102.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. 105. BASELINE AND ANALYSIS REQUIREMENTS.

In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this title, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005'';

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

TITLE II—FEDERAL PROGRAMS FOR THE CONSERVATION OF OIL

SEC. 201. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) IN GENERAL.—Part J of title IV of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

''SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

''(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—The Secretary shall issue regulations for Federal fleets subject to section 400AA requiring that not later than October 1, 2009, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

''(2) PLAN.—

''(A) REQUIREMENT.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction level.

''(B) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

''(i) the use of alternative fuels;

''(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles;

''(iii) the substitution of cars for light trucks;

''(iv) an increase in vehicle load factors;

''(v) a decrease in vehicle miles traveled;

''(vi) a decrease in fleet size; and

''(vii) other measures.

''(C) REPLACEMENT TIRES.—The regulations shall include a requirement that each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

''(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum through the use of practices such as—

''(A) telecommuting;

''(B) public transit;

''(C) carpooling; and

''(D) bicycling.

''(2) MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.—The Administrator of the General Services Administration, the Director of the Office of Personnel Management, and the Secretary of the Department of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

''Sec. 400FF. Federal fleet conservation requirements.''.

SEC. 202. ASSISTANCE FOR STATE PROGRAMS TO RETIRE FUEL-INEFFICIENT MOTOR VEHICLES.

(a) DEFINITIONS.—In this section:

(1) FUEL-EFFICIENT AUTOMOBILE.—The term ''fuel-efficient automobile'' means a passenger automobile or a light-duty truck that has a fuel economy rating that is 40 percent greater than the average fuel economy standard prescribed pursuant to section 32902 of title 49, United States Code, or other law, applicable to the passenger automobile or light-duty truck.

(2) FUEL-INEFFICIENT AUTOMOBILES.—The term ''fuel-inefficient automobile'' means a passenger automobile or a light-duty truck manufactured in a model year more than 15 years before the fiscal year in which appropriations are made under subsection (f) that, at the time of manufacture, had a fuel economy rating that was equal to or less than [20?] miles per gallon.

(3) LIGHT-DUTY TRUCK.—

(A) IN GENERAL.—The term ''light-duty truck'' means an automobile that is not a passenger automobile.

(B) INCLUSIONS.—The term ''light-duty truck'' includes a pickup truck, a van, or a four-wheel-drive general utility vehicle, as those terms are defined in section 600.002–85 of title 40, Code of Federal Regulations.

(4) STATE.—The term ''State'' means any of the several States and the District of Columbia.

(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the ''National Motor Vehicle Efficiency Improvement Program,'' under which the Secretary shall provide grants to States to operate voluntary programs to offer owners of fuel inefficient automobiles financial incentives to replace the automobiles with fuel efficient automobiles.

(c) ELIGIBILITY CRITERIA.—The Secretary shall approve a State plan and provide the funds made available under subsection (f), if the State plan—

(1) except as provided in paragraph (8), requires that all passenger automobiles and light-duty trucks turned in be scrapped, after allowing a period of time for the recovery of spare parts;

(2) requires that all passenger automobiles and light-duty trucks turned in be registered in the State in order to be eligible;

(3) requires that all passenger automobiles and light-duty trucks turned in be operational at the time that the passenger automobiles and light-duty trucks are turned in;

(4) restricts automobile owners (except not-for-profit organizations) from turning in more than 1 passenger automobile and 1 light-duty truck during a 1–year period;

(5) provides an appropriate payment to the person recycling the scrapped passenger automobile or light-duty truck for each turned-in passenger automobile or light-duty truck;

(6) subject to subsection (d)(2), provides a minimum payment to the automobile owner for each passenger automobile and light-duty truck turned in; and

(7) provides appropriate exceptions to the scrappage requirement for vehicles that qualify as antique cars under State law.

(d) STATE PLAN.—

(1) IN GENERAL.—To be eligible to receive funds under the program, the Governor of a State shall submit to the Secretary a plan to carry out a program under this section in that State.

(2) ADDITIONAL STATE CREDIT.—In addition to the payment under subsection (c)(6), the State plan may provide a credit that may be redeemed by the owner of the replaced fuel-inefficient automobile at the time of purchase of the new fuel-efficient automobile.

(e) ALLOCATION FORMULA.—The amounts appropriated pursuant to subsection (f) shall be allocated among the States on the basis of the number of registered motor vehicles in each State at the time that the Secretary needs to compute shares under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.

SEC. 203. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds

under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

SEC. 204. NEAR-TERM VEHICLE TECHNOLOGY PROGRAM.

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

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term ''battery'' means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(A) vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term ''engine dominant hybrid electric vehicle'' means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel;

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 3 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990).

(5) NONROAD VEHICLE.—The term ''nonroad vehicle'' has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(6) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(7) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term ''plug-in hybrid fuel cell vehicle'' means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(c) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high capacity, high efficiency batteries;

(2) high efficiency on-board and off-board charging components;

(3) high power drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for university education focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency to—

(i) understand and inventory markets; and

(ii) identify and implement methods of removing barriers for existing and emerging applications.

(d) GOALS.—The goals of the electric drive transportation technology program established under subsection (c) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2007 through 2012.

SEC. 205. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys and carbon fibers) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 206. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE MANUFACTURER AND SUPPLIERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking ''grants to automobile manufacturers'' and inserting ''grants and loan guarantees under section 1703 to automobile manufacturers and suppliers''.

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

''(8) Production facilities for the manufacture of fuel-efficient vehicles or parts of such vehicles, including hybrid and advanced diesel vehicles.''.

SEC. 207. FUNDING FOR ALTERNATIVE INFRASTRUCTURE FOR THE DISTRIBUTION OF TRANSPORTATION FUELS.

(a) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the ''Alternative Fueling Infrastructure Trust Fund'' (referred to in this section as the ''Trust Fund''), consisting of such amounts as are deposited into the Trust Fund under subsection (b) and any interest earned on investment of amounts in the Trust Fund.

(b) PENALTIES.—The Secretary of Transportation shall remit 90 percent of the amount collected in civil penalties under section 32912 of title 49, United States Code, to the Trust Fund.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall obligate such sums as are available in the Trust Fund to establish a grant program to increase the number of locations at which consumers may purchase alternative transportation fuels.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary may award grants under this subsection to—

(i) individual fueling stations; and

(ii) corporations (including nonprofit corporations) with demonstrated experience in the administration of grant funding for the purpose of alternative fueling infrastructure.

(B) MAXIMUM AMOUNT OF GRANTS.—A grant provided under this subsection may not exceed—

(i) $150,000 for each site of an individual fueling station; and

(ii) $500,000 for each corporation (including a nonprofit corporation).

(C) PRIORITIZATION.—The Secretary shall prioritize the provision of grants under this subsection to recognized nonprofit corporations that have proven experience and demonstrated technical expertise in the establishment of alternative fueling infrastructure, as determined by the Secretary.

(D) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds provided in any grant may be used by the recipient of the grant to pay administrative expenses.

(E) NUMBER OF VEHICLES.—In providing grants under this subsection, the Secretary shall consider the number of vehicles in service capable of using a specific type of alternative fuel.

(F) MATCH.—Grant recipients shall provide a non-Federal match of not less than $1 for every $3 of grant funds received under this subsection.

(G) LOCATIONS.—Each grant recipient shall select the locations for each alternative fuel station to be constructed with grant funds received under this subsection on a formal, open, and competitive basis.

(H) USE OF INFORMATION IN SELECTION OF RECIPIENTS.—In selecting grant recipients under this subsection, the Secretary may consider—

(i) public demand for each alternative fuel in a particular county based on State registration records indicating the number of vehicles that may be operated using alternative fuel; and

(ii) the opportunity to create or expand corridors of alternative fuel stations along interstates or highways.

(3) USE OF GRANT FUNDS.—Grant funds received under this subsection may be used to—

(A) construct new facilities to dispense alternative fuels;

(B) purchase equipment to upgrade, expand, or otherwise improve existing alternative fuel facilities; or

(C) purchase equipment or pay for specific turnkey fueling services by alternative fuel providers.

(4) FACILITIES.—Facilities constructed or upgraded with grant funds under this subsection shall—

(A) provide alternative fuel available to the public for a period not less than 4 years;

(B) establish a marketing plan to advance the sale and use of alternative fuels;

(C) prominently display the price of alternative fuel on the marquee and in the station;

(D) provide point of sale materials on alternative fuel;

(E) clearly label the dispenser with consistent materials;

(F) price the alternative fuel at the same margin that is received for unleaded gasoline; and

(G) support and use all available tax incentives to reduce the cost of the alternative fuel to the lowest practicable retail price.

(5) OPENING OF STATIONS.—

(A) IN GENERAL.—Not later than the date on which each alternative fuel station begins to offer alternative fuel to the public, the grant recipient that used grant funds to construct the station shall notify the Secretary of the opening.

(B) WEBSITE.—The Secretary shall add each new alternative fuel station to the alternative fuel station locator on the website of the Department of Energy when the Secretary receives notification under this subsection.

(6) REPORTS.—Not later than 180 days after the receipt of a grant award under this subsection, and every 180 days thereafter, each grant recipient shall submit a report to the Secretary that describes—

(A) the status of each alternative fuel station constructed with grant funds received under this subsection;

(B) the quantity of alternative fuel dispensed at each station during the preceding 180-day period; and

(C) the average price per gallon of the alternative fuel sold at each station during the preceding 180-day period.

SEC. 208. DEPLOYMENT OF NEW TECHNOLOGIES TO REDUCE OIL USE IN TRANSPORTATION.

(a) FUEL FROM CELLULOSIC BIOMASS.—

(1) IN GENERAL.—The Secretary shall provide deployment incentives under this subsection to encourage a variety of projects to produce transportation fuel from cellulosic biomass, relying on different feedstocks in different regions of the United States.

(2) PROJECT ELIGIBILITY.—Incentives under this subsection shall be provided on a competitive basis to projects that produce fuel that—

(A) meet United States fuel and emission specifications;

(B) help diversify domestic transportation energy supplies; and

(C) improve or maintain air, water, soil, and habitat quality.

(3) INCENTIVES.—Incentives under this subsection may consist of—

(A) loan guarantees under section 1510 of the Energy Policy Act of 2005 (42 U.S.C. 16501), subject to section 1702 of that Act (22 U.S.C. 16512), for the construction of production facilities and supporting infrastructure; or

(B) production payments through a reverse auction in accordance with paragraph (4).

(4) REVERSE AUCTION.—

(A) IN GENERAL.—In providing incentives under this subsection, the Secretary shall—

(i) issue regulations under which producers of fuel from cellulosic biomass may bid for production payments under paragraph (3)(B); and

(ii) solicit bids from producers of different classes of transportation fuel, as the Secretary determines to be appropriate.

(B) REQUIREMENT.—The rules under subparagraph (A) shall require that incentives be provided to the producers that submit the lowest bid (in terms of cents per gallon) for each class of transportation fuel from which the Secretary solicits a bid.

(b) ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ADJUSTED FUEL ECONOMY.—The term ''adjusted fuel economy'' means the average fuel economy of a manufacturer for all light duty motor vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for a credit shall be considered to be equal to the average fuel economy for the weight class of the vehicle for model year 2002.

(B) ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—The term ''advanced lean burn technology motor vehicle'' means a passenger automobile or a light truck with an internal combustion engine that—

(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel;

(ii) incorporates direct injection; and

(iii) achieves at least 125 percent of the city fuel economy of vehicles in the same size class as the vehicle for model year 2002.

(C) ADVANCED TECHNOLOGY VEHICLE.—The term ''advanced technology vehicle'' means a light duty motor vehicle that—

(i) is a hybrid motor vehicle or an advanced lean burn technology motor vehicle; and

(ii) meets—

(I) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(II) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(III) at least 125 percent of the base year city fuel economy for the weight class of the vehicle.

(D) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(i) incorporating qualifying components into the design of advanced technology vehicles; and

(ii) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(E) HYBRID MOTOR VEHICLE.—The term ''hybrid motor vehicle'' means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system.

(F) QUALIFYING COMPONENTS.—The term ''qualifying components'' means components that the Secretary determines to be—

(i) specially designed for advanced technology vehicles; and

(ii) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(2) MANUFACTURER FACILITY CONVERSION AWARDS.—The Secretary shall provide facility conversion funding awards under this subsection to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(A) reequipping or expanding an existing manufacturing facility in the United States to produce—

(i) qualifying advanced technology vehicles; or

(ii) qualifying components; and

(B) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(3) PERIOD OF AVAILABILITY.—An award under paragraph (2) shall apply to—

(A) facilities and equipment placed in service before December 30, 2017; and

(B) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(4) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this subsection during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty motor vehicles of the manufacturer for model year 2002.

SEC. 209. PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking ''$250,000,000'' and inserting ''$200,000,000 for each of fiscal years 2007 through 2011''.

TITLE III—FEDERAL PROGRAMS FOR THE CONSERVATION OF NATURAL GAS

SEC. 301. RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY REQUIREMENT.—

''(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

''Calendar year:	Minimum annual percentage:
2008 through 2011	2.55
2012 through 2015	5.05
2016 through 2019	7.55
2020 through 2030	10.0

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) generating electric energy using new renewable energy or existing renewable energy;

''(B) purchasing electric energy generated by new renewable energy or existing renewable energy;

''(C) purchasing renewable energy credits issued under subsection (b); or

''(D) a combination of the foregoing.

''(b) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than January 1, 2007, the Secretary shall establish a renewable energy credit trading program to permit an electric utility that does not generate or purchase enough electric energy from renewable energy to meet its obligations under subsection (a)(1) to satisfy such requirements by purchasing sufficient renewable energy credits.

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue renewable energy credits to generators of electric energy from new renewable energy;

''(B) sell renewable energy credits to electric utilities at the rate of 1.5 cents per kilowatt-hour (as adjusted for inflation under subsection (g));

''(C) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section; and

''(D) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt).

''(3) DURATION.—Credits under paragraph (2)(A) may only be used for compliance with this section for 3 years from the date issued.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the amount needed to comply with subsection (a) may transfer such credits to another electric utility in the same utility holding company system.

''(5) EASTERN INTERCONNECT.—In the case of a retail electric supplier that is a member of a power pool located in the Eastern Interconnect and that is subject to a State renewable portfolio standard program that provides for compliance primarily through the acquisition of certificates or credits in lieu of the direct acquisition of renewable power, the Secretary shall issue renewable energy credits in an amount that corresponds to the kilowatt-hour obligation represented by the State certificates and credits issued pursuant to the State program to the extent the State certificates and credits are associated with renewable resources eligible under this section.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the renewable energy requirements of subsection (a) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of 1.5 cents (adjusted for inflation under subsection (g)) or 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility was unable to comply with subsection (a) for reasons outside of the reasonable control of the utility. The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (a).

''(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish, not later than December 31, 2008, a State renewable energy account program.

''(2) DEPOSITS.—All money collected by the Secretary from the sale of renewable energy credits and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection. The State renewable energy account shall be held by the Secretary and shall not be transferred to the Treasury Department.

''(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

''(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

''(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

''(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) to State programs to stimulate or enhance innovative renewable energy technologies.

''(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

''(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

''(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) in Hawaii.

''(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the price of a renewable energy credit under subsection (b)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) STATE PROGRAMS.—Nothing in this section shall diminish any authority of a State or political subdivision thereof to adopt or enforce any law or regulation respecting renewable energy, but, except as provided in subsection (c)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

''(i) RECOVERY OF COSTS.—

''(1) IN GENERAL.—The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility recovers all prudently incurred costs associated with compliance with this section.

''(2) APPLICABLE LAW.—A regulation under paragraph (1) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

''(j) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower); and

''(B) electricity generated through the incineration of municipal solid waste.

''(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2003, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005), or landfill gas.

''(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

''(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

''(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

''(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

''(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment

of this section shall commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

''(6) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after the date of enactment of this section or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

''(7) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2003, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

''(i) the additional energy above the average generation in the 3 years preceding the date of enactment of this section at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas; or

''(IV) incremental hydropower.

''(ii) incremental geothermal production.

''(8) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

''(k) SUNSET.—This section expires on December 31, 2030.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 610. Federal renewable portfolio standard.''.

SEC. 302. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by striking subsection (a) and inserting the following:

''(a) REQUIREMENT.—The President, acting through the Secretary, shall ensure that, of the total quantity of electric energy the Federal Government consumes during any fiscal year, the following amounts shall be renewable energy:

''(1) Not less than 5 percent in each of fiscal years 2008 and 2009.

''(2) Not less than 7.5 percent in each of fiscal years 2010 through 2012.

''(3) Not less than 10 percent in fiscal years 2013 and each fiscal year thereafter.''.

TITLE IV—GENERAL ENERGY EFFICIENCY PROGRAMS

SEC. 401. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) RETENTION OF SAVINGS.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) FINANCING FLEXIBILITY.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

''(E) SEPARATE CONTRACTS.—In carrying out a contract under this title, a Federal agency may—

''(i) enter into a separate contract for energy services and conservation measures under the contract; and

''(ii) provide all or part of the financing necessary to carry out the contract.''.

(c) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking ''means a reduction'' and inserting ''means—

''(A) a reduction'';

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

''(C) the sale or transfer of electrical or thermal energy generated on-site, but in excess of Federal needs, to utilities or non-Federal energy users; and

''(D) the increased efficient use of existing water sources in interior or exterior applications.''.

(d) ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) NONBUILDING APPLICATION.—The term ''nonbuilding application'' means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) SECONDARY SAVINGS.—

(i) IN GENERAL.—The term ''secondary savings'' means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) INCLUSIONS.—The term ''secondary savings'' includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 402. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term ''energy savings'' means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term ''high-efficiency consumer product'' means a covered product to which an energy conservation standard applies under section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295), if the energy efficiency of the product exceeds the energy efficiency required under the standard.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2006, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) FORMS OF AWARDS.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

SEC. 403. NATIONAL MEDIA CAMPAIGN TO DECREASE OIL AND NATURAL GAS CONSUMPTION.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign for the purpose of decreasing oil and natural gas consumption in the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for

the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(v) The negotiated fees for the winning bidder on requests from proposals issued either by the Secretary for purposes otherwise authorized in this section.

(vi) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of oil and natural gas consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of oil and natural gas consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

SEC. 404. ENERGY EFFICIENCY RESOURCE PROGRAMS.

(a) ELECTRIC UTILITY PROGRAMS.—Section 111 of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. 2621) is amended by adding at the end the following:

''(e) ENERGY EFFICIENCY RESOURCE PROGRAMS.—

''(1) DEFINITIONS.—In this subsection:

''(A) DEMAND BASELINE.—The term 'demand baseline' means the baseline determined by the Secretary for an appropriate period preceding the implementation of an energy efficiency resource program.

''(B) ENERGY EFFICIENCY RESOURCE PROGRAMS.—The term 'energy efficiency resource program' means an energy efficiency or other demand reduction program that is designed to reduce annual electricity consumption or peak demand of consumers served by an electric utility by a percentage of the demand baseline of the utility that is equal to not less than 0.75 percent of the number of years during which the program is in effect.

''(2) PUBLIC HEARINGS; DETERMINATIONS.—

''(A) PUBLIC HEARING.—As soon as practicable after the date of enactment of this subsection, but not later than 3 years after that date, each State regulatory authority (with respect to each electric utility over which the State has ratemaking authority) and each nonregulated electric utility shall, after notice, conduct a public hearing on the benefits and feasibility of carrying out an energy efficiency resource program.

''(B) ENERGY EFFICIENCY RESOURCE PROGRAM.—A State regulatory authority or nonregulated utility shall carry out an energy efficiency resource program if, on the basis of a hearing under subparagraph (A), the State regulatory authority or nonregulated utility determines that the program would—

''(i) benefit end-use customers;

''(ii) be cost-effective based on total resource cost;

''(iii) serve the public welfare; and

''(iv) be feasible to carry out.

''(3) IMPLEMENTATION.—

''(A) STATE REGULATORY AUTHORITIES.—If a State regulatory authority makes a determination under paragraph (2)(B), the State regulatory authority shall—

''(i) require each electric utility over which the State has ratemaking authority to carry out an energy efficiency resource program; and

''(ii) allow such a utility to recover expenditures incurred by the utility in carrying out the energy efficiency resource program.

''(B) NONREGULATED ELECTRIC UTILITIES.—If a nonregulated electric utility makes a determination under paragraph (2)(B), the utility shall carry out an energy efficiency resource program.

''(4) UPDATING REGULATIONS.—A State regulatory authority or nonregulated utility may update periodically a determination under paragraph (2)(B) to determine whether an energy efficiency resource program should be—

''(A) continued;

''(B) modified; or

''(C) terminated.

''(5) EXCEPTION.—Paragraph (2) shall not apply to a State regulatory authority (or a nonregulated electric utility operating in the State) that demonstrates to the Secretary that an energy efficiency resource program is in effect in the State.''.

(b) GAS UTILITIES.—Section 303 of the Public Utilities Regulatory Policy Act of 1978 (15 U.S.C. 3203) is amended by adding at the end the following:

''(e) ENERGY EFFICIENCY RESOURCE PROGRAMS.—

''(1) DEFINITIONS.—In this subsection:

''(A) DEMAND BASELINE.—The term 'demand baseline' means the baseline determined by the Secretary for an appropriate period preceding the implementation of an energy efficiency resource program.

''(B) ENERGY EFFICIENCY RESOURCE PROGRAMS.—The term 'energy efficiency resource program' means an energy efficiency or other demand reduction program that is designed to reduce annual gas consumption or peak demand of consumers served by a gas utility by a percentage of the demand baseline of the utility that is equal to not less than 0.75 percent of the number of years during which the program is in effect.

''(2) PUBLIC HEARINGS; DETERMINATIONS.—

''(A) PUBLIC HEARING.—As soon as practicable after the date of enactment of this subsection, but not later than 3 years after that date, each State regulatory authority (with respect to each gas utility over which the State has ratemaking authority) and each nonregulated gas utility shall, after notice, conduct a public hearing on the benefits and feasibility of carrying out an energy efficiency resource program.

''(B) ENERGY EFFICIENCY RESOURCE PROGRAM.—A State regulatory authority or nonregulated utility shall carry out an energy efficiency resource program if, on the basis of a hearing under subparagraph (A), the State regulatory authority or nonregulated utility determines that the program would—

''(i) benefit end-use customers;

''(ii) be cost-effective based on total resource cost;

''(iii) serve the public welfare; and

''(iv) be feasible to carry out.

''(3) IMPLEMENTATION.—

''(A) STATE REGULATORY AUTHORITIES.—If a State regulatory authority makes a determination under paragraph (2)(B), the State regulatory authority shall—

''(i) require each gas utility over which the State has ratemaking authority to carry out an energy efficiency resource program; and

''(ii) allow such a utility to recover expenditures incurred by the utility in carrying out the energy efficiency resource program.

''(B) NONREGULATED GAS UTILITIES.—If a nonregulated gas utility makes a determination under paragraph (2)(B), the utility shall carry out an energy efficiency resource program.

''(4) UPDATING REGULATIONS.—A State regulatory authority or nonregulated utility may update periodically a determination under paragraph (2)(B) to determine whether an energy efficiency resource program should be—

''(A) continued;

''(B) modified; or

''(C) terminated.

''(5) EXCEPTION.—Paragraph (2) shall not apply to a State regulatory authority (or a nonregulated gas utility operating in the State) that demonstrates to the Secretary that an energy efficiency resource program is in effect in the State.''.

TITLE V—ASSISTANCE TO ENERGY CONSUMERS

SEC. 501. ENERGY EMERGENCY DISASTER RELIEF LOANS TO SMALL BUSINESS AND AGRICULTURAL PRODUCERS.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration; and

(2) the term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) SMALL BUSINESS PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) ENERGY DISASTER LOANS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days that correspond to the trading days described in clause (ii) in each of the most recent 2 preceding years;

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month'; and

''(iii) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

''(B) LOAN AUTHORITY.—The Administrator may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

''(C) INTEREST RATE.—Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

''(E) DISASTER DECLARATION.—For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administrator that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administrator may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) CONVERSION.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting '', a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene,'' after ''civil disorders''; and

(B) by inserting ''other'' before ''economic''.

(c) AGRICULTURAL PRODUCER EMERGENCY LOANS.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking ''aquaculture operations have'' and inserting ''aquaculture operations (i) have''; and

(ii) by inserting before '': *Provided*,'' the following: '', or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary'';

(B) in the third sentence, by inserting before the period at the end the following: ''or by an energy emergency declared by the President or the Secretary''; and

(C) in the fourth sentence—

(i) by striking ''or natural disaster'' each place that term appears and inserting '', natural disaster, or energy emergency''; and

(ii) by inserting ''or declaration'' after ''emergency designation''.

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by paragraph (1) to meet the needs resulting from natural disasters.

(d) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall each issue guidelines to carry out subsections (b) and (c), respectively, and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iii)(II) of the Small Business Act, as added by this section.

(e) REPORTS.—

(1) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under subsection (d)(1), and annually thereafter, until the date that is 12 months after the end of the effective period of section 7(b)(4) of the Small Business Act, as added by this section, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this section, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(4) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(2) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (d)(1), and annually thereafter, until the date that is 12 months after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this section, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(f) EFFECTIVE DATE.—

(1) SMALL BUSINESS.—The amendments made by subsection (b) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator under subsection (d)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this section.

(2) AGRICULTURE.—The amendments made by subsection (c) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (d)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section.

SEC. 502. EFFICIENT AND SAFE EQUIPMENT REPLACEMENT PROGRAM FOR WEATHERIZATION PURPOSES.

(a) IN GENERAL.—Part A of title IV of the Energy Conservation and Production Act is amended—

(1) by redesignating section 422 (42 U.S.C. 6872) as section 423; and

(2) by inserting after section 421 (42 U.S.C. 6871) the following:

''SEC. 422. EFFICIENT AND SAFE EQUIPMENT REPLACEMENT PROGRAM FOR WEATHERIZATION PURPOSES.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish, within the Weatherization Assistance Program, a program to assist in the replacement of unsafe or highly inefficient heating and cooling units in low-income households.

''(b) ADMINISTRATION.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall administer the program established under this section in accordance with this part.

''(2) EXEMPTION FOR HIGH-EFFICIENCY HEATING AND COOLING EQUIPMENT EXPENDITURES.—Assistance for high-efficiency heating and cooling equipment under this section shall be exempt from the standards established under section 413(b)(3) and from section 415(c).

''(3) IDENTIFICATION OF HEATING AND COOLING SYSTEM UPGRADES.—Assistance for system upgrades under this section shall be based on a standard weatherization audit and appropriate diagnostic procedures in use by the program.

''(4) WEATHERIZATION OF HOME RECEIVING NEW HEATING OR COOLING SYSTEM.—Assistance may be perceived for a home receiving a new heating or cooling system under this section regardless of whether the home is fully weatherized in the year that the home received a new heating system.

''(5) FUEL.—The Secretary shall make no rule prohibiting a grantee from installing high-efficiency equipment that uses a fuel (including a renewable fuel) most likely to result in reliable supply and the lowest practicable energy bills, regardless of the fuel previously used by the household.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $40,000,000 for fiscal year 2006;

''(2) $50,000,000 for fiscal year 2007; and

''(3) $60,000,000 for fiscal year 2008.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Conservation and Production Act (42 U.S.C. prec. 6901) is amended—

(1) by redesignating the item relating to section 422 as an item relating to section 423; and

(2) by inserting after the item relating to section 421 the following:

''Sec. 422. Efficient and safe equipment program.''.

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

SECTION 1. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Enhanced Energy Security Tax Incentives Act of 2006''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; amendment of Code; table of contents.

TITLE I—EXTENSION OF INCENTIVES

Sec. 101. Extension of credit for electricity produced from certain renewable resources.
Sec. 102. Extension and expansion of credit to holders of clean renewable energy bonds.
Sec. 103. Extension of energy efficient commercial buildings deduction.
Sec. 104. Extension and expansion of new energy efficient home credit.
Sec. 105. Extension of nonbusiness energy property credit.
Sec. 106. Extension of residential energy efficient property credit.
Sec. 107. Extension of credit for business installation of qualified fuel cells and stationary microturbine power plants.
Sec. 108. Extension of business solar investment tax credit.
Sec. 109. Extension of alternative fuel excise tax provisions, income tax credits, and tariff duties.
Sec. 110. Extension of full credit for qualified electric vehicles.

TITLE II—INCENTIVES FOR ALTERNATIVE FUEL VEHICLES

Sec. 201. Consumer incentives to purchase advanced technology vehicles.
Sec. 202. Advanced technology motor vehicles manufacturing credit.
Sec. 203. Tax incentives for private fleets.
Sec. 204. Modification of alternative vehicle refueling property credit.
Sec. 205. Inclusion of heavy vehicles in limitation on depreciation of certain luxury automobiles.
Sec. 206. Idling reduction tax credit.

TITLE III—ADDITIONAL INCENTIVES

Sec. 301. Energy credit for combined heat and power system property.
Sec. 302. Three-year applicable recovery period for depreciation of qualified energy management devices.
Sec. 303. Three-year applicable recovery period for depreciation of qualified water submetering devices.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Revaluation of LIFO inventories of large integrated oil companies.
Sec. 402. Elimination of amortization of geological and geophysical expenditures for major integrated oil companies.
Sec. 403. Modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers.

TITLE I—EXTENSION OF INCENTIVES

SEC. 101. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

Section 45(d) (relating to qualified facilities) is amended by striking ''2008'' each place it appears and inserting ''2011''.

SEC. 102. EXTENSION AND EXPANSION OF CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Section 54(m) (relating to termination) is amended by striking ''2007'' and inserting ''2010''.

(b) ANNUAL VOLUME CAP FOR BONDS ISSUED DURING EXTENSION PERIOD.—Paragraph (1) of section 54(f) (relating to limitation on amount of bonds designated) is amended to read as follows:

''(1) NATIONAL LIMITATION.—

''(A) INITIAL NATIONAL LIMITATION.—With respect to bonds issued after December 31, 2005, and before January 1, 2008, there is a national clean renewable energy bond limitation of $800,000,000.

''(B) ANNUAL NATIONAL LIMITATION.—With respect to bonds issued after December 31, 2007, and before January 1, 2011, there is a national clean renewable energy bond limitation for each calendar year of $800,000,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 103. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking ''2007'' and inserting ''2010''.

SEC. 104. EXTENSION AND EXPANSION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION.—Section 45L(g) (relating to termination) is amended by striking ''2007'' and inserting ''2010''.

(b) INCLUSION OF 30 PERCENT HOMES.—

(1) IN GENERAL.—Section 45L(c) (relating to energy saving requirements) is amended—

(A) by striking ''or'' at the end of paragraph (2),

(B) by redesignating paragraph (3) as paragraph (4), and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) certified—

''(A) to have a level of annual heating and cooling energy consumption which is at least 30 percent below the annual level described in paragraph (1), and

''(B) to have building envelope component improvements account for at least ⅓ of such 30 percent, or''.

(2) APPLICABLE AMOUNT OF CREDIT.—Section 45L(a)(2) is amended by striking ''paragraph (3)'' and inserting ''paragraph (3) or (4)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to qualified new energy efficient homes acquired after the date of the enactment of this Act.

SEC. 105. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT.

Section 25C(g) (relating to termination) is amended by striking ''2007'' and inserting ''2010''.

SEC. 106. EXTENSION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

Section 25D(g) (relating to termination) is amended by striking ''2007'' and inserting ''2010''.

SEC. 107. EXTENSION OF CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS AND STATIONARY MICROTURBINE POWER PLANTS.

Sections 48(c)(1)(E) and 48(c)(2)(E) (relating to termination) are each amended by striking ''2007'' and inserting ''2010''.

SEC. 108. EXTENSION OF BUSINESS SOLAR INVESTMENT TAX CREDIT.

Sections 48(a)(2)(A)(i)(II) and 48(a)(3)(A)(ii) (relating to termination) are each amended by striking ''2008'' and inserting ''2011''.

SEC. 109. EXTENSION OF ALTERNATIVE FUEL EXCISE TAX PROVISIONS, INCOME TAX CREDITS, AND TARIFF DUTIES.

(a) BIODIESEL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''2008'' and inserting ''2010''.

(b) ALTERNATIVE FUEL.—

(1) FUELS.—Sections 6426(d)(4) and 6427(e)(5)(C) are each amended by striking ''September 30, 2009'' and inserting ''December 31, 2010''.

(2) REFUELING PROPERTY.—Section 30C(g) is amended by striking ''2009'' and inserting ''2010''.

(c) ETHANOL TARIFF SCHEDULE.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are each amended in the effective period column by striking ''10/1/2007'' each place it appears and inserting ''1/1/2011''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2007.

SEC. 110. EXTENSION OF FULL CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30(e) is amended by striking ''2006'' and inserting ''2010''.

(b) REPEAL OF PHASEOUT.—Section 30(b) (relating to limitations) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(c) CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.—Paragraph (2) of section 30(b), as redesignated by subsection (b), is amended to read as follows:

''(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the sum of the regular tax for the taxable year plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under subpart A and section 27.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

TITLE II—INCENTIVES FOR ALTERNATIVE FUEL VEHICLES

SEC. 201. CONSUMER INCENTIVES TO PURCHASE ADVANCED TECHNOLOGY VEHICLES.

(a) ELIMINATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) IN GENERAL.—Section 30B is amended by striking subsection (f) and by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(h) are each amended by striking ''(determined without regard to subsection (g))'' and inserting ''determined without regard to subsection (f))''.

(B) Section 38(b)(25) is amended by striking ''section 30B(g)(1)'' and inserting ''section 30B(f)(1)''.

(C) Section 55(c)(2) is amended by striking ''section 30B(g)(2)'' and inserting ''section 30B(f)(2)''.

(D) Section 1016(a)(36) is amended by striking ''section 30B(h)(4)'' and inserting ''section 30B(g)(4)''.

(E) Section 6501(m) is amended by striking ''section 30B(h)(9)'' and inserting ''section 30B(g)(9)''.

(b) EXTENSION OF ALTERNATIVE VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(i) (as redesignated by subsection (a)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. 202. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed $75,000,000.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

''(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

''(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

''(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

''(c) ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

''(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(A) any qualified electric vehicle (as defined in section 30(c)(1)),

''(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

''(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

''(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

''(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

''(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

''(2) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

''(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

''(i) electric motor or generator,

''(ii) power split device,

''(iii) power control unit,

''(iv) power controls,

''(v) integrated starter generator, or

''(vi) battery,

''(B) with respect to any hydraulic new qualified hybrid motor vehicle—

''(i) hydraulic accumulator vessel,

''(ii) hydraulic pump, or

''(iii) hydraulic pump-motor assembly,

''(C) with respect to any new advanced lean burn technology motor vehicle—

''(i) diesel engine,

''(ii) turbocharger,

''(iii) fuel injection system, or

''(iv) after-treatment system, such as a particle filter or NOx absorber, and

''(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

''(3) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

''(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

''(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

''(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

''(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

''(4) validating functionality and performance of components and subsystems for a specific vehicle application.

''(e) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

''(f) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of—

''(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

''(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

''(g) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(h) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(i) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

''(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

''(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(g).''.

(2) Section 6501(m) is amended by inserting ''30D(k),'' after ''30C(e)(5),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2005.

SEC. 203. TAX INCENTIVES FOR PRIVATE FLEETS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48B the following new section:

"SEC. 48C. FUEL-EFFICIENT FLEET CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the fuel-efficient fleet credit for any taxable year is 15 percent of the qualified fuel-efficient vehicle investment amount of an eligible taxpayer for such taxable year.

''(b) VEHICLE PURCHASE REQUIREMENT.—In the case of any eligible taxpayer which places less than 10 qualified fuel-efficient vehicles in service during the taxable year, the qualified fuel-efficient vehicle investment amount shall be zero.

''(c) QUALIFIED FUEL-EFFICIENT VEHICLE INVESTMENT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified fuel-efficient vehicle investment amount' means the basis of any qualified fuel-efficient vehicle placed in service by an eligible taxpayer during the taxable year.

''(2) QUALIFIED FUEL-EFFICIENT VEHICLE.—The term 'qualified fuel-efficient vehicle' means an automobile which has a fuel economy which is at least 125 percent greater than the average fuel economy standard for an automobile of the same class and model year.

''(3) OTHER TERMS.—The terms 'automobile', 'average fuel economy standard', 'fuel economy', and 'model year' have the meanings given to such terms under section 32901 of title 49, United States Code.

''(d) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means, with respect to any taxable year, a taxpayer who owns a fleet of 100 or more vehicles which are used in the trade or business of the taxpayer on the first day of such taxable year.

''(e) TERMINATION.—This section shall not apply to any vehicle placed in service after December 31, 2010.''.

(b) CREDIT TREATED AS PART OF INVESTMENT CREDIT.—Section 46 is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the fuel-efficient fleet credit.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the basis of any qualified fuel-efficient vehicle which is taken into account under section 48C.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following new item:

''Sec. 48C. Fuel-efficient fleet credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2005, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 204. MODIFICATION OF ALTERNATIVE VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Subsection (a) of section 30C is amended by striking ''30 percent'' and inserting ''50 percent''.

(b) CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.—Paragraph (2) of section 30C is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

''(A) the sum of the regular tax for the taxable year plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under subpart A and sections 27, 30, and 30B.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 205. INCLUSION OF HEAVY VEHICLES IN LIMITATION ON DEPRECIATION OF CERTAIN LUXURY AUTOMOBILES.

(a) IN GENERAL.—Section 280F(d)(5)(A) (defining passenger automobile) is amended—

(1) by striking clause (ii) and inserting the following new clause:

''(ii)(I) which is rated at 6,000 pounds unloaded gross vehicle weight or less, or

''(II) which is rated at more than 6,000 pounds but not more than 14,000 pounds gross vehicle weight.'',

(2) by striking ''clause (ii)'' in the second sentence and inserting ''clause (ii)(I)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 206. IDLING REDUCTION TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45N. IDLING REDUCTION CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the idling reduction tax credit determined under this section for the taxable year is an amount equal to 25 percent of the amount paid or incurred for each qualifying idling reduction device placed in service by the taxpayer during the taxable year.

''(b) LIMITATION.—The maximum amount allowed as a credit under subsection (a) shall not exceed $1,000 per device.

''(c) DEFINITIONS.—For purposes of subsection (a)—

''(1) QUALIFYING IDLING REDUCTION DEVICE.—The term 'qualifying idling reduction device' means any device or system of devices that—

''(A) is installed on a heavy-duty diesel-powered on-highway vehicle,

''(B) is designed to provide to such vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary,

''(C) the original use of which commences with the taxpayer,

''(D) is acquired for use by the taxpayer and not for resale, and

''(E) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce long-duration idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(2) HEAVY-DUTY DIESEL-POWERED ON-HIGHWAY VEHICLE.—The term 'heavy-duty diesel-powered on-highway vehicle' means any vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration.

''(3) LONG-DURATION IDLING.—The term 'long-duration idling' means the operation of a main drive engine, for a period greater than 15 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.

''(d) NO DOUBLE BENEFIT.—For purposes of this section—

''(1) REDUCTION IN BASIS.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (a), the basis of such property shall be reduced by the amount of the credit so determined.

''(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.

''(e) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

''(f) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2010.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 (relating to general business credit) is amended by striking ''and'' at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting '', plus'' , and by adding at the end the following new paragraph:

''(31) the idling reduction tax credit determined under section 45N(a).''.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45M the following new item:

''Sec. 45N. Idling reduction credit''.

(2) Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting '', and'', and by adding at the end the following:

''(39) in the case of a facility with respect to which a credit was allowed under section 45N, to the extent provided in section 45N(d)(A).''.

(3) Section 6501(m) is amended by inserting ''45N(e),'' after ''45D(c)(4),''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(e) DETERMINATION OF CERTIFICATION STANDARDS BY SECRETARY OF ENERGY FOR CERTIFYING IDLING REDUCTION DEVICES.—Not later than 6 months after the date of the enactment of this Act and in order to reduce air pollution and fuel consumption, the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall publish the standards under which the Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, will, for purposes of section 45N of the Internal Revenue Code of 1986 (as added by this section), certify the idling reduction devices which will reduce long-duration idling of vehicles at motor vehicle rest stops or other locations where such vehicles are temporarily parked or remain stationary in order to reduce air pollution and fuel consumption.

TITLE III—ADDITIONAL INCENTIVES

SEC. 301. ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(b) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

''(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

''(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(B) which has an electrical capacity of not more than 15 megawatts or a mechanical energy capacity of not more than 2,000 horsepower or an equivalent combination of electrical and mechanical energy capacities,

''(C) which produces—

''(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(D) the energy efficiency percentage of which exceeds 60 percent, and

''(E) which is placed in service before January 1, 2011.

''(2) SPECIAL RULES.—

''(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

''(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(ii) the denominator of which is the higher heating value of the primary fuel sources for the system.

''(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(C) shall be determined on a Btu basis.

''(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(D) CERTAIN EXCEPTION NOT TO APPLY.—The first sentence of the matter in subsection (a)(3) which follows subparagraph (D) thereof shall not apply to combined heat and power system property.

''(3) SYSTEMS USING BAGASSE.—If a system is designed to use bagasse for at least 90 percent of the energy source—

''(A) paragraph (1)(D) shall not apply, but

''(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.

''(4) NONAPPLICATION OF CERTAIN RULES.—For purposes of determining if the term 'combined heat and power system property' includes technologies which generate electricity or mechanical power using back-pressure steam turbines in place of existing pressure-reducing valves or which make use of waste heat from industrial processes such as by using organic rankin, stirling, or kalina heat engine systems, paragraph (1) shall be applied without regard to subparagraphs (C) and (D) thereof .''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2006, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 302. THREE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(A) (defining 3-year property) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) any qualified energy management device.''.

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

''(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device which is placed in service before January 1, 2011, by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' means any meter or metering device which is used by the taxpayer—

''(i) to measure and record electricity usage data on a time-differentiated basis in at least 4 separate time segments per day, and

''(ii) to provide such data on at least a monthly basis to both consumers and the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 303. THREE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED WATER SUBMETERING DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(A) (defining 3-year property), as amended by this Act, is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) any qualified water submetering device.''.

(b) DEFINITION OF QUALIFIED WATER SUBMETERING DEVICE.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by inserting at the end the following new paragraph:

''(19) QUALIFIED WATER SUBMETERING DEVICE.—

''(A) IN GENERAL.—The term 'qualified water submetering device' means any water submetering device which is placed in service before January 1, 2011, by a taxpayer who is an eligible resupplier with respect to the unit for which the device is placed in service.

''(B) WATER SUBMETERING DEVICE.—For purposes of this paragraph, the term 'water submetering device' means any submetering device which is used by the taxpayer—

''(i) to measure and record water usage data, and

''(ii) to provide such data on at least a monthly basis to both consumers and the taxpayer.

''(C) ELIGIBLE RESUPPLIER.—For purposes of subparagraph (A), the term 'eligible resupplier' means any taxpayer who purchases and installs qualified water submetering devices in every unit in any multi-unit property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

TITLE IV—REVENUE PROVISIONS

SEC. 401. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term ''applicable integrated oil company'' means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 402. ELIMINATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) is amended by adding at the end the following new paragraph:

''(5) NONAPPLICATION TO MAJOR INTEGRATED OIL COMPANIES.—This subsection shall not apply with respect to any expenses paid or incurred for any taxable year by any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329(a) of the Energy Policy Act of 2005.

SEC. 403. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or

possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.

''(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

''(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

''(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

By Mr. BROWNBACK (for himself, Mr. KYL and Mrs. HUTCHISON):

S. 2749. A bill to update the Silk Road Strategy Act of 1999 to modify targeting of assistance in order to support the economic and political independence of the countries of Central Asia and the South Caucasus in recognition of political and economic changes in these regions since enactment of the original legislation; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, I rise to introduce the Silk Road Strategy Act of 2006. Joining me as original cosponsors are Senators KYL and HUTCHISON. I would like to extend my thanks to both of my colleagues and their staff for their assistance and guidance on many of the provisions in the bill.

The original Silk Road Strategy Act of 1999 saw the countries of the Caucasus and Central Asia—specifically, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan—as a distinct region bound by history and common interests with a shared potential that was of critical importance to the United States.

The goals of that legislation were as follows: to promote independent, democratic government; to promote the protection of human rights, tolerance, and pluralism; to aid in the resolution of conflicts and support political, economic, and security cooperation in order to foster regional stability and economic interdependence; to promote financial and economic development based on market principles; to aid in the development of communications, transportation, health and human services infrastructure; to promote and protect the interests of U.S. businesses and investments.

These basic policy goals have not changed; however, historic events since 1999 have had a significant impact on the region's political systems, economic conditions, and security situation which affect U.S. perceptions of and interests in the region. These changes include: the September 11, 2001 terrorist attack on the United States, which clarified the nature and source of the key threats facing this country; the Operation Enduring Freedom in Afghanistan and the removal of the Taliban regime; the series of ''colored revolutions'' in Georgia, Ukraine and Kyrgyzstan; Deteriorating relations between the U.S. and certain regional leaders, especially Uzbekistan's President Islam Karimov, and the closure of the U.S. base in that country; the growing influence of regional powers, namely Russia and China; greater U.S. oil and gas interests in the Caspian region; and the threat posed by Iran, which is seeking to develop a nuclear potential.

In light of these changes, the Silk Road Act needs to be updated and revised to better address some of the new challenges the U.S. faces in its relations with Central Asia and the Caucasus.

The U.S.'s vital interests in the Caspian region include: ensuring the independence and security of Azerbaijan and Georgia, through which critical oil and gas pipelines transit; containing Iran; ensuring access to oil and gas reserves; maintaining good relations with Kazakhstan; promoting peaceful resolution of conflicts; and keeping Russian geopolitical ambitions in check.

Further East, U.S. interests include: helping Kyrgyzstan to make its Tulip Revolution a success; the political stabilization of Afghanistan and enhancement of its security by defeating the Taliban and Al Qaeda and its satellite organizations; political reform and liberalization in the countries of Central Asia to neutralize radical Islamic movements, such as Hizb-ut- Tahrir al-Islami, HUT—Islamic Army of Liberation; reduction of drug production and exports; creation and/or support of the U.S. military base network; and social and economic development in the states of Central Asia.

To these ends, among other priorities, this bill emphasizes the importance of East-West gas and oil pipelines, such as the Baku-Tbilisi-Ceyhan pipeline, BTC. BTC ensures Azerbaijan's security and economic future, and binds the country with neighboring Georgia and Turkey, anchoring Azerbaijan in the network of Western states and institutions.

The bill also includes Afghanistan as a Silk Road country and promotes the integration of Afghanistan with neighboring Central Asian states in terms of security, trade, infrastructure and energy grids.

In all the states of Central Asia and the Caucasus, it is critical to promote democratic development. Among this bill's initiatives are calls for supporting independent media outlets, especially electronic media, and also for satellite TV programming, to provide authoritative news and more diverse opinions than are otherwise available. Specifically, it supports satellite TV broadcasting into Uzbekistan, Turkmenistan and Iran and the activities of their diasporas in the United States. Furthermore, the bill offers assistance for the establishment of civil service institutes to train civil servants at all levels in the rule of law, conduct of elections, respect for citizens' rights, and the needs of a market economy.

No less important is the need to accelerate and broaden economic reform and modernization in the Silk Road countries. Accordingly, this bill provides assistance in the privatization of state enterprises and deregulation of the economy.

The bill also calls for assistance with the establishment of the Caspian Bank of Reconstruction and Development, CBRD, to help Silk Road states address problems caused by increased revenues from energy exports, and dangers to macroeconomic stability and overheating of the economy infrastructure, as well as promote development in the region.

In light of Trans-Caspian Oil and Gas Pipelines, this bill encourages the governments of Azerbaijan, Kazakhstan and especially Turkmenistan to improve their business climate and investor confidence by fully disclosing their internationally audited hydrocarbon reserve.

The bill strongly supports activities that promote the participation of U.S. companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

Furthermore, the bill would assist in the removal of legal and institutional barriers to continental and regional trade and the harmonization of border and tariff regimes, including improved mechanisms for transit through Pakistan to Afghanistan and the rest of Central Asia.

With respect to the World Trade Organization, the bill offers support to Silk Road countries seeking WTO accession, providing assistance in reform as needed. Recognizing that PNTR status, through graduation from the Jackson-Vanik Amendment of 1974 Trade Act, and WTO membership have been extended to Armenia, Georgia and Kyrgyzstan, the bill calls for extending the same status to the other two most advanced economies of the region, Azerbaijan and Kazakhstan, by graduating them from the Jackson-Vanik Amendment, extending PNTR status and aiding in WTO accession. But before that support is offered, it is important for the two countries to demonstrate that they are capable of dealing with the demands of a vibrant economy in a democratic setting.

A detailed examination of this bill will reveal many more initiatives. But as you can see, Mr. President, the Silk Road Strategy Act of 2006 takes a comprehensive approach to the region, encompassing security, economic development, democratic governance and human rights. I believe it targets the key issues that U.S. policymakers must address in our ever more important effort to establish solid, long-lasting relationships with the countries of the Silk Road. I hope my colleagues will support this bill and I look forward to discussing it with them.

By Mr. DEMINT:

S. 2750. A bill to improve access to emergency medical services through medical liability reform and additional Medicare payments; to the Committee on Finance.

Mr. DEMINT. Mr. President, I rise to introduce legislation to strengthen our nation's emergency departments, which are the backbone of our health care safety net.

Events of recent years—9/11, Hurricanes Katrina and Rita—have allowed all of us to see our emergency departments in action, 24 hours a day, 7 days a week. With every natural disaster or terrorist attack, emergency physicians, on-call specialists and nurses are on the front lines. Many times, it's their expertise that recognizes a problem. For example, it was the diagnosis and prompt communication of the incidence of anthrax that prevented more deaths a couple years ago here in D.C. Likewise, should we face pandemic influenza, it is likely to be discovered first in our emergency rooms.

Federal law requires that each person who comes to an emergency department be stabilized. Yet health plans are paying less and less of this cost, and many of the 45 million patients without health insurance can't pay at all. In fact, more than one-third of all emergency department patients are uninsured or are Medicaid or SCHIP enrollees. This results in huge amounts of uncompensated care in our nation's emergency departments, which threatens their viability and everyone's access to emergency care.

Unfortunately, America's emergency patients are suffering because emergency departments are not supported well enough to handle day-to-day emergencies, let alone a pandemic flu or terrorist attack. Patients wait hours to see physicians, ''boarding'' sometimes for days in emergency departments and diverted in ambulances to other hospitals. This gridlock threatens access to emergency care for everyone—both insured and uninsured.

Emergency departments are underfunded and suffer from severe staffing shortages. A new study just released by the Robert Wood Johnson Foundation and the American College of Emergency Physicians found that three-fourths of emergency medical directors reported inadequate on-call specialist coverage, compared with two-thirds in 2004: a sure sign that a bad situation is getting even worse.

Frivolous lawsuits and the nation's broken medical liability system are also driving up the costs of health care for everyone and threaten to leave already disadvantaged patients without access to necessary health care services.

But, even in the best of times, the number of visits to emergency departments continue to increase, while the number of emergency departments in hospitals continue to decrease. In fact, we've even seen a number of emergency departments have to close their doors.

Surprisingly, there are no standard measures to report the extent of overcrowding in emergency departments. During the last Congress, the Government Accountability Office (GAO) surveyed hospital emergency departments and reported back to Congress—providing us with the data needed to begin to address these issues.

The GAO report told Congress that patient ''boarding'' in the emergency department was the most common factor associated with overcrowding. The term ''boarding'' refers to those patients who have been admitted to the hospital but have not yet been moved from the emergency department to an inpatient hospital bed. When these patients remain in the emergency department long after the decision to admit them is made (at times on gurneys in halls and elsewhere)—it diminishes the space to care for other patients, and adversely impacts the staff and other resources.

My bill requires Medicare to establish regulations to reduce or eliminate overcrowding and boarding of emergency department patients. We have the data to recognize this problem. Hopefully, national standards coupled with incentive payments for those hospitals implementing the standards and documenting improvement will improve the quality of care in this country.

My legislation, the ''Access to Emergency Medical Services Act,'' directly addresses the issues of low reimbursement, emergency department overcrowding, and increasing medical liability insurance costs.

First, my bill expands the current liability protection granted to commissioned officers and employees of the Public Health Service to include Medicare participating hospitals or emergency departments subject to the Emergency Medical Treatment and Labor Act (EMTALA). This would also cover physicians and physician groups employed by, under contract, or on-call for duty to stabilize an individual with an emergency medical condition. This safeguard does not prevent someone from taking legal action. Rather, the bill requires that any tort or medical liability case must be brought against the United States, which in turn must defend any civil action or proceeding. Awards for malpractice judgments would be paid from a specific fund established for this purpose.

Second, my bill increases physician payments by 10% for services provided to Medicare beneficiaries in the emergency department of a hospital or critical access hospital. EMTALA is an unfunded federal mandate. Current law does not require health insurance companies, governments or individuals to pay for services that have been provided. As a result, emergency physicians bear the brunt of uncompensated care. This increased reimbursement recognizes and funds this mandate, and I hope it will go a long way toward improving physician recruitment and retention.

Finally, my bill provides financial incentive payments to hospitals that meet standards for prompt admissions of emergency department patients requiring inpatient hospital services. The bill would increase payments to these hospitals by 10 percent for Medicare beneficiaries' emergency department visits. The payments would be made only if the hospital certifies, subject to audit, that it met the standards for prompt admission.

The issues addressed by my bill impact each one of us. When you, or a family member, need the emergency room, you don't want to worry about it being crowded, closed, under-funded, or not having the staff it needs.

Emergency physicians, nurses and on-call specialists are the heroes in America's hospitals, working under incredibly difficult conditions on patients who need critical attention. Congress needs to step up and take action. The ''Access to Emergency Medical Services Act'' is an important first step to address these issues.

By Mr. NELSON of Nebraska (for himself and Mr. DOMENICI):

S. 2751. A bill to strengthen the National Oceanic and Atmospheric Administration's drought monitoring and forecasting capabilities; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Nebraska. Mr. President, I rise today to introduce legislation that would establish the ''National Integrated Drought Information System'' (NIDIS) within the National

Oceanic and Atmospheric Administration (NOAA) for purposes of improving drought monitoring and forecasting capabilities.

Over the last decade, several severe and long-term droughts have occurred in the United States. Recent severe drought conditions across the Nation and in particular in the West have created life-threatening situations, as well as financial burdens for both government and individuals.

Extremely dry conditions have led to numerous forest and rangeland fires, burning hundreds of thousands of acres of land, destroying homes and communities, and eliminating critical habitats for wildlife and grazing lands for livestock. The subsequent ash and sediment loading threatens the health of our streams. In addition to the millions of board-feet of timber lost, these fires have cost hundreds of millions of dollars to fight and have put thousands of lives at risk.

The droughts have caused shortages of grain and other agricultural products resulting in soaring prices that will be passed on to consumers. In addition, deteriorating soil conditions and lack of forage are devastating the farm and ranching communities. The droughts have negatively affected livestock market prices and caused the premature selloffs of herds.

The droughts have threatened municipal water supplies, causing many communities to develop new water management plans which institute water restrictions and other water conservation measures. Drought causes social, economic and environmental consequences including negative effects on commerce and industry, tourism, air, water and other natural resources, and quality of life for our citizens, ranging from limits on recreational opportunities to loss of employment.

The fiscal impacts of drought on individuals and governments are significant. According to NOAA, the federal government spends on average $6–8 billion per year on drought. The most devastating of these was the 1988 drought in the central and eastern U.S. which caused severe losses to agriculture and related industries totaling $40 billion and an estimated 5,000–10,000 deaths.

The issue of drought is one I have been involved with for many years. Fortunately, drought conditions are improving in Nebraska, but we have endured a number of very difficult years struggling with the impact drought has had on our economy and environment and the social implications that go along with a disaster like this.

One of my biggest frustrations the past few years as an elected official, trying to help the areas of my State devastated by drought, has been making people understand that this drought really was a disaster—as much as a hurricane, or an earthquake, or a tornado.

I even named the drought in Nebraska—Drought David—in an effort to crystallize it so people could see that it is the same kind of experience as any other natural disaster.

Unlike other natural disasters, however, droughts are much more difficult to identify. It is hard to miss an oncoming flood or tornado—or their immediate aftermath. Drought, and its effects, is much harder to quantify. It develops slowly; it doesn't necessarily have a beginning point or an ending point but it spans over an extended period of time.

Because it is difficult to forecast and plan for droughts, it is especially important that we have programs in place such as the National Drought Mitigation Center at the University of Nebraska-Lincoln. The Drought Mitigation Center, among other things, maintains a web-based information clearinghouse, provides drought monitoring, prepares the weekly U.S. Drought Monitor which covers all 50 States, and develops drought policy and planning techniques. I believe it is crucial to encourage more investment in research programs such as the Drought Mitigation Center.

The research done upfront in monitoring drought trends will help our capabilities to mitigate and respond to its effects in a much more effective manner. It is cost effective to support programs such as the National Drought Mitigation Center and I advocate for continued support for this important program.

The National Drought Policy Commission stated in their May 2000 report to Congress that ''Drought is the most obstinate and pernicious of the dramatic events that Nature conjures up. It can last longer and extend across larger areas than hurricanes, tornadoes, floods and earthquakes . . . causing hundreds of millions of dollars in losses, and dashing hopes and dreams.'' Among its recommendations to move the country toward a more proactive approach to drought preparedness and response, the Commission called for improved ''collaboration among scientists and managers to enhance the effectiveness of observation networks, monitoring, prediction, information delivery, and applied research and to foster public understanding of and preparedness for drought.''

The call for improved drought monitoring and forecasting has also been advocated by the Western Governors' Association (WGA). In the WGA policy resolution adopted in June 2005, ''Future Management of Drought,'' the Governors state that NIDIS ''would provide water users across the board—farmers, ranchers, utilities, tribes, land managers, business owners, recreationalists, wildlife managers, and decision-makers at all levels of government—with the ability to assess their drought risk in real time and before the onset of drought, in order to make informed and timely decisions that may mitigate a drought's impacts. The Governors urge Congress and the President to authorize NIDIS and provide funding for its implementation.''

NIDIS has also become a key component of the multi-national effort to create the Global Earth Observation System of Systems (GEOSS), a mechanism for linking the individual networks of satellites, ocean buoys, weather stations and other instruments scattered across the globe. The U.S. Integrated Earth Observation System (IEOS), the U.S. contribution to GEOSS, has identified NIDIS as one of six ''near-term opportunities'' in their Strategic Plan.

Finally, the Administration supports this program. Funding for NIDIS is included in the President's FY 2007 budget request.

The National Integrated Drought Information System Act of 2006 that Senator DOMENICI and I are introducing today would authorize the much needed drought early warning system envisioned by the National Drought Policy Commission, the Western Governors' Association, and the Integrated Earth Observation System. If enacted, this bill will allow our Nation to become much more proactive in mitigating and avoiding the costly impacts and contentious conflicts that so often happen today when water shortages and droughts occur.

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. 2751

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 Integrated Drought Information System Act of 2006''.

SEC. 2. NOAA PROGRAM TO MONITOR AND FORECAST DROUGHTS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration.

(b) SYSTEM FUNCTIONS.—The System shall—

(1) provide an effective drought early warning system that—

(A) is a comprehensive system that collects and integrates information on the key indicators of drought in order to make usable, reliable, and timely drought forecasts and assessments of drought, including assessments of the severity of drought conditions and impacts;

(B) communicates drought forecasts, drought conditions, and drought impacts on an ongoing basis to—

(i) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(ii) the private sector; and

(iii) the public,

in order to facilitate better informed, more timely decisions and support drought mitigation and preparedness programs that will reduce impacts and costs; and

(C) includes timely (where possible real-time) data, information, and products that reflect local, regional, and State differences in drought conditions; and

(2) coordinate, and integrate as practicable, Federal research in support of a drought early warning system, improved

forecasts, and the development of mitigation and preparedness tools and techniques;

(3) build upon existing drought forecasting, assessment, and mitigation programs at the National Oceanic and Atmospheric Administration, including programs conducted in partnership with other Federal departments and agencies and existing research partnerships, such as that with the National Drought Mitigation Center at the University of Nebraska-Lincoln; and

(4) be incorporated into the Global Earth Observation System of Systems.

(c) CONSULTATION.—The Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector in the development of the National Integrated Drought Information System.

(d) COOPERATION FROM OTHER FEDERAL AGENCIES.—Each Federal agency shall cooperate as appropriate with the Under Secretary in carrying out this Act.

(e) DROUGHT DEFINED.—In this section, the term ''drought'' means a deficiency in precipitation—

(1) that leads to a deficiency in surface or sub-surface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(2) that causes or may cause—

(A) substantial economic or social impacts; or

(B) substantial physical damage or injury to individuals, property, or the environment.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for use by the Under Secretary of Commerce for Oceans and Atmosphere in implementing section 2—

(1) $8,000,000 for fiscal year 2007;

(2) $9,000,000 for fiscal year 2008;

(3) $10,000,000 for each of fiscal years 2009 and 2010; and

(4) $11,000,000 for each of fiscal years 2011 and 2012.

Mr. DOMENICI. Mr. President, I rise today to join Senator NELSON of Nebraska to introduce the National Integrated Drought Information System Act of 2006. I would like to thank Senator BEN NELSON; his strong leadership and hard work on this bill has been key in bringing us forward on this important issue.

Drought is a unique emergency situation; it creeps in unlike other abrupt weather disasters. Without a national drought policy we constantly live not knowing what the next year will bring. Unfortunately, when we find ourselves facing a drought, towns often scramble to drill new water wells, fires often sweep across bone dry forests and farmers and ranchers are forced to watch their way of life blow away with the dust. This year, my home State of New Mexico is facing a very real threat of devastating drought, as our snow pack was far below average.

We must be vigilant and prepare ourselves for quick action as this next drought cycle begins. Better planning on our part could limit some of the damage felt by drought. I submit that this bill is the exact tool needed for facilitating better planning.

This Act establishes the National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve national drought preparedness, information collection and analysis. This information system collects and integrates information on key indicators of drought in order to make usable, reliable and timely drought forecasts and assessments. This information will be disseminated to federal, state, tribal and local decision makers in order to better prepare them for the effects of drought.

The impacts of drought are also very costly. According to NOAA, there have been 12 different drought events since 1980 that resulted in damages and costs exceeding $1 billion each. In 2000, severe drought in the South-Central and Southeastern states caused losses to agriculture and related industries of over $4 billion. Western wildfires that year totaled over $2 billion in damages. The Eastern drought in 1999 led to $1 billion in losses. These are just a few of the statistics.

On April 18, 2006, the Texas Agriculture Experiment Station predicted a dramatic decrease in water flows and reservoir storage throughout New Mexico. Early predictions indicate that river water supply will be at 54 percent due primarily to receiving half our annual snow pack and above average temperatures in my state. Additionally, several of our reservoirs are at severely diminished capacity. Specifically, the Elephant Butte, El Vado and Caballo reservoirs will all be below 10 percent of capacity by Labor Day. Several New Mexico communities have already begun to institute water restrictions in preparation for what is predicted to be one of the worst years on record. As this drought persists, I want to ensure each New Mexican that I am committed to doing everything possible to make sure they have the tools and information they need to make the best decisions.

While drought affects the economic and environmental well-being of the entire nation, the United States has lacked a cohesive strategy for dealing with serious drought emergencies. As many of you know, the impact of drought emerges gradually rather than suddenly, as is the case with other natural disasters.

I am pleased to be following through on what I started in 1997. The bill that we are introducing today is the next step in implementing a national, cohesive drought policy. The bill recognizes that drought is a recurring phenomenon that causes serious economic and environmental loss and that a national drought policy is needed to ensure an integrated, coordinated strategy.

By Mr. AKAKA:

S. 2753. A bill to require a program to improve the provision of caregiver assistance services for veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise proudly today to introduce legislation that would provide assistance to those who care for our Nation's veterans. These caregivers provide a great service to our country and play a vital role in providing non-institutional long-term health care for veterans.

There is deep concern regarding the anticipated number of veterans that will need long-term care by the year 2010. In 2005, there were almost one million veterans age 85 and over, and by 2010, it is anticipated that the number of veterans in this age category will grow to 1.3 million. The Department of Veterans Affairs (VA) will be faced with a crisis related to the demand for care of this population, and we must help VA prepare for this situation.

VA has been disturbingly inactive in instituting the long-term care provisions of the 1999 Millennium Health Care Act. The General Accounting Office has been the most critical, citing major inconsistencies across the VA system in the implementation of non-institutional care. During the Committee on Veterans' Affairs' oversight work in Hawaii, we found that the Kauai clinic lacked a home care specialist and the Maui clinic was arbitrarily limiting non-institutional care. Caregivers are crucial in bridging these gaps in non-institutional long-term care services.

With more veterans returning from combat with severely debilitating injuries, young spouses and parents have been forced to take on an unexpected role as caregivers. Many have interrupted their own careers to dedicate time and attention to the care and rehabilitation of loved ones. These caregivers do not plan for this to happen and are not prepared mentally or financially for their new role. Therefore, we must protect, educate, and lend a helping hand to the caregivers who take on the responsibility and costly burden of caring for veterans, both young and old.

This legislation serves to provide comprehensive assistance to these caregivers. By providing such services as respite care, caregivers can have time to run errands and attend to their own health concerns. They can rest easier knowing that there is someone there to care for their disabled veteran while they are out. Another service provided through this legislation is adult-day care for veterans. This serves a dual purpose in that it provides short-term supervision and also gives veterans a place to go for some camaraderie.

The last years of a veteran's life can be difficult for both the veteran and for the caregiver. This legislation would also provide hospice services so that this period is one of peace and comfort.

Other services that would support caregivers under this legislation include education, training, transportation services, readjustment services, rehabilitation services, home care services, and any other new and innovative modalities of non-institutional long-term care.

I cannot try to quantify the invaluable service that caregivers provide.

What can be done is to make funds available to carry out programs to assist them. The legislation authorizes $10 million to be allocated to individual medical facilities within VA, especially to those in rural areas without a long-term care facility, based upon the proposals submitted by the facilities. In efforts to evaluate the improvements made in caregiver assistance services, a report shall be submitted to Congress by the Secretary no later than a year after enactment of this bill. The report should include information on the allocation of funds to facilities and a description of the improvements made with the funds.

Let us meet these caregivers halfway by giving them the assistance they need to care for the veterans that depend on them. I ask my colleagues to join me in supporting this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2753

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

SECTION 1. IMPROVEMENT OF SERVICES FOR CAREGIVERS OF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a program to expand and improve the services that assist caregivers of veterans, including veterans of the Global War on Terrorism.

(b) CAREGIVER ASSISTANCE SERVICES.—For purposes of this section, the term ''caregiver assistance services'' includes the following:

(1) Adult-day health care services.

(2) Coordination of services needed by veterans, including services for readjustment and rehabilitation.

(3) Transportation services.

(4) Caregiver support services, including education, training, and certification of family members in caregiver activities.

(5) Home care services.

(6) Respite care.

(7) Hospice services.

(8) Any modalities of non-institutional long-term care.

(c) FUNDING.—

(1) SOURCE OF FUNDS.—In carrying out the program required by subsection (a), the Secretary shall identify, from funds available to the Department of Veterans Affairs for medical care, an amount not less than $10,000,000 to be available to carry out the program and to be allocated to facilities of the Department pursuant to subsection (d).

(2) MINIMUM ALLOCATION OF FUNDS.—In identifying available amounts pursuant to paragraph (1), the Secretary shall ensure that, after the allocation of funds under subsection (d), the total expenditure for programs in support of caregiver assistance services for veterans is not less than $10,000,000 in excess of the baseline amount.

(3) BASELINE AMOUNT.—For purposes of paragraph (2), the baseline amount is the amount of the total expenditures on programs in support of caregiver assistance services for veterans for the most recent fiscal year for which final expenditure amounts are known, adjusted to reflect any subsequent increase in applicable costs to support such services through the Veterans Health Administration.

(d) ALLOCATION OF FUNDS TO FACILITIES.—The Secretary shall allocate funds identified pursuant to subsection (c)(1) to individual medical facilities of the Department in such amounts as the Secretary determines appropriate based upon proposals submitted by such facilities for the use of such funds for improvements to the support of the provision of caregiver assistance services for veterans. Special consideration should be given to rural facilities, including those without a long-term care facility of the Department.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section. The report shall include information on the allocation of funds to facilities of the Department under subsection (d) and a description of the improvements made with funds so allocated to the support of the provision of caregiver assistance services for veterans.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 465—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO CHILDHOOD STROKE AND DESIGNATING MAY 6, 2006, AS ''NATIONAL CHILDHOOD STROKE AWARENESS DAY''

Mr. CHAMBLISS (for himself and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 465

Whereas a stroke, also known as a ''cerebrovascular accident'', is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by—

(1) a clot in the artery; or

(2) a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke; and

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 6, 2006, as ''National Childhood Stroke Awareness Day''; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke, including—

(A) the Children's Hemiplegia and Stroke Association;

(B) the American Stroke Association, a division of the American Heart Association; and

(C) the National Stroke Association.

SENATE RESOLUTION 466—DESIGNATING MAY 20, 2006, AS ''NEGRO LEAGUERS RECOGNITION DAY''

Mr. NELSON of Florida (for himself, Mr. TALENT, Mr. DEWINE, Mr. REID, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 466

Whereas even though African Americans were excluded from playing in the major leagues of their time with their white counterparts, the desire of many African Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its league until July 1959;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas six separate baseball leagues, known collectively as the ''Negro Baseball Leagues'', were organized by African Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew ''Rube'' Foster, on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, founded the Negro National League and also managed and played for the Chicago American Giants, and later was inducted into the Baseball Hall of Fame;

Whereas Leroy ''Satchel'' Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African American to play in

the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan ''Buck'' O'Neil was a player and manager of the Negro League Kansas City Monarchs, became the first African American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chairs the Negro Leagues Baseball Museum Board of Directors, and has worked tirelessly to promote the history of the Negro Leagues; and

Whereas by achieving success on the baseball field, African American baseball players helped break down color barriers and integrate African Americans into all aspects of society in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 20, 2006, as ''Negro Leaguers Recognition Day''; and

(2) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation.

SENATE RESOLUTION 467—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD USE ALL DIPLOMATIC MEANS NECESSARY AND REASONABLE TO INFLUENCE OIL-PRODUCING NATIONS TO IMMEDIATELY INCREASE OIL PRODUCTION AND THAT THE SECRETARY OF ENERGY SHOULD SUBMIT TO CONGRESS A REPORT DETAILING THE ESTIMATED PRODUCTION LEVELS AND ESTIMATED PRODUCTION CAPACITY OF ALL MAJOR OIL-PRODUCING COUNTRIES.

Mr. THUNE (for himself and Mr. FRIST) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES 467

Resolved by the Senate, That is the sense of the Senate that—

(1) the President should use all diplomatic means necessary and reasonable to influence oil producing nations to immediately increase oil production levels to—

(A) increase the supply on the world market; and

(B) reduce the price of oil;

(2) a major oil-producing country is a country that—

(A) had an average level of production of crude oil, oil sands, or natural gas to liquids that exceeded 1,000,000 barrels per day during the previous calendar year; and

(B) has crude oil, shale oil, or oil sands reserves of at least 6,000,000,000 barrels, as recognized by the Department of Energy; and

(3) not later than June 30, 2006, the Secretary of Energy should submit to Congress a report detailing the estimated production levels and estimated production capacity of all major oil-producing countries.

SENATE RESOLUTION 468—SUPPORTING THE CONTINUED ADMINISTRATION OF CHANNEL ISLANDS NATIONAL PARK, INCLUDING SANTA ROSA ISLAND, IN ACCORDANCE WITH THE LAWS (INCLUDING REGULATIONS) AND POLICIES OF THE NATIONAL PARK SERVICE

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES 468

Whereas Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Act of June 8, 1906 (16 U.S.C. 431 note);

Whereas the Monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California;

Whereas Santa Rosa Island was acquired by the United States in 1986 for approximately $29,500,000 for the purpose of restoring the native ecology of the Island and making the Island available to the public for recreational uses;

Whereas Santa Rosa Island contains numerous prehistoric and historic artifacts and provides important habitat for several threatened and endangered species;

Whereas under a court-approved settlement, the nonnative elk and deer populations are scheduled to be removed from the Park by 2011 and the Island is to be restored to management consistent with other National Parks; and

Whereas there have been recent proposals to remove Santa Rosa Island from the administration of the National Park Service or to direct the management of the Island in a manner inconsistent with existing legal requirements and the sound management of Park resources: Now, therefore, be it

Resolved, That—

(1) Channel Islands National Park, including Santa Rosa Island, should continue to be administered by the National Park Service in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and other applicable laws;

(2) the National Park Service should manage Santa Rosa Island in a manner that ensures that—

(A) the natural, scenic, and cultural resources of the Island are properly protected, restored, and interpreted for the public; and

(B) visitors to the Park are provided with a safe and enjoyable Park experience; and

(3) the National Park Service should not be directed to manage Santa Rosa Island in a manner—

(A) that would result in the public being denied access to significant portions of the Island; or

(B) that is inconsistent with the responsibility of the National Park Service to protect native resources within the Park, including threatened and endangered species.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a Senate resolution concerning Channel Islands National Park, with Senator BOXER as an original cosponsor.

We firmly believe that Channel Islands National Park, including Santa Rosa Island, should continue to be administered by the National Park Service in accordance with the laws, regulations, and policies of the National Park Service, including the National Park Service Organic Act.

Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Antiquities Act.

The monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 in order to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California.

Santa Rosa Island was acquired by the United States in 1986 for approximately $30 million for the purpose of restoring its native ecology and making the island available to the public for recreational uses. The previous owners of the Island retained only an agreement for the non-commercial use and occupancy of a 7.6-acre parcel of land through 2011.

The non-native elk and deer population are to be removed from the park by 2011 under a court-approved settlement and the Island restored to management consistent with other national parks.

We introduce this resolution to express our concern with a provision that the House Armed Services Committee has included in the House version of the Defense authorization bill.

The provision would prohibit the Park Service from carrying out the court-approved settlement's direction to remove the population of non-native deer and elk.

To the contrary, we believe that Congress should not direct the National Park Service to manage Santa Rosa Island in a manner that would result in the public being denied access to significant portions of the Island for any substantial period of time.

If the Park Service is unable to manage the non-native deer and elk population, the population will likely be managed through the present practice of privately organized hunting editions that currently require the closure of about 90 percent of the Island to the general public for 4–5 months out of the year. The national parks belong to the American people, and the parks should remain freely open to the people.

We also believe that Congressional direction for Santa Rosa Island should not be inconsistent with the requirement to protect and enhance native park resources, including threatened and endangered species.

There are 11 endangered or threatened plant and animal species on the Island, many of which would be harmed by the proposal.

In particular, the bald eagle is at risk from eating carcasses containing lead bullets used by the hunters; the Santa Rosa Island fox is preyed upon by golden eagles attracted by fawns and other deer; and the Island's endangered plants are threatened by the deer and elk.

In addition, there are substantial archaeological resources on the Island

which could be at risk, including potentially the oldest discovered human remains in North America, 13,000 years old, and remains of the rare pygmy mammoth.

In summary, we believe that the National Park Service should manage Santa Rosa Island to ensure that the Island's natural, scenic, and cultural resources are properly protected, restored, and interpreted for the public, and that park visitors are provided with a safe and enjoyable park experience.

I urge my colleagues to support this Senate resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3860. Mr. COCHRAN (for Mr. BYRD) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

TEXT OF AMENDMENTS

SA 3860. Mr. COCHRAN (for Mr. BYRD) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

Provided further, That unexpended balances for Health Resources and Services Administration grant number 7C6HF03601–01–00, appropriated in P.L. 106–554, shall remain available until expended.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, May 11, 2006 at 10 a.m. in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding the status of the Yucca Mountain Repository Project within the Office of Civilian Radioactive Waste Management at the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Clint Williamson at (202) 224–7556 or Steve Waskiewicz at (202) 228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 4, 2006 at 9:30 a.m. in closed session to mark up the National Defense Authorization Act for fiscal year 2007.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the senate on Thursday, May 4, 2006, at 10:30 a.m. to markup an original bill entitled ''Financial Services Regulatory Relief Act of 2006.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 4, at 10 a.m. The purpose of this meeting is to consider the nomination of Dirk Kempthorne of Idaho to be Secretary of the Interior.

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

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 4, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226. The agenda is attached.

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Brett Kavanaugh, to be U.S. Circuit Judge for the DC Circuit; Milan D. Smith, Jr., to be U.S. Circuit Judge for the Ninth Circuit; Renee Marie Bumb, to be U.S. District Judge for the District of New Jersey; Noel Lawrence Hillman, to be U.S. District Judge for the District of New Jersey; Peter G. Sheridan, to be U.S. District Judge for the District of New Jersey; Susan Davis Wigenton, to be U.S. District Judge for the District of New Jersey.

II. Bills: S. 2453, National Security Surveillance Act of 2006, Specter; S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer; S. 2039, Prosecutors and Defenders Incentive Act of 2005, Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold, Schumer.

III. Matters: S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback, DeWine.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 4, 2006 at 2:30 p.m., to hold a closed hearing.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs be authorized to meet during the session of the Senate on Thursday, May 4, 2006, at 2:30 p.m. to hold a hearing on Housing and Urbanization Issues in Africa.

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup S.J. Res. 12, the Flag Desecration Resolution, on Thursday, May 4, 2006 at 1 p.m., in Dirksen 226.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. ALEXANDER. Mr. President. I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, May 4, 2006, at 10 a.m., on Protecting Consumers from Fraudulent Practices in the Moving Industry.

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

SUBCOMMITTEE ON TRADE, TOURISM AND ECONOMIC DEVELOPMENT

Mr. ALEXANDER. Mr. President. I ask unanimous consent Subcommittee on Trade, Tourism and Economic Development be authorized to meet on Thursday, May 4, 2006, at 2:30 p.m., on Promoting Economic Development Opportunities Through Nano Commercialization.

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

MEASURES PLACED ON THE CALENDAR—S. 22 AND S. 23

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the titles of the bills for the second time

The assistant legislative clerk read as follows:

A bill (S. 22) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

A bill (S. 23) to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Mr. FRIST. In order to place the bills on the calendar under the provisions of

rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 251, S. 1086.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1086) to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments.

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1086

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—

[(1) the ''Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Act''; or

[(2) the ''Sex Offender Registration and Notification Act''.

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

[Sec. 1. Short title; table of contents.

[TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM

[Sec. 101. Jacob Wetterling, Megan Nicole Kanka, & Pam Lychner Sex Offender Registration and Notification Program.

[Sec. 102. Definitions.

[Sec. 103. Duty of covered individuals to provide information.

[Sec. 104. Duty of covered individuals on parole or supervised release to comply with device requirements.

[Sec. 105. Duties of Attorney General and State or tribal actors.

[Sec. 106. State and tribal sex offender registries.

[Sec. 107. National Sex Offender Registry.

[Sec. 108. Development and availability of registry management software.

[Sec. 109. DNA database for covered individuals.

[Sec. 110. Duty of courts to determine whether an individual is a sexually violent predator.

[Sec. 111. Duty of Attorney General to determine whether State or tribal actors are qualified.

[Sec. 112. Use of other Federal information to track sex offenders.

[Sec. 113. Implementation by State and tribal actors and assistance grants to those actors.

[Sec. 114. Immunity for good faith conduct.

[Sec. 115. Regulations.

[Sec. 116. Authorization of appropriations.

[TITLE II—AMENDATORY PROVISIONS, TRANSITION PROVISIONS, AND EFFECTIVE DATE

[Sec. 201. Failure to provide information a deportable offense.

[Sec. 202. Repeal.

[Sec. 203. Conforming amendments to title 18, United States Code.

[Sec. 204. Effective date.

[TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM

[SEC. 101. JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM.

[(a) IN GENERAL.—The Attorney General shall carry out this title through a program to be known as the Jacob Wetterling, Megan Nicole Kanka, & Pam Lychner Sex Offender Registration and Notification Program.

[(b) REFERENCES TO FORMER PROGRAM OR FORMER LAW.—Any reference (other than a reference in this Act) in a law, regulation, document, paper, or other record of the United States to the program carried out under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.), or to any provision of that subtitle, shall be deemed to be a reference to the program referred to in subsection (a), or to the appropriate provision of this title, as the case may be.

[SEC. 102. DEFINITIONS.

[In this Act:

[(1) COVERED INDIVIDUAL.—The term ''covered individual'' means any of the following:

[(A) An individual who has been convicted of a covered offense against a minor.

[(B) An individual who has been convicted of a sexually violent offense.

[(C) An individual described in section 4042(c)(4) of title 18, United States Code.

[(D) An individual sentenced by a court martial for conduct in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note).

[(E) An individual who is a sexually violent predator.

[(2) COVERED OFFENSE AGAINST A MINOR.—

[(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term ''covered offense against a minor'' means an offense (whether under the law of a State actor or tribal actor, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

[(i) Kidnapping of a minor, except by a parent of the minor.

[(ii) False imprisonment of a minor, except by a parent of the minor.

[(iii) Criminal sexual conduct toward a minor.

[(iv) Solicitation of a minor to engage in sexual conduct.

[(v) Use of a minor in a sexual performance.

[(vi) Solicitation of a minor to practice prostitution.

[(vii) Any conduct that by its nature is a sexual offense against a minor.

[(viii) Possession, production, or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code.

[(ix) Use of the Internet to facilitate or commit a covered offense against a minor.

[(x) An attempt to commit a covered offense against a minor.

[(B) EXCEPTION.—The term does not include an offense if the conduct on which the offense is based is criminal only because of the age of the victim and the individual who committed the offense had not attained the age of 18 years when the offense was committed.

[(C) INCLUSION.—The term includes a violation of section 103 of this Act.

[(3) DOMICILE.—The term ''domicile'' means, with respect to an individual, any place that serves as the primary place at which the individual lives.

[(4) DOMICILE STATE.—The term ''domicile State'' means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which is the individual's domicile.

[(5) EDUCATIONAL INSTITUTION.—The term ''educational institution'' includes (whether public or private) any secondary school, trade or professional institution, and institution of higher education.

[(6) EMPLOYMENT.—The term ''employment'' includes carrying on a vocation and covers any labor or service rendered (whether as a volunteer or for compensation or for government or educational benefit) on a full-time or part-time basis.

[(7) JURISDICTION.—The term ''jurisdiction'', with respect to a tribal actor, means the Indian country (as defined in section 1151 of title 18, United States Code) of that tribal actor.

[(8) SCHOOL STATE.—The term ''school State'' means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which the educational institution at which the individual is a student is located.

[(9) SEXUALLY VIOLENT OFFENSE.—The term ''sexually violent offense'' means an offense (whether under the law of a State actor or tribal actor, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

[(A) Aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code).

[(B) An offense an element of which is engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse.

[(10) SEXUALLY VIOLENT PREDATOR.—The term ''sexually violent predator'' means an individual who—

[(A) has a conviction for a sexually violent offense; or

[(B) suffers from a mental abnormality (as defined in section 110 of this Act) or personality disorder that makes the person likely to engage in a predatory (as defined in section 110 of this Act) sexually violent offense.

[(11) STATE ACTOR.—The term ''State actor'' means any of the following:

[(A) A State.

[(B) The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or any other territory or possession of the United States.

[(12) STUDENT.—The term ''student'' means an individual who, whether on a full-time or part-time basis, enrolls in or attends an educational institution.

[(13) TRIBAL ACTOR.—The term ''tribal actor'' means a federally recognized Indian tribe.

[(14) WORK STATE.—The term ''work State'' means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which the individual's place of employment is located.

[SEC. 103. DUTY OF COVERED INDIVIDUALS TO PROVIDE INFORMATION.

[(a) INFORMATION REQUIRED PERIODICALLY.—A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

[(1) REGISTRATION INFORMATION.—Immediately after being sentenced for an offense

that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), and thereafter at least once every 6 months (or, in the case of a sexually violent predator, at least once every 3 months), the individual shall appear before a person designated by the individual's domicile State and provide—

[(A) the individual's name;

[(B) the individual's Social Security number;

[(C) the address of the individual's domicile;

[(D) the license plate number of, and other identifying information with respect to, each vehicle owned or operated by the individual;

[(E) any address at which the individual expects to have a domicile in the future;

[(F) the name and address of any person who employs the individual and the address at which the individual is so employed; and

[(G) the name and address of any educational institution at which the individual is employed or is a student.

[(2) PHOTOGRAPH.—Immediately after being sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), and thereafter at least once every 12 months, the individual shall appear before a person designated by the individual's domicile State and submit to the taking of a photograph.

[(3) FINGERPRINTS.—Immediately after being sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), and thereafter at least once every 12 months, the individual shall appear before a person designated by the individual's domicile State and submit to the taking of fingerprints.

[(4) OTHER REGULATORY REQUIREMENTS.—The Attorney General may, by regulation, require the individual to provide any information that the Attorney General considers appropriate on any basis, and at any time and in any manner, that the Attorney General considers appropriate.

[(5) INDIVIDUAL IN CUSTODY IN STATE OTHER THAN DOMICILE STATE.—Whenever an individual is required by any paragraph of this subsection to provide information immediately after being sentenced (or immediately before completing a term of imprisonment) and the State actor or tribal actor that has sentenced (or imprisoned) the individual is not the individual's domicile State—

[(A) the individual shall provide that information (in the same time, place, and manner as prescribed by that paragraph) to an appropriate official of the State actor or tribal actor that has sentenced (or imprisoned) the individual; and

[(B) the State actor or tribal actor that has sentenced (or imprisoned) the individual shall promptly make available that information to the individual's domicile State.

[(b) INFORMATION REQUIRED UPON CHANGE OF REGISTRY INFORMATION.—A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

[(1) CHANGE OF ADDRESS.—Not more than 3 days after establishing a new domicile, the individual shall—

[(A) appear before a person designated by the individual's domicile State and provide the address of the new domicile, and the address of the previous domicile; and

[(B) if the new domicile and the previous domicile are not both within the jurisdiction of a single State actor or tribal actor qualified under this Act, appear before a person designated by the individual's new domicile State and—

[(i) provide the address of the new domicile and the address of the previous domicile; and

[(ii) submit to the taking of a photograph and the taking of fingerprints.

[(2) CHANGE OF EMPLOYMENT.—Not more than 3 days after beginning, or ceasing, to be employed by an employer, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the employer, to—

[(A) a person designated by the individual's domicile State; and

[(B) if the individual's work State is different from the domicile State, a person designated by the individual's work State.

[(3) CHANGE OF STUDENT STATUS.—Not more than 3 days after beginning, or ceasing, to be a student at an educational institution, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the educational institution, to—

[(A) a person designated by the individual's domicile State; and

[(B) if the individual's school State is different from the domicile State, a person designated by the individual's school State.

[(c) DUTY TO PROVIDE INFORMATION TO ATTORNEY GENERAL.—

[(1) IF STATE ACTOR OR TRIBAL ACTOR NOT QUALIFIED.—Whenever an individual is required by subsection (a) or (b) to provide information to a State actor or tribal actor, and the actor is not qualified for purposes of this Act, the individual shall also provide that information (in the same time, place, and manner as prescribed in subsection (a) or (b), as the case may be) to the Attorney General, and a failure to do so shall be treated for purposes of this Act as a violation of subsection (a) or (b), as the case may be.

[(2) IF PROVIDING INFORMATION TO MORE THAN ONE STATE.—Whenever an individual is required by subsection (a) or (b) to provide information to more than one State actor or tribal actor, the individual shall also provide that information (in the same time, place, and manner as prescribed in subsection (a) or (b), as the case may be) to the Attorney General, and a failure to do so shall be treated for purposes of this Act as a violation of subsection (a) or (b), as the case may be.

[(d) PUNISHMENT.—

[(1) IN GENERAL.—A covered individual who violates subsection (a) or (b) shall—

[(A) on the first conviction, be fined under title 18, United States Code, and imprisoned not more than 5 years (or, in the case of a sexually violent predator, not more than 10 years), and shall thereafter be subject to supervised release for not less than 36 months; and

[(B) on any conviction after the first, be fined under title 18, United States Code, and imprisoned not more than 20 years (or, in the case of a sexually violent predator, for life), and shall thereafter be subject to supervised release for life.

[(2) STRICT CULPABILITY.—In a prosecution for a violation of subsection (a) or (b), the state of mind of the individual committing the violation is not an element of the offense and it need not be proven that the individual had any particular state of mind with respect to any element of the offense.

[(3) AFFIRMATIVE DEFENSE.—In a prosecution for a violation of subsection (a) or (b), it is an affirmative defense that uncontrollable circumstances prevented the individual from complying, and that the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply, and that the individual complied as soon as such circumstances ceased to exist.

[(4) VIOLATIONS ARE CONTINUING.—A violation of subsection (a) or (b) is a continuing violation for purposes of the statute of limitations.

[(e) EXCEPTION FOR CERTAIN INDIVIDUALS.—Subsections (a) and (b) apply to any covered individual, unless each of the following is true with respect to the covered individual:

[(1) The individual is not a sexually violent predator.

[(2) The individual has only one conviction for an offense that qualifies the individual as a covered individual.

[(3) A period of at least 20 years, excluding ensuing periods of imprisonment, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in paragraph (2).

[(4) the conviction referred to in paragraph (2) was not for aggravated sexual abuse (as defined in section 2241 of title 18, United States Code) or a comparable, or more severe, offense.

[SEC. 104. DUTY OF COVERED INDIVIDUALS ON PAROLE OR SUPERVISED RELEASE TO COMPLY WITH DEVICE REQUIREMENTS.

[(a) IN GENERAL.—A covered individual shall comply with any requirements that the Attorney General prescribes under subsection (b)—

[(1) for the period of supervised release or parole, if the individual has only one conviction for an offense that qualifies the individual as a covered individual; and

[(2) for the life of the individual, in all other cases.

[(b) REGULATIONS REQUIRED.—

[(1) IN GENERAL.—The Attorney General, in consultation with State actors and tribal actors, shall prescribe regulations to ensure that every covered individual referred to in subsection (a) wears and maintains a device that transmits information about the individual's whereabouts to the domicile State.

[(2) PENALTIES FOR FAILURE TO COMPLY.—The regulations shall include penalties for the failure of the covered individual to wear or maintain the device.

[(3) DEVICES AND PROCEDURES.—The regulations shall describe the devices to be used and, for each such device, the procedures to be followed by the individual and the domicile State. The type of device to be used may vary from domicile State to domicile State, from offense to offense, or both.

[SEC. 105. DUTIES OF ATTORNEY GENERAL AND STATE OR TRIBAL ACTORS.

[(a) WHEN AN INDIVIDUAL PROVIDES INFORMATION.—Whenever an individual is required by this Act to provide information (including information such as photographs and fingerprints) to the Attorney General, to a State actor or tribal actor, or to both, the Attorney General (or the actor, or both, as the case may be) shall—

[(1) ensure that the individual complies with the requirement;

[(2) ensure that the information provided is accurate and complete;

[(3) ensure that the information provided is included in the National Sex Offender Registry; and

[(4) ensure that the information is promptly—

[(A) made available to any law enforcement agency responsible for the area in which the individual's domicile is located and to the State law enforcement agency of the domicile State;

[(B) entered into the appropriate records or data system of the actor; and

[(C) made available by the actor, together with information relating to criminal history, to the Attorney General.

[(b) WHEN A COVERED INDIVIDUAL IS MISSING.—

[(1) STATE OR TRIBAL ACTOR.—Whenever information is made known to a State actor or tribal actor that an individual has violated section 103(a)(1) or section 103(b), the actor shall promptly notify the Attorney General of that information.

[(2) ATTORNEY GENERAL.—Whenever information is made known to the Attorney General that an individual has violated section 103(a)(1) or section 103(b), or is notified of information under paragraph (1), the Attorney General shall—

[(A) revise the National Sex Offender Registry to reflect that information; and

[(B) add the name of the individual to the wanted person file of the National Crime Information Center and create a wanted persons record: *Provided*, That an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

[(c) WHEN A COVERED INDIVIDUAL CHANGES ADDRESS.—

[(1) IN GENERAL.—The Attorney General and each State actor or tribal actor shall ensure that, whenever information is made known to the Attorney General or to that actor (as the case may be) that a covered individual has established a new domicile, and the individual's new domicile State and previous domicile State are not the same, the information about the new domicile and all other information collected under this Act about the individual is promptly made available to—

[(A) the local law enforcement agencies responsible for the area in which the previous domicile is located, and to those responsible for the area in which the new domicile is located;

[(B) the previous domicile State; and

[(C) the new domicile State.

[(2) ELECTRONIC FORWARDING.—In addition to the requirements of paragraph (1), the Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that, whenever information is made known to the Attorney General that a covered individual has established a new domicile, and the individual's new domicile State and previous domicile State are not the same, the information about the new domicile and all other information collected under this Act about the individual is automatically and immediately, by means of electronic forwarding, transmitted to the new domicile State, if the new domicile State is qualified for purposes of this Act.

[(d) WHEN A COVERED INDIVIDUAL IS SENTENCED OR COMPLETES A TERM OF IMPRISONMENT.—The Attorney General and each State actor or tribal actor shall ensure that, immediately after a covered individual is sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), a responsible official—

[(1) notifies the Attorney General that the individual has completed the term of imprisonment; and

[(2) notifies the individual of the individual's duties under this Act.

[SEC. 106. STATE AND TRIBAL SEX OFFENDER REGISTRIES.

[(a) STATEWIDE REGISTRY REQUIRED.—Each State actor or tribal actor shall maintain, throughout its jurisdiction, a single comprehensive registry of information collected under this Act.

[(b) RELEASE OF INFORMATION IN REGISTRY.—Each State actor or tribal actor shall have in effect, throughout its jurisdiction, a single public information program that includes the following elements:

[(1) INTERNET SITE.—

[(A) IN GENERAL.—The actor shall release to the public, through an Internet site maintained by the actor, all information, except for Social Security numbers and information relating to a covered individual for an offense committed when the covered individual had not attained the age of 18 years, collected under this Act. The site shall have multiple field search capability and shall include, for each covered individual, the name, aliases, home address, work address, photograph, conviction for which registration is required, and risk level. The site shall include, as much as practicable, links to sex offender safety and education resources.

[(B) INTEGRATION OF STATE SITES.—The actor shall consult with other State actors and tribal actors to ensure, as much as practicable, that the site integrates with and shares information with the sites maintained by those other actors.

[(C) CORRECTION OF ERRORS.—The site shall contain instructions on the process for correcting information that a person alleges to be erroneous.

[(D) RISK LEVEL.—For purposes of this paragraph, the risk level for an individual shall be determined under procedures established by the actor, under which the individual is provided notice and an opportunity to present evidence, including witnesses, to the trier of fact, and upon proof of indigent status is provided counsel at the expense of the actor. The actor shall establish not fewer than two risk levels.

[(2) COMMUNITY NOTIFICATION.—Appropriate law enforcement agencies shall release information collected under this Act relating to a covered individual to—

[(A) public and private schools, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the Attorney General, of the home or work address of the individual; and

[(B) residents who reside within a radius, prescribed by the Attorney General, of the home or work address of the individual.

[(c) PUBLICATION OF NUMBER OF OFFENDERS REGISTERED.—Every three months, the Attorney General shall collect from each State actor and tribal actor information on the total number of covered individuals included in the registry maintained by that State actor or tribal actor. The Attorney General shall release that information to the public in a manner consistent with this Act.

[(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the feasibility of requiring State actors and tribal actors to actively notify individuals within a community should a covered individual move into that community.

[SEC. 107. NATIONAL SEX OFFENDER REGISTRY.

[(a) IN GENERAL.—The Attorney General shall maintain a database to track the whereabouts and movements of covered individuals. The database shall be known as the National Sex Offender Registry.

[(b) DISCRETIONARY RELEASE OF INFORMATION.—

[(1) IN GENERAL.—Subject to paragraph (2), the Attorney General may release information in the National Sex Offender Registry concerning a covered individual if the Attorney General determines that the information released is relevant and necessary to protect the public.

[(2) IDENTITY OF VICTIM.—The Attorney General shall not, under paragraph (1), release the identity of the victim of an offense by reason of which an individual is a covered individual.

[(c) REQUIRED DISCLOSURES TO CRIMINAL JUSTICE AGENCIES.—The Attorney General shall disclose information in the National Sex Offender Registry—

[(1) to Federal, State, and local criminal justice agencies—

[(A) for law enforcement purposes; and

[(B) for releases of information under subsection (b); and

[(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

[SEC. 108. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

[(a) DEVELOPMENT OF SOFTWARE REQUIRED.—The Attorney General, in consultation with State actors and tribal actors, shall develop a software application that can be used by State actors and tribal actors for purposes of this Act. The software shall operate in such a manner that a State actor or tribal actor can, by using the software, fully comply with all the requirements under this Act for collecting, managing, and exchanging information (including exchanging information with other State actors and tribal actors).

[(b) AVAILABILITY TO STATE AND TRIBAL ACTORS.—

[(1) IN GENERAL.—The Attorney General shall make the software developed under this section available to State actors and tribal actors. The first complete edition of the software shall be made available within 2 years after the date of the enactment of this Act.

[(2) FEE.—The Attorney General shall make the software available under paragraph (1) for a fee not more than one percent of the Attorney General's cost to develop, implement, and support the software.

[(c) SUPPORT.—The Attorney General shall ensure that a State actor or tribal actor purchasing the software is provided technical support for the installation of the software and for maintaining the software.

[SEC. 109. DNA DATABASE FOR COVERED INDIVIDUALS.

[(a) DATABASE REQUIRED.—The Attorney General shall establish and maintain a database for the purposes of—

[(1) managing DNA information with respect to covered individuals; and

[(2) making that information available to Federal, State, and local law enforcement agencies for use by those agencies in a manner consistent with this Act.

[(b) REGULATIONS.—Under regulations issued by the Attorney General—

[(1) Federal, State, and local agencies and other entities may submit DNA information to the Attorney General for inclusion in the database;

[(2) Federal, State, and local law enforcement agencies may compare DNA information against other DNA information in the database; and

[(3) Federal, State, and local prosecutors may use DNA information in prosecutions.

[SEC. 110. DUTY OF COURTS TO DETERMINE WHETHER AN INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR.

[(a) IN GENERAL.—A determination of whether an individual is a sexually violent predator for purposes of this Act shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

[(b) WAIVER.—The Attorney General may waive the requirements of subsection (a) with respect to a State actor or tribal actor if the Attorney General determines that the State actor or tribal actor has established alternative procedures or legal standards for designating a person as a sexually violent predator.

[(c) DEFINITIONS.—In this section:

[(1) MENTAL ABNORMALITY.—The term ''mental abnormality'' means a congenital or acquired condition of an individual that affects the emotional or volitional capacity of

the individual in a manner that predisposes that individual to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

[(2) PREDATORY.—The term ''predatory'' means an act directed at an individual (whether or not a relationship with that individual has been established or promoted) for the primary purpose of victimization.

[SEC. 111. DUTY OF ATTORNEY GENERAL TO DETERMINE WHETHER STATE OR TRIBAL ACTORS ARE QUALIFIED.

[(a) IN GENERAL.—A determination of whether a State actor or tribal actor is qualified for purposes of this Act shall be made by the Attorney General in accordance with this section.

[(b) REQUIREMENTS.—The Attorney General may determine that a State actor or tribal actor is qualified if, as determined by the Attorney General, each of the following apply:

[(1) The actor has in effect, throughout its jurisdiction, laws that implement the requirements of section 103, or substantially similar requirements, with respect to each covered individual whose domicile is within that jurisdiction.

[(2) The actor participates in the National Sex Offender Registry in the manner that the Attorney General considers appropriate.

[(3) The actor ensures that an audit of the activities carried out under this Act is carried out at least once each year and that the findings of each audit are promptly reported to the Attorney General.

[(c) REPORTS TO CONGRESS.—Each year, the Attorney General shall submit to Congress a report identifying the extent to which each State actor or tribal actor is qualified for purposes of this Act.

[SEC. 112. USE OF OTHER FEDERAL INFORMATION TO TRACK SEX OFFENDERS.

[(a) TAXPAYER INFORMATION.—The Secretary of the Treasury, in coordination with the Attorney General, shall develop and maintain a system under which taxpayer information that pertains to a covered individual and is useful in locating the individual, or in verifying information with respect to the individual, is made available to Federal, State, and local law enforcement agencies for use by those agencies in a manner consistent with this Act.

[(b) SOCIAL SECURITY INFORMATION.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall develop and maintain a system under which Social Security information that pertains to a covered individual and is useful in locating the individual, or in verifying information with respect to the individual, is made available to Federal, State, and local law enforcement agencies for use by those agencies in a manner consistent with this Act.

[SEC. 113. IMPLEMENTATION BY STATE AND TRIBAL ACTORS AND ASSISTANCE GRANTS TO THOSE ACTORS.

[(a) IMPLEMENTATION BY STATE AND TRIBAL ACTORS.—

[(1) IN GENERAL.—Each State actor or tribal actor shall have not more than 3 years from the date of the enactment of this Act in which to fully implement this Act.

[(2) IMPLEMENTATION BY TRIBES AND IN INDIAN COUNTRY.—The Attorney General shall coordinate with the Secretary of the Interior to assist tribal actors in fully implementing this Act throughout the jurisdiction of each tribal actor.

[(b) INELIGIBILITY FOR FUNDS.—

[(1) IN GENERAL.—For any fiscal year after the expiration of the period specified in subsection (a)(1), a State actor or tribal actor that fails to fully implement this Act shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the actor under any of the following programs:

[(A) BYRNE.—Subpart 1 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

[(B) LLEBG.—The Local Government Law Enforcement Block Grants program.

[(C) OTHER LAW ENFORCEMENT GRANTS.—Any other program under which the Attorney General provides grants or other financial assistance, except for the SOMA program under this section.

[(2) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to an actor for failure to fully implement this Act shall be reallocated under that program to State actors and tribal actors that have not failed to fully implement this Act.

[(c) SEX OFFENDER MANAGEMENT ASSISTANCE PROGRAM.—

[(1) IN GENERAL.—From amounts made available to carry out this subsection, the Attorney General shall carry out a program, to be known as the Sex Offender Management Assistance program (in this section referred to as the ''SOMA program''), under which the Attorney General awards a grant to each State actor or tribal actor to offset costs directly associated with implementing this Act.

[(2) DISTRIBUTION OF FUNDS.—Each grant awarded under the SOMA program shall be distributed directly to the State actor or tribal actor for distribution by that actor to public entities within that actor.

[(3) USES.—

[(A) IN GENERAL.—Subject to subparagraph (B), each grant awarded under the SOMA program shall be used for training, salaries, equipment, materials, and other costs directly associated with implementing this Act, including the costs of acquiring and using devices in carrying out section 104.

[(B) DATABASES OF INDIVIDUALS IN CUSTODY.—Up to 10 percent of a grant awarded under the SOMA program may be used to participate in one or more databases that identify individuals in custody, such as the JusticeXchange database.

[(4) ELIGIBILITY.—

[(A) APPLICATION.—To be eligible to receive a grant under the SOMA program, the chief executive of a State actor or tribal actor shall, on an annual basis, submit to the Attorney General an application (in such form and containing such information as the Attorney General may reasonably require) assuring that—

[(i) the actor has fully implemented (or is making a good faith effort to fully implement) this Act; and

[(ii) where applicable, the actor has penalties comparable to or greater than Federal penalties for crimes listed in this Act, except that the Attorney General may waive the requirement of this clause if an actor demonstrates an overriding need for assistance under the SOMA program.

[(B) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall promulgate regulations to implement the procedures used (including the information that must be included and the requirements that the State actors or tribal actors must meet) in submitting an application under the SOMA program.

[(5) ALLOCATION OF FUNDS.—In allocating funds under the SOMA program, the Attorney General may consider the number of covered individuals registered in each actor's registry.

[(6) INCORPORATION OF CERTAIN TRAINING PROGRAMS.—Before implementing the SOMA program, the Attorney General shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941). In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Attorney General shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program.

[(d) INCENTIVES.—

[(1) BONUS PAYMENTS FOR EARLY COMPLIANCE.—A State actor or tribal actor that has fully implemented this Act within 2 years after the date of the enactment of this Act is eligible for a bonus payment under the SOMA program for the fiscal year after the Attorney General certifies that the actor has achieved full implementation. The amount of the bonus payment shall be equal to 5 percent of the funds that the actor received under the SOMA program for the preceding fiscal year. However, if the actor has fully implemented this Act within 1 year after such date of enactment, the amount of the bonus payment shall instead be equal to 10 percent of the funds that the actor received under the SOMA program for the preceding fiscal year. An actor may receive a bonus payment under this paragraph only once during the course of the SOMA program.

[(2) REDUCED PAYMENTS FOR LATE COMPLIANCE.—A State actor or tribal actor that has failed to fully implement this Act within 3 years after the date of the enactment of this Act is subject to a payment reduction under the SOMA program for the following fiscal year. The amount of the payment reduction shall be equal to 5 percent of the funds that would otherwise be allocated to the actor under the SOMA program for that fiscal year. In addition, if the actor has failed to fully implement this Act within 4 years after such date of enactment, the amount of the payment reduction shall be equal to 10 percent of the funds that would otherwise be allocated to the actor under the SOMA program for that fiscal year. An actor may be subject to a payment reduction under this paragraph only twice during the course of the SOMA program.

[(e) REPORTS TO CONGRESS.—Each year, the Attorney General shall submit to Congress a report identifying the extent to which each State actor or tribal actor has fully implemented this Act.

[SEC. 114. IMMUNITY FOR GOOD FAITH CONDUCT.

[A law enforcement agency, an employee of a law enforcement agency, a contractor acting at the direction of a law enforcement agency, and an officer of a State actor or tribal actor are immune from liability for good faith efforts to carry out this Act.

[SEC. 115. REGULATIONS.

[The Attorney General shall issue regulations to carry out this Act.

[SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated for each of fiscal years 2006 through 2009 such sums as may be necessary to carry out this Act.

[TITLE II—AMENDATORY PROVISIONS, TRANSITION PROVISIONS, AND EFFECTIVE DATE

[SEC. 201. FAILURE TO PROVIDE INFORMATION A DEPORTABLE OFFENSE.

[Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

[(1) by redesignating clause (v) as clause (vi); and

[(2) by inserting after clause (iv) the following new clause:

[''(v) FAILURE TO PROVIDE REGISTRATION INFORMATION AS A SEX OFFENDER.—Any alien who is convicted under subsection (d) of section 103 of the Sex Offender Registration and Notification Act of a violation of subsection (a) or (b) of such section is deportable.''.

[SEC. 202. REPEAL.

[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 are repealed.

[SEC. 203. CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.

[The following provisions of title 18, United States Code, are each amended by striking ''and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)'' and inserting ''and that the person comply with the Sex Offender Registration and Notification Act'':

[(1) PROBATION.—Section 3563(a)(8).

[(2) SUPERVISED RELEASE.—Section 3583(d).

[SEC. 204. EFFECTIVE DATE.

[This Act and the amendments made by this Act take effect on the date that is 6 months after the date of the enactment of this Act.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as—

(1) the ''Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Grant Act'';

(2) the ''Sex Offender Registration and Notification Act''; or

(3) the ''Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Effective date.

TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM

Sec. 101. Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Grant Program.
Sec. 102. Definitions.
Sec. 103. Assistance grants to participating States.
Sec. 104. Duty of covered individuals to provide information.
Sec. 105. Duties of Attorney General and participating States.
Sec. 106. Participating state sex offender registries.
Sec. 107. Development and availability of registry management software.
Sec. 108. Election by Indian tribes.
Sec. 109. Provision of notice and access to Indian tribes.
Sec. 110. Applicability to minors.
Sec. 111. Rule of construction.
Sec. 112. Immunity for good faith conduct.
Sec. 113. State unconstitutionality.
Sec. 114. Regulations.
Sec. 115. Authorization of appropriations.
Sec. 116. Effect on current law.

TITLE II—DRU SJODIN NATIONAL SEX OFFENDER PUBLIC DATABASE ACT OF 2005

Sec. 201. Short title and definitions.
Sec. 202. National sex offender public registry.
Sec. 203. Release of high-risk inmates.

TITLE III—JETSETA GAGE PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

Sec. 301. Short title.
Sec. 302. Assured punishment for violent crimes against children.
Sec. 303. Increased penalties for sexual offenses against children.

TITLE IV—JESSICA LUNSFORD AND SARAH LUNDE ACT

Sec. 401. Short title.
Sec. 402. Pilot program for monitoring sexual offenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Access to Interstate Identification Index.
Sec. 502. Limitation on liability for NCMEC.
Sec. 503. Missing child reporting requirements.
Sec. 504. Treatment and management of sex offenders in the Bureau of Prisons.
Sec. 505. Authorization for American Prosecutors Research Institute.
Sec. 506. Sex offender apprehension grants.
Sec. 507. Access to Federal crime information databases by educational agencies for certain purposes.
Sec. 508. Grants to combat sexual abuse of children.
Sec. 509. Severability.
Sec. 510. Failure to provide information a deportable offense.
Sec. 511. Repeal.
Sec. 512. Conforming amendments to title 18, United States Code.

TITLE VI—COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES

Sec. 601. Comprehensive examination of sex offender issues.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 6 months after the date of the enactment of this Act.

TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM

SEC. 101. JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM.

The Attorney General shall establish guidelines for States' sex offender registration programs pursuant to this title. Collectively, the guidelines and the programs shall be known as the ''Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program''.

SEC. 102. DEFINITIONS.

In this title:

(1) COVERED INDIVIDUAL.—The term ''covered individual'' means any adult or juvenile in a participating domicile State, participating work State, or participating school State convicted as an adult—

(A) who has been convicted of a covered offense against a minor;

(B) who has been convicted of a sexually violent offense;

(C) who has been convicted of an offense described in paragraph (2);

(D) who has been convicted of an offense under State law that is similar to the offenses described in described in paragraph (2);

(E) who is described in section 4042(c)(4) of title 18, United States Code, except for those convicted of a violation of section 2257 or 2258 of title 18, United States Code; or

(F) who has been sentenced by a court martial for conduct in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note).

(2) COVERED OFFENSE AGAINST A MINOR.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the term ''covered offense against a minor'' means an offense (whether under the law of a State, Federal law, or military law) that is comparable to or more severe than any of the following offenses:

(i) Kidnapping of a minor, except by a parent or guardian of the minor, if sexual conduct toward the minor is proved beyond a reasonable doubt.

(ii) False imprisonment of a minor, except by a parent or guardian of the minor, if sexual conduct toward the minor is proved beyond a reasonable doubt.

(iii) Criminal sexual conduct toward a minor.

(iv) Solicitation of a minor to engage in sexual conduct.

(v) Use of a minor in a sexual performance.

(vi) Solicitation of a minor to practice prostitution.

(vii) Possession, production, or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code.

(viii) Use of the Internet to facilitate or commit a covered offense against a minor or to attempt to commit such an offense against an agent of the government who has been represented to be a minor.

(ix) Video voyeurism as described in section 1801 of title 18, United States Code, when committed against a minor.

(x) An attempt or conspiracy to commit any of the offenses listed in this definition.

(B) CONVICTIONS UNDER THE LAWS OF A FOREIGN COUNTRY.—The term ''covered offense against a minor'' includes convictions for offenses specified in subparagraph (A) that have been obtained under the laws of any foreign nation that has been certified by the Attorney General, after notice and an opportunity for a hearing, as having a sufficiently reliable criminal justice system.

(C) EXCEPTION FOR CERTAIN OFFENSES.—The term ''covered offense against a minor'' does not include an offense if the conduct on which the offense is based is criminal only because of the age of the victim, and if individual had committed the offense either had not attained the age of 18 years or was less than 4 years older than the victim when the offense was committed.

(3) DOMICILE.—The term ''domicile'' means, with respect to an individual, any place that serves as the primary place at which the individual lives.

(4) DOMICILE STATE.—The term ''domicile State'' means, with respect to an individual, the State within the jurisdiction of which is the individual's domicile.

(5) EDUCATIONAL INSTITUTION.—The term ''educational institution'' includes (whether public or private) any secondary school, trade or professional institution, and institution of higher education.

(6) EMPLOYMENT.—The term ''employment'' includes carrying on a vocation and covers any labor or service rendered (whether as a volunteer or for compensation or for government or educational benefit) on a full-time or part-time basis.

(7) MINOR.—The term ''minor'' means any person who has not attained the age of 18 years or the age of consent in the relevant jurisdiction, whichever age is lower.

(8) NATIONAL SEX OFFENDER REGISTRY.—The term ''National Sex Offender Registry'' means the database maintained by the Attorney General pursuant to section 105.

(9) NATIONAL SEX OFFENDER PUBLIC REGISTRY.—The term ''National Sex Offender Public Registry'' means the Internet site maintained by the Attorney General pursuant to section 202.

(10) PARTICIPATING STATE.—The term ''participating State'' means a State participating in the grant program authorized under this title.

(11) SCHOOL STATE.—The term ''school State'' means, with respect to an individual, the State within the jurisdiction of which the educational institution at which the individual is a student is located.

(12) SEXUALLY VIOLENT OFFENSE.—The term ''sexually violent offense'' means an offense (whether under the law of a State, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

(A) Aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code).

(B) An attempt or conspiracy to commit such an offense.

(13) STATE.—The term ''State'' means any of the following:

(A) A State.

(B) The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Northern Mariana Islands.

(C) A federally recognized Indian tribe that has elected in accordance with section 108 to carry out this Act as a jurisdiction subject to its provisions.

(14) STUDENT.—The term ''student'' means an individual who, whether on a full-time or part-time basis, enrolls in or attends an educational institution.

(15) TIER I INDIVIDUAL.—The term ''Tier I individual'' means an individual required to register under this title who is subject to the least intensive registration requirements, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(16) TIER II INDIVIDUAL.—The term ''Tier II individual'' means an individual required to register under this title who is subject to more intensive registration requirements than Tier I individuals, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(17) TIER III INDIVIDUAL.—The term ''Tier III individual'' means an individual required to register under this title who is subject to the most intensive registration requirements, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(18) WORK STATE.—The term ''work State'' means, with respect to an individual, the State within the jurisdiction of which the individual's current place of employment is located or, if the individual is unemployed, the individual's most recent place of employment.

SEC. 103. ASSISTANCE GRANTS TO PARTICIPATING STATES.

(a) SEX OFFENDER MANAGEMENT ASSISTANCE PROGRAM.—

(1) IN GENERAL.—From amounts made available to carry out this subsection, the Attorney General shall carry out a program, to be known as the Sex Offender Management Assistance program (in this section referred to as the ''SOMA program''), under which the Attorney General may award grants to participating States to offset costs directly associated with implementing this title.

(2) DISTRIBUTION OF FUNDS.—Each grant awarded under the SOMA program shall be distributed directly to the participating State for distribution by that participating State to public entities, including local governments and law enforcement agencies, within that participating State.

(3) USES.—Up to 10 percent of a grant awarded under the SOMA program may be used to participate in 1 or more databases that identify individuals in custody.

(4) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a grant under the SOMA program in a fiscal year and except as provided in subparagraph (B), the chief executive of a participating State shall submit to the Attorney General an application (in such form, at such a time, and containing such information as the Attorney General may reasonably require) assuring that—

(i) the participating State has substantially implemented (or is making a good faith effort to substantially implement) this title; and

(ii) the participating State has made the failure of a covered individual to register as required a felony.

(B) EXCEPTION.—The Attorney General may waive the requirement of subparagraph (A) if a participating State demonstrates an overriding need for assistance under the SOMA program.

(5) ALLOCATION OF FUNDS.—In allocating funds under the SOMA program, the Attorney General may consider the number of covered individuals registered in each participating State's registry.

(6) INCORPORATION OF CERTAIN TRAINING PROGRAMS.—

(A) STUDY.—During the course of implementing the SOMA program, the Attorney General shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941).

(B) INCORPORATING.—In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Attorney General shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program.

(b) INCENTIVES; BONUS PAYMENTS FOR EARLY COMPLIANCE.—

(1) BONUS.—A participating State that has substantially implemented this title within 2 years after the date of the enactment of this Act is eligible for a bonus payment under the SOMA program for the fiscal year after the Attorney General certifies that the participating State has achieved substantial implementation.

(2) AMOUNT.—The amount of the bonus payment under paragraph (1) shall be—

(A) equal to 5 percent of the funds that the participating State received under the SOMA program for the preceding fiscal year; or

(B) if the participating State has substantially implemented this title within 1 year after the date of enactment of this Act, the amount of the bonus payment shall be equal to 10 percent of the funds that the participating State received under the SOMA program for the preceding fiscal year.

(3) ONE PAYMENT.—A participating State may receive a bonus payment under this subsection only once during the course of the SOMA program.

(c) REPORTS TO CONGRESS.—Each year, the Attorney General shall submit to Congress a report identifying the extent to which each participating State has implemented this title.

SEC. 104. DUTY OF COVERED INDIVIDUALS TO PROVIDE INFORMATION.

(a) INFORMATION REQUIRED PERIODICALLY.—A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

(1) REGISTRATION INFORMATION.—Initially during the time period specified in accordance with paragraph (4), and thereafter as provided in paragraph (5), the individual shall—

(A) appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State); and

(B) provide to such persons—

(i) the individual's name and aliases;

(ii) the individual's Social Security number;

(iii) the address where the individual maintains or will maintain his domicile;

(iv) a photocopy of a valid driver's license or identification card issued to the individual from the Department of Motor Vehicles in the individual's domicile State;

(v) the license plate number of, and other identifying information with respect to, each vehicle owned or operated by the individual;

(vi) the name and address of the place where the individual is employed or will be employed; and

(vii) the name and address of any educational institution at which the individual is a student or will be a student.

(2) PHOTOGRAPH.—Initially during the time period specified in accordance with paragraph (4), and thereafter at least once every 12 months, the individual shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and submit to the taking of a photograph.

(3) FINGERPRINTS.—During the time period specified in accordance with paragraph (4), the individual shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and submit to the taking of fingerprints. This paragraph does not apply if the State determines that it already has a valid set of fingerprints in its possession.

(4) TIMING OF INITIAL REGISTRATION.—The Attorney General shall prescribe the time period within which a covered individual must fulfill the initial registration requirements set forth in paragraphs (1), (2), and (3).

(5) ONGOING REGISTRATION.—

(A) IN GENERAL.—The ongoing registration requirement under paragraph (1) is—

(i) for Tier I individuals every 12 months;

(ii) for Tier II individuals every 6 months; and

(iii) for Tier III individuals every 3 months.

(B) EXEMPTION.—A covered individual is exempt from the ongoing registration requirement of this subsection if the covered individual is incarcerated at the time specified in subparagraph (A).

(6) COVERED INDIVIDUAL IN CUSTODY OF A STATE OTHER THAN DOMICILE STATE.—A covered individual who, during the time period specified in accordance with paragraph (4), is in the custody of a participating State that is not the individual's participating domicile State, shall fulfill the initial registration requirements set forth in paragraphs (1), (2), and (3) by providing the specified information to an appropriate official of the jurisdiction that is holding the individual in custody. The official shall promptly make available that information to the individual's domicile State.

(7) INDIVIDUAL IN FEDERAL OR MILITARY CUSTODY.—Whenever an individual is a covered individual on the basis of subparagraph (C), (E) or (F) of section 102(1), the procedure upon release or sentencing of the individual shall be as provided in section 4042(c) of title 18, United States Code, or section 115(a)(8)(C) of title I of Public Law 105–119. The individual shall promptly register and continue to register as provided in this section in each participating domicile, work, and school State of the individual. To the extent that any procedure or requirement of this section cannot be applied to the individual, the Attorney General may specify alternative procedures and requirements for the registration of such individuals in participating domicile, work, and school States.

(8) RETROACTIVE APPLICATION.—The Attorney General shall have the authority to—

(A) specify the applicability of the requirements of this title to individuals who are covered individuals based on a conviction or sentencing that occurred prior to the date of enactment or who are, as of the date of enactment of this Act, incarcerated or under a non-incarcerative sentence for some other offense;

(B) specify the applicability of the requirements of this title to all other individuals who are covered individuals based on a conviction or sentencing that occurred prior to the enactment date of enactment of this Act or the implementation of the requirements of this title by a participating State; and

(C) specify procedures and methods for the registration of individuals to whom the requirements of this title apply pursuant to subparagraph (A) or (B).

(b) REQUIREMENT TO REGISTER AND KEEP REGISTRATION INFORMATION CURRENT.—

(1) REGISTRATION REQUIREMENT.—A covered individual shall, for the life of that individual (except as provided in this section), promptly register in each participating domicile, work,

and school State of the individual and keep the registration information current. To the extent that the procedures or requirements for registering or updating registration information in any participating domicile, work, or school State are not fully specified in this section, the Attorney General may specify such procedures and requirements.

(2) CHANGES TO REGISTRATION INFORMATION OF CERTAIN OFFENDERS.—The following shall apply to changes of registration information under this section for Tier II and Tier III individuals:

(A) CHANGE OF NAME.—Not more than 5 days after changing his or her name, the individual shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and provide the new name.

(B) CHANGE OF ADDRESS.—Not more than 5 days before or after establishing a new domicile, the individual shall—

(i) appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and provide the address of the new domicile and the address of the previous domicile; and

(ii) if the new domicile and the previous domicile are not both within the jurisdiction of a single participating State under this Act—

(I) appear before a person designated by the individual's previous participating domicile State (and appear before persons designated by the individual's participating work State (if different from the previous participating domicile State) and participating school State (if different from the previous participating domicile State)) and fulfill the requirements of clause (i); and

(II) appear before a person designated by the individual's new participating domicile State to—

(aa) provide the designated person the address of the new domicile and the address of the previous domicile; and

(bb) submit to the taking of a photograph and, unless the participating State determines that it already possesses a valid set, fingerprints.

(C) CHANGE OF EMPLOYMENT.—Not more than 5 days before or after beginning, or ceasing, employment by an employer, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the employer, to—

(i) a person designated by the individual's participating domicile State; and

(ii) if the individual's participating work State is different from the domicile State, a person designated by the individual's participating work State.

(D) CHANGE OF STUDENT STATUS.—Not more than 5 days before, after beginning, or ceasing to be a student at an educational institution, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the educational institution, to—

(i) a person designated by the individual's participating domicile State; and

(ii) if the individual's participating school State is different from the domicile State, a person designated by the individual's participating school State.

(c) PUNISHMENT.—

(1) IN GENERAL.—Whoever—

(A) knowingly fails to register in any jurisdiction in which such person is required to register under this title; and

(B)(i) has been convicted of a Federal offense, an offense under the Uniform Code of Military Justice, or a tribal offense, for which registration is required by such Act or law; or

(ii) travels in interstate or foreign commerce.

shall be fined under this title and imprisoned according to the penalties in paragraphs (2) and (3).

(2) FIRST CONVICTION.—On the first conviction under paragraph (1)—

(A) a Tier I individual shall be fined under title 18, United States Code, or imprisoned not more than 3 years, or both;

(B) a Tier II individual shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both; and

(C) a Tier III individual shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

(3) SUBSEQUENT CONVICTIONS.—On any conviction after the first under paragraph (1)—

(A) a Tier I individual shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both;

(B) a Tier II individual shall be fined under title 18, United States Code, or imprisoned not more than 20 years, or both; and

(C) a Tier III individual shall be fined under title 18, United States Code, or imprisoned for any term of years or for life, or both.

(4) AFFIRMATIVE DEFENSE.—In a prosecution for a violation under this section, it is an affirmative defense—

(A) that uncontrollable circumstances prevented the individual from complying;

(B) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

(C) the individual complied as soon as such circumstances ceased to exist.

(5) CONTINUING VIOLATIONS.—A violation under this section is a continuing violation for purposes of the statute of limitations.

(6) EXCEPTIONS.—An individual may petition for relief from the requirements of subsections (a) and (b) based on a claim that—

(A) the conviction that subjected the individual to those requirements has been overturned;

(B) the individual's inclusion on the applicable registry is the result of an administrative or clerical error; or

(C) the individual has been pardoned by the chief executive of the jurisdiction in which the individual was convicted of the crime that subjected the individual to the requirements of subsections (a) and (b).

(d) EXCEPTIONS FOR CERTAIN INDIVIDUALS.—Subsections (a) and (b) apply to any covered individual, except as provided as follows:

(1) TIER I INDIVIDUALS.—The individual is a Tier I individual and both of the following apply:

(A) The individual has only 1 conviction for an offense that qualifies the individual as a covered individual.

(B) A period of at least 10 years, excluding ensuing periods of incarceration, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in subparagraph (A).

(2) TIER II INDIVIDUALS.—The individual is a Tier II individual and both of the following apply:

(A) The individual has only 1 conviction for an offense that qualifies the individual as a covered individual.

(B) A period of at least 20 years, excluding ensuing periods of incarceration, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in subparagraph (A).

SEC. 105. DUTIES OF ATTORNEY GENERAL AND PARTICIPATING STATES.

(a) DUTY TO OBTAIN ACKNOWLEDGMENT OF OBLIGATIONS.—

(1) IN GENERAL.—During the time period specified in paragraph (2), an appropriate official shall—

(A) inform each covered individual of the duty to register and of that individual's ongoing obligations under this title;

(B) require the individual to read and sign a form affirming that—

(i) the duty to register has been explained to the individual;

(ii) the individual's ongoing obligations under this title have been explained to the individual; and

(iii) the individual understands the registration requirements; and

(C) ensure that the individual has completed the initial registration process.

(2) APPROPRIATE TIME PERIOD.—The Attorney General shall prescribe an appropriate time period during which the requirements set forth in paragraph (1) shall be fulfilled.

(3) FULFILLMENT.—The requirements of paragraph (1) shall be fulfilled—

(A) before a covered individual has been released from custody; or

(B) if the covered individual is not in custody, shortly after the individual has been sentenced.

(b) OBTAINING AND SHARING INFORMATION.—

(1) OBTAINING INFORMATION.—When an individual appears before the Attorney General or a participating State to provide information pursuant to this title (including information such as photographs and fingerprints), the Attorney General (or the participating State, or both, as the case may be) shall—

(A) ensure that the individual complies with the applicable requirements of this title;

(B) ensure that the information provided is accurate and complete; and

(C) ensure that the information provided is promptly entered into the appropriate records or data system of the participating State.

(2) SHARING INFORMATION.—

(A) DOMICILE STATE.—The domicile State of an individual, and the State which originally registers the individual if different from the domicile State, shall promptly notify each domicile, work, and school State of the individual of which it is aware concerning the individual's domicile, employment, or student status in such State and shall make available to each such State the information concerning the individual.

(B) CHANGE IN DOMICILE.—If a domicile State of an individual is informed by the individual, or otherwise becomes aware, that there will be or has been a change in the individual's domicile State, the domicile State shall promptly notify the new domicile State and make available to the new domicile State the information concerning the individual.

(C) AVAILABLE INFORMATION.—A domicile State shall promptly make available the information concerning an individual to a law enforcement agency or agencies in the State having jurisdiction where—

(i) the individual's domicile is located;

(ii) the individual's place of employment is located; and

(iii) any educational institution at which the individual is a student is located.

(c) ENTRY OF INFORMATION INTO THE NATIONAL SEX OFFENDER REGISTRY.—

(1) MAINTENANCE OF A NATIONAL SEX OFFENDER REGISTRY.—The Attorney General shall maintain a national database at the Federal Bureau of Investigation, to be known as the National Sex Offender Registry, which shall include information concerning covered individuals who are required to register in the sex offender registry of any jurisdiction. Information may be released from the National Sex Offender Registry to criminal justice agencies, and to other entities as the Attorney General may provide.

(2) PARTICIPATION IN THE NATIONAL SEX OFFENDER REGISTRIES.—Each participating State shall, in the time and manner provided by the Attorney General—

(A) submit to the Attorney General the information concerning each covered individual under this title, which shall be included in the National Sex Offender Registry or other databases as appropriate;

(B) submit the information described in subparagraph (A) in a manner that allows the Attorney General to include it in the National Sex Offender Registries; and

(C) participate in the National Sex Offender Public Registry maintained pursuant to section 202.

(d) WHEN A COVERED INDIVIDUAL IS MISSING.—

(1) STATE.—Whenever a participating State is unable to verify the address of or locate a covered individual, the participating State shall promptly notify the Attorney General.

(2) ATTORNEY GENERAL.—Whenever information is made known to the Attorney General under paragraph (1) that a State is unable to verify the address of or locate a covered individual, the Attorney General shall—

(A) revise the National Sex Offender Registry to reflect that information; and

(B) add the name of the individual to the wanted person file of the National Crime Information Center and create a wanted persons record if an arrest warrant that meets the requirements for entry into the file is issued in connection with the violation.

(3) INVESTIGATION.—The Attorney General shall use the authority provided in section 566(e)(1)(B) of title 28, United States Code, the authority to investigate offenses under chapter 49 of title 18, United States Code, and the authority provided in any other relevant provision of law, as appropriate, to assist States and other jurisdictions in locating and apprehending covered individuals and any other individuals who violate sex offender registration requirements.

(e) 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. 106. PARTICIPATING STATE SEX OFFENDER REGISTRIES.

(a) STATEWIDE REGISTRY REQUIRED.—Each participating State shall maintain, throughout its jurisdiction, a single comprehensive registry of information collected under this title.

(b) RELEASE OF INFORMATION IN REGISTRY.—Each participating State shall have in effect, throughout its jurisdiction, a single public information program that includes the following elements:

(1) INTERNET SITE.—

(A) INFORMATION.—

(i) IN GENERAL.—Except as provided in clause (iii), the participating State shall release to the public, through an Internet site maintained by the State that shall have multiple field search capability, the following information for Tier II and III individuals whose domicile State, work State, or school State is the same as the participating State:

(I) The name and any known aliases of the individual.

(II) The date of birth of the individual.

(III) A physical description of the individual.

(IV) The current photograph of the individual.

(V) The domicile address of the individual.

(VI) The address of the individual's place of employment.

(VII) The address of any educational institution at which the individual is a student.

(VIII) The nature and date of all offenses qualifying the individual as a covered individual.

(IX) The date on which the individual was released from prison, or placed on parole, supervised release, or probation, for the most recent offense qualifying the individual as a covered individual.

(X) Tier designation for the individual.

(XI) Compliance status of the individual.

(ii) TIER I INDIVIDUALS.—The participating State may, at its discretion, include information about Tier I individuals on its Internet site.

(iii) VICTIMS.—The participating State shall make every effort not to disclose the identity of the victim of an offense. Information about a covered individual whose duty to register is based solely on offenses against intrafamilial minors may, after consultation with the victim, be limited or withheld in its entirety from an Internet site or registry, at the discretion of the participating State.

(iv) LINKS.—The site shall include, as much as practicable, links to sex offender safety and education resources.

(B) INTEGRATION OF STATE SITES.—The participating State shall consult with other States to ensure, as much as practicable, that the site integrates with and shares information with the sites maintained by those other States.

(C) CORRECTION OF ERRORS.—The site shall contain instructions on the process for correcting information that a person alleges to be erroneous.

(D) WARNING.—The site shall include a warning that the information presented should not be used to injure, harass, or commit a criminal act against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in criminal prosecution.

(E) TIER DESIGNATION.—

(i) IN GENERAL.—The participating State shall establish 3 tier designations. The tier designation of an individual shall be determined under criteria promulgated by the participating State in accordance with the participating State's resources and local priorities.

(ii) SEXUALLY VIOLENT OFFENDERS.—All individuals convicted of sexually violent offenses shall be designated as Tier III individuals.

(iii) PHYSICAL CONTACT OF A SEXUAL NATURE WITH A MINOR.—All individuals convicted of any offense, an element of which is physical contact of a sexual nature with a minor, shall be designated as Tier II or Tier III individuals.

(2) COMMUNITY NOTIFICATION.—

(A) TIER II INDIVIDUALS.—Appropriate law enforcement agencies in participating States shall release information collected under this title relating to Tier II individuals to public and private schools, including institutions of higher learning, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the participating State, of the home or work address of the individual.

(B) TIER III INDIVIDUALS.—Appropriate law enforcement agencies in participating States shall release information collected under this title relating to Tier III individuals to—

(i) public and private schools, including institutions of higher learning, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the participating State, of the home or work address of the individual; and

(ii) residents who reside within a radius, prescribed by the participating State, of the home or work address of the individual.

(c) PUBLICATION OF NUMBER OF OFFENDERS REGISTERED.—

(1) IN GENERAL.—Every 6 months, the Attorney General shall collect from each State information on the total number of covered individuals included in the registry maintained by that State.

(2) PUBLIC AVAILABILITY AND CONTENTS.—The Attorney General shall—

(A) release information under paragraph (1) to the public in a manner consistent with this title; and

(B) include in such a release the number of individuals within each tier and the number of individuals who are in compliance with this title within each tier.

(3) DOUBLE-COUNTING.—In reporting information collected under paragraph (1), the Attorney General shall ensure, to the extent practicable, that offenders are not being double-counted.

SEC. 107. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

(a) DEVELOPMENT OF SOFTWARE REQUIRED.—The Attorney General, in consultation with participating States, shall—

(1) develop a software application that can be used by participating States for purposes of this title; and

(2) ensure that such software operates in such a manner that a participating State can, by using the software, fully comply with all the requirements under this title for managing and exchanging information (including exchanging information with other States).

(b) AVAILABILITY TO STATES.—The Attorney General shall make the software developed under this section available to States. The first complete edition of the software shall be made available within 2 years after the date of the enactment of this Act.

(c) SUPPORT.—The Attorney General shall ensure that States are provided technical support for the installation of the software and for maintaining the software.

SEC. 108. 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 title as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this title to a participating State or participating States 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 participating State or participating States to carry out and enforce the requirements of this title.

(2) ELECTION.—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 participating 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 title and is not likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN PARTICIPATING STATE AND TRIBAL AUTHORITIES.—

(1) NONDUPLICATION.—A tribe subject to this title is not required for purposes of this title to duplicate functions under this title which are fully carried out by a participating State or participating States within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a participating State or participating States—

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

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

SEC. 109. PROVISION OF NOTICE AND ACCESS TO INDIAN TRIBES.

(a) CONFORMING AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 4042(c)(1)(A) of title 18, United States Code, is amended by striking ''State'' and inserting ''State, Indian Country,''.

(b) RESPONSIBILITY OF PARTICIPATING STATES.—An appropriate participating State official, pursuant to this title and exercising jurisdiction pursuant to Public Law 93–280, shall ensure that notice is provided to any Indian tribe of the release into the jurisdiction of the Indian tribe of a covered individual.

(c) ACCESS TO NATIONAL SEX OFFENDER REGISTRY.—From funds made available under section 107, the Attorney General shall use such amounts as the Attorney General determines to be appropriate to make grants to Indian tribes for the development of electronic databases to provide access to information in the National Sex Offender Registry.

SEC. 110. APPLICABILITY TO MINORS.

Notwithstanding any other provision of this Act, the requirements of this Act are not applicable with respect to any individual who is only subject to such requirements because of a delinquent adjudication that occurred when the individual was a minor, unless that individual was charged and convicted as an adult.

SEC. 111. RULE OF CONSTRUCTION.

The provisions of this title that are cast as directions to participating States or their officials constitute only conditions that must be substantially met, in accordance with section 107, in order to obtain Federal funding under this title.

SEC. 112. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, participating States and political subdivisions thereof, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this Act.

SEC. 113. STATE UNCONSTITUTIONALITY.

(a) IN GENERAL.—Nothing in this title shall be deemed to require a participating State to take any action that would violate that participating State's constitution.

(b) FUNDS.—The Attorney General shall not withhold funds to any participating State under section 107 if the participating State declines to implement any provisions of this title on the ground that to do so would place the participating State in violation of its constitution or a ruling by the participating State's highest court.

(c) DEFERENCE.—In considering whether compliance with the requirements of this title would likely violate the participating State's constitution or rulings by the participating State's highest court under this section, the Attorney General shall defer to the participating State's interpretation of the participating State's constitution and rulings of the participating State's highest court unless those interpretations are clearly erroneous.

SEC. 114. REGULATIONS.

The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of fiscal years 2006 through 2009 such sums as may be necessary to carry out this title.

SEC. 116. EFFECT ON CURRENT LAW.

This title does not diminish any existing conditions on participating and non-participating States under current law.

TITLE II—DRU SJODIN NATIONAL SEX OFFENDER PUBLIC DATABASE ACT OF 2005

SEC. 201. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Dru Sjodin National Sex Offender Public Database Act of 2005''.

(b) DEFINITIONS.—The definitions in section 102 shall apply in this title.

SEC. 202. NATIONAL SEX OFFENDER PUBLIC REGISTRY.

(a) IN GENERAL.—The Attorney General shall maintain a national Internet site, to be known as the ''National Sex Offender Public Registry,'' through which the public can access information in the public sex offender Internet sites of all States by means of single-query searches.

(b) INFORMATION AVAILABLE IN PUBLIC REGISTRY.—With respect to Tier II and Tier III individuals and except as provided in subsection (e), the National Sex Offender Public Registry shall provide the following information:

(1) The name and any known aliases of the individual.

(2) The date of birth of the individual.

(3) A physical description of the individual.

(4) The current photograph of the individual.

(5) The domicile address of the individual.

(6) The address of the individual's place of employment.

(7) The address of any educational institution at which the individual is a student.

(8) The nature and date of all offenses qualifying the individual as a covered individual.

(9) The date on which the individual was released from prison, or placed on parole, supervised release, or probation, for the most recent offense qualifying the individual as a covered individual.

(10) Tier designation for the individual.

(11) Compliance status of the individual.

(c) SEARCH CAPABILITIES.—The National Sex Offender Public Registry shall have multiple search capabilities, including—

(1) searches by name; and

(2) searches by geographic area including searches by zip code area and searches within a radius specified by the user.

(d) TIER I INDIVIDUALS.—The Attorney General shall also provide, in accordance with this section, information related to a Tier I individual only if such information is provided by a State on that State's Internet site.

(e) FAMILY MEMBER OFFENSE.—The Attorney General shall provide, in accordance with this section, information related to a covered offense against a minor committed by a family member of the minor only if such information is provided by a State on that State's Internet site.

SEC. 203. RELEASE OF HIGH-RISK INMATES.

(a) IN GENERAL.—From amounts made available to carry out this section, the Attorney General may make grants to participating States for activities specified in subsections (b) and (c).

(b) CIVIL COMMITMENT PROCEEDINGS.—

(1) IN GENERAL.—Any participating State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to a State official responsible for considering whether to pursue such proceedings upon the impending release of any person incarcerated by the participating State who—

(A) has been convicted of a sexually violent offense; or

(B) has been deemed by the participating State to be at high risk for recommitting any covered offense against a minor.

(2) REVIEW.—Upon receiving notice under paragraph (1), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.

(c) MONITORING OF RELEASED PERSONS.—Each participating State shall intensively monitor, for not less than 1 year, any person who—

(1) has been deemed by the participating State to be at high risk for recommitting any covered offense against a minor;

(2) has been unconditionally released from incarceration by the participating State; and

(3) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

TITLE III—JETSETA GAGE PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

SEC. 301. SHORT TITLE.

This title may be cited as the ''Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005''.

SEC. 302. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

Section 3559(d) 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 Federal crime of violence against the person of an individual who has not attained the age of 12 years and has the intent to commit a serious sex crime as defined in section 2241 of title 18 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 12 years, be imprisoned for not less than 30 years to life;

''(2) if the crime of violence is a kidnapping or maiming (or an attempt or conspiracy to commit kidnapping or maiming) or results in serious bodily injury (as defined in section 1365), be imprisoned for not less than 20 years to life; and

''(3) if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for not less than 10 years to life.''.

SEC. 303. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by—

(A) designating the second sentence as paragraph (4); and

(B) striking the first sentence and inserting the following:

''(1) Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title and imprisoned for not less than 10 years to life, or both.

''(2) Whoever crosses a State line with intent to engage in a sexual act under the circumstances described in subsections (a) or (b) with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act under the circumstances described in subsections (a) or (b) with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title and imprisoned not less than 30 years to life, or both.

''(3) Whoever crosses a State line with intent to engage in a sexual act under the circumstances described in subsections (a) or (b) with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act under the circumstances described in subsections (a) or (b) with another person who has attained the age of 12 but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.''.

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

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

(B) by adding at the end the following:

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

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

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended by striking ''any term of years or for life'' and inserting ''not less than 30 years to life.''

(2) 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 ''or imprisoned not more than 4 years'' and inserting ''or imprisoned not more than 10 years.''.

TITLE IV—JESSICA LUNSFORD AND SARAH LUNDE ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Jessica Lunsford and Sarah Lunde Act''.

SEC. 402. PILOT PROGRAM FOR MONITORING SEXUAL OFFENDERS.

(a) DEFINITION.—In this section, the term ''sexual offender'' means an offender 18 years of age or older who commits a sexual offense against a minor.

(b) SEXUAL PREDATOR MONITORING PROGRAM.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General is authorized to award grants (referred to as ''Jessica Lunsford and Sarah Lunde Grants'') to State and local governments to assist such States and local governments in—

(i) carrying out programs to outfit sexual offenders with electronic monitoring units; and

(ii) the employment of law enforcement officials necessary to carry out such programs.

(B) DURATION.—The Attorney General shall award grants under this section for a period not to exceed 3 years.

(2) APPLICATION.—

(A) IN GENERAL.—Each State or local government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(c) 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.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2008 to carry out this section.

(2) REPORT.—Not later than April 1, 2008, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

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

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

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. ACCESS TO INTERSTATE IDENTIFICATION INDEX.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the Interstate Identification Index (established under the National Crime Prevention and Privacy Compact (42 U.S.C. 14616)) 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.

(c) 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 action sounding in tort for damages related to its access to the Interstate Identification Index.

(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 of a substantial risk of causing injury without legal justification, or for a purpose unrelated to its performance of activities or responsibilities under Federal law.

(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. 502. LIMITATION ON LIABILITY FOR NCMEC.

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:

''(g) LIMITATION ON LIABILITY.—

''(1) IN GENERAL.—Except as provided in subparagraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, shall not be liable in any civil or criminal action for the performance of its CyberTipline responsibilities and functions as defined by section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) and section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or for its efforts to identify child victims.

''(2) EXCEPTION FOR INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—The limitation on liability under subparagraph (1) shall not apply in any action in which a plaintiff or prosecutor proves that the National Center for Missing and Exploited Children or its officers, employees, or agents described in subparagraph (1), 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 section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) and section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or for its efforts to identify child victims.

''(3) EXCEPTION FOR ORDINARY BUSINESS ACTIVITIES.—The limitation on liability under paragraph (1) shall not apply to any alleged 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. 503. MISSING CHILD REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person;''; and

(3) in paragraph (3), as redesignated, by striking ''immediately'' and inserting ''within 2 hours of receipt''.

(b) DEFINITIONS.—Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking ''if'' through subparagraph (B) and inserting a semicolon.

SEC. 504. 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 1 sex offender management program under paragraph (1)(A), and at least 1 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. 505. AUTHORIZATION FOR AMERICAN PROSECUTORS RESEARCH INSTITUTE.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

SEC. 506. 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:

"PART II—SEX OFFENDER APPREHENSION GRANTS

"SEC. 2992. 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 tribes, 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. 507. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General shall, upon request of the chief executive of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or a State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational

agency, or to another person authorized by law to receive that information.

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

(d) DEFINITION.—In this section, the terms ''local educational agency'' 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).

SEC. 508. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance is authorized to make grants under this section to—

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

(2) 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. 509. SEVERABILITY.

If any provisions of this Act, any amendment made by this Act, or the application of such provisions or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

SEC. 510. FAILURE TO PROVIDE INFORMATION A DEPORTABLE OFFENSE.

Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

''(v) FAILURE TO PROVIDE REGISTRATION INFORMATION AS A SEX OFFENDER.—Any alien who is convicted under subsection (d) of section 103 of the Sex Offender Registration and Notification Act of a violation of subsection (a) or (b) of such section is deportable.''.

SEC. 511. REPEAL.

Sections 170101 and 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071, 14072) are repealed.

SEC. 512. CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Title 18 of the United States Code is amended—

(1) in sections 3563(a)(8) and 3583(d) by striking ''and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)'' and inserting ''and that the person comply with the Sex Offender Registration and Notification Act'';

(2) in section 4042(c)(3) by striking ''shall be subject'' and all that follows through ''1994)'' and inserting ''must comply with the Sex Offender Registration and Notification Act''; and

(3) in section 4209(a) by striking ''register in any State'' and all that follows through ''1994)'' and inserting ''comply with the Sex Offender Registration and Notification Act.''.

TITLE VI—COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES

SEC. 601. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

(a) DEFINITION.—In this section, the term ''sexual offender'' means an offender 18 years of age or older who commits a sexual offense against a minor.

(b) IN GENERAL.—The National Institute of Justice shall conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on—

(1) the effectiveness of State, tribal, and local responses to the requirements of this Act, including the effectiveness of particular jurisdictions as compared to others;

(2) compliance by sex offenders with the registration requirements of this Act;

(3) how this Act has affected the number of reported sex crimes against children;

(4) how this Act has affected the number of prosecutions and convictions of sex crimes against children;

(5) the utility of the National Sex Offender Public Registry to the public;

(6) the costs to States, tribes, and local entities of compliance with this Act and the relative costs and benefits of approaches undertaken by different jurisdictions;

(7) the effectiveness of treatment programs in reducing recidivism among sex offenders;

(8) the potential benefits to Federal, State, and local law enforcement agencies of access to taxpayer information pertaining to sexual offenders and the privacy implications to those individuals and others; and

(9) the potential benefits to Federal, State, and local law enforcement agencies of access to Social Security information pertaining to sexual offenders and the privacy implications to those individuals and others.

(c) RECOMMENDATIONS.—The study described in subsection (b) shall include recommendations for reducing the number of sex crimes against children and increasing the rates of compliance with registration requirements.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall report the results of the study conducted under subsection (b) together with findings to Congress, through the Internet to the public, to each of the 50 governors, to the Mayor of the District of Columbia, to territory heads, and to the top official of the various Indian Tribes.

(2) INTERIM REPORTS.—The National Institute of Justice shall submit yearly interim reports.

(e) APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section.

Mr. FRIST. I ask unanimous consent 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 any statements 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 (S. 1086), as amended, was read the third time, and passed.

Mr. FRIST. Mr. President, S. 1086, which we just passed, is the Sex Offender Registration and Notification Act. I do want to take a few moments to comment because this is an important piece of legislation. The House has passed companion legislation already in the past, but the fact that we have passed this bill tonight means we will dramatically impact the lives of hundreds, indeed thousands, of victims and potential victims of sexual predators.

This has been remarkable to me. I followed a Dateline series, ''To Catch A Predator,'' over the last several weeks and months, but it was 2 nights ago that my legislative director and my counsel e-mailed me, or BlackBerried me, at 9 o'clock at night and said that in a few minutes another episode of ''To Catch A Predator'' is coming on and I turned it on. Once again I saw the devastation that occurs today, which cannot be totally prevented but we know can be prevented by arming the American people with the tools that can help catch these predators and, once they are caught, making sure they are kept away from children, that children are kept out of their reach. I think we have all been moved by this excellent investigative type of reporting that has demonstrated, in shocking terms, today how vulnerable our children are to sexual predators, much of that originating and facilitated by the use of the Internet, at times when our children simply do not have that supervision there, minute by minute. The sexual predators reach into their lives, taking advantage of them, as vulnerable as they might be, and then literally ruining their lives.

This evening I am proud of what we have done. This body passed the Sex Offender Registry and Notification Act. It has been a long time. Several weeks ago on the floor I tried to get unanimous consent from the other side to agree to go to the bill unattached to other types of amendments unrelated to the registry itself, unrelated to these sexual predators. There was objection. We have been able to overcome, in the best spirit of this body, working together, those objections and pass this bill.

Among its many provisions—let me comment on three—it creates a National Sex Offender Registry that is accessible on the Internet and searchable by ZIP Code. For the first time you will be able to go on the Internet or have somebody in your family go on the Internet, put in a ZIP Code or surrounding ZIP Code, and you will know whether any sex offenders who might be in your neighborhood are actually in your neighborhood. For the first time you will be able to be armed with that information.

Second, it requires convicted sex offenders to register, including child predators who use the Internet to commit a crime against a minor. That registration is required. If you have been into the legal system and you have been labeled, appropriately so, a sex offender, you are going to go into this registry.

Third, it toughens criminal penalties for violent crimes against children under 12 years of age.

Just by creating a national registry we are going to make it easier for law enforcement to act on that tip and to identify and intercept sex offenders before they can commit those repeat crimes and victimize more children.

From the episode I saw two nights ago it was very apparent that one of the criminals—maybe it was more, but the second one I saw—was somebody who had been convicted before and was just about ready to go to jail but, once again, in that period before going to jail slipped out to commit another crime.

Currently, there are over 100,000 missing sex offenders who have failed to register under current State laws. This bill will enhance the penalty for failure to register from a Federal misdemeanor to a Federal felony. I am proud the Senate is acting to protect our Nation's most valuable resource—our children.

I close by thanking those people who are recognizable in the sense that they have been fighting for this legislation for such a long time; namely, our distinguished colleague from Utah, Senator ORRIN HATCH, whose bill this is, who has been on the issue, has helped educate all of us on both sides of the aisle, who has fought for this piece of legislation, who has encouraged me to keep fighting for this legislation in spite of others' attempts to attach unrelated amendments, and indeed because of his persistence, again, thousands of young kids will be safer in the future.

Also, there is someone I have gotten to know personally, but the American people know in large part because of his very effective voice on television, and that is John Walsh. John Walsh, who runs the National Center for Missing and Exploited Children, is commenting constantly and staying on this issue, having suffered a real tragedy with his own child in the past.

On ''Dateline NBC,'' the producer, who has done a tremendous job, Chris Hansen, has been the face and voice in heading this show, ''To Catch a Predator.''

The list could go on and on, but I know we have to keep moving on with tonight's business. This is such a huge success for the American people and for families. I appreciate my colleagues coming together to pass this bill.

NATIONAL CHILDHOOD STROKE AWARENESS DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 465, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 465) expressing the sense of the Senate with respect to childhood stroke and designating May 6, 2006, as ''National Childhood Stroke Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAMBLISS. Mr. President, I rise today to raise awareness about childhood stroke. Very little is known about the cause, treatment, and prevention of childhood stroke. Only through medical research can effective treatment and prevention strategies for childhood stroke be identified and developed. The earlier that we are able to diagnose and begin treatment for victims of childhood stroke, the better the chances are for recovery and a reoccurrence is less likely to happen.

The need for awareness on this issue was brought to my attention by a young man from Norcross, GA, Alan Blinder. In January of 2006, Alan was having a normal day at school, as any sophomore in high school would. As he was sitting in his fourth period Algebra class, the entire left side of his body went numb and he was unable to speak. Alan was escorted to the school nurse and she sent him home. That evening Alan's mother explained her son's situation to a friend who suggested the incident could have been a pediatric stroke. After seeing a physician, Alan learned that he had suffered a transient ischemic attack, or a mini stroke. These attacks can be ominous warning signs for potential future strokes. While Alan was able to receive a diagnosis from a specialist, there are thousands of children, adolescents, and parents who do not know the signs of this life threatening episode that leaves many individuals impaired. Alan was very lucky and I am happy to report that he is doing well. Alan is a smart young man who has a very bright future ahead of him.

Each year a stroke occurs in 20 out of every 100,000 newborns. Almost 3 out of every 106,000 children experience a stroke before the day they are born. Of these children who experience a stroke, 12 percent will lose their lives as a result. Over half of the children who have a pediatric stroke will have serious, long-term neurological disabilities, including seizures, speech and vision problems, and learning disabilities. The result of a pediatric stroke may require ongoing physical therapy and surgeries for years and into their young adulthood. The permanent health concerns and treatments resulting from childhood stroke can result in a heavy financial and emotional burden on both the child and the family.

It is my hope that greater awareness of the symptoms of childhood stroke, I introduce legislation to designate May 6, 2006, as Childhood Stroke Awareness Day. I urge the people of the United States to support efforts, programs, services, and advocacy of the American Heart Association to enhance public awareness of childhood stroke.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 465) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 465

Whereas a stroke, also known as a ''cerebrovascular accident'', is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by—

(1) a clot in the artery; or

(2) a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and preventio9n strategies for childhood stroke; and

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 6, 2006, as ''National Childhood Stroke Awareness Day''; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke, including—

(A) the Children's Hemiplegia and Stroke Association;

(B) the American Stroke Association, a division of the American Heart Association; and

(C) the National Stroke Association.

NEGRO LEAGUERS RECOGNITION DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 466, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 466) designating May 20, 2006, as ''Negro Leaguers Recognition Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, I, along with Senators TALENT and DEWINE, have proudly introduced a resolution recognizing May 20, 2006, as ''Negro Leaguers Recognition Day.''

Since 1885, long before Major League Baseball was integrated in 1947, African Americans were organizing their own professional leagues. These leagues did not succeed because of racial prejudice and lack of adequate financial backing. However, this changed dramatically with the inception of the first successful Negro league. On May 20, 1920, the Negro National League played its first game. Its creation was the result of the efforts of an African American player and manager named Andrew ''Rube'' Foster. Mr. Foster's success inspired the formation of other leagues.

As a result, on October 3, 1924, the first Negro League World Series game was played between the Kansas City Monarchs of the Negro National League and Hilldale of Philadelphia of the Eastern Colored League. This historic and exhaustive first series lasted ten games, covered a span of almost three weeks, and was played in four different cities. In the end, Kansas City claimed the championship.

But the lasting legacy of the Negro leagues, as the six separate leagues between 1920 and 1960 are collectively known, are the tremendous baseball players they produced. Some of the names we know and some we don't. Among them is Jackie Robinson, the first African American to break the baseball color barrier; Leroy ''Satchel'' Paige, who was considered one of the greatest pitchers of all time; Josh Gibson, who was a prolific home-run hitter; Larry Doby, the first African American to play in the American League in July 1947; and John Jordan ''Buck'' O'Neil, who was the first African American coach in the Major Leagues and who is now head of the Negro Leagues Baseball Museum.

It is important that we remember and honor these players. In breaking down the baseball color barrier, these pioneers dealt a blow to hatred and prejudice across America. Today, we can honor them by declaring May 20, 2006 as, ''Negro Leaguers Recognition Day.''

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

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

The resolution (S. Res. 466) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 466

Whereas even though African Americans were excluded from playing in the major leagues of their time with their white counterparts, the desire of many African Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its league until July 1959;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas six separate baseball leagues, known collectively as the ''Negro Baseball Leagues'', were organized by African Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew ''Rube'' Foster, on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, founded the Negro National League and also managed and played for the Chicago American Giants, and later was inducted into the Baseball Hall of Fame;

Whereas Leroy ''Satchel'' Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African American to play in the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan ''Buck'' O'Neil was a player and manager of the Negro League Kansas City Monarchs, became the first African American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chairs the Negro Leagues Baseball Museum Board of Directors, and has worked tirelessly to promote the history of the Negro Leagues; and

Whereas by achieving success on the baseball field, African American baseball players helped break down color barriers and integrate African Americans into all aspects of society in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 20, 2006, as ''Negro Leaguers Recognition Day''; and

(2) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation.

HONORING THE CONTRIBUTION OF CHIEF JUSTICE REHNQUIST

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H. J. Res. 83 which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 83) to memorialize and honor the contribution of Chief Justice William H. Rehnquist.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LEAHY. Mr. President, I am pleased to support passage of H.J. Res. 83, which authorizes funds for a bust to be placed in the Supreme Court honoring the late Chief Justice Rehnquist. Chief Justice Rehnquist served admirably on the country's highest court for 33 years—19 as Chief Justice. It is appropriate that we honor his service as we have the other Chief Justices with a bust in the Supreme Court building.

I was privileged to have known the Chief Justice for many years and to have had the pleasure of serving with him on the Smithsonian Board of Regents. We also shared a love for the beautiful land and the independent people of Vermont—a place that served as a special refuge for the Chief Justice and his family over the years. His courage and commitment were without question, particularly recently when he attended the last inauguration and continued work to the end.

It would also be fitting in my view to honor other important figures in the Supreme Court's history. Justices Sandra Day O'Connor and Thurgood Marshall broke barriers and became the first woman and first African American justices on the Supreme Court in our Nation's long history. Both are role models not only for women and African Americans who will follow them on the Supreme Court, but for judges everywhere and all Americans. It would be appropriate to honor their significant accomplishments and contributions to the law, to the Supreme Court and to the country by including them among those honored at the Supreme Court building.

Mr. FRIST. Mr. President, I ask unanimous consent the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

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

The joint resolution (H.J. Res. 83) was read the third time and passed.

The preamble was agreed to.

AUTHORIZING USE OF CAPITOL GROUNDS FOR SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. FRIST. I ask unanimous consent that Senate proceed to the immediate consideration of H. Con. Res. 359 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 359) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 359) was agreed to.

ORDERS FOR FRIDAY, MAY 5, 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., Friday, May 5. I further ask that following the prayer and pledge, the morning hour be deemed expired, and the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Tomorrow, the Senate will continue to discuss medical liability and small business health plans. Tomorrow, it will be necessary to file cloture motions on the motions to proceed to these bills. Senators can expect two votes Monday afternoon at approximately 5:15. These votes will be cloture votes to proceed to the two medical liability bills. If cloture is not invoked on these bills, we will have a cloture vote on Tuesday morning on the motion to proceed to the small business health plans bill.

I am pleased we will be addressing these health care issues which, if we enact this legislation, both the medical liability and the small business health plans, will diminish the cost of health care to everyone who is listening, to my colleagues and others listening across America. There is no question about it, the cost of health care will go down.

Secondly, it will improve access to health care. Right now, it is crazy. It is absurd that expectant mothers have to worry about whether they are going to have an obstetrician to deliver their child or there are people who have to worry about, if they are in a trauma accident, whether there is going to be somebody at the hospital who can give them the immediate treatment, therapy that can be curative at the time they arrive. But that is the reality. That is where we are today.

If we come together, put partisanship aside and address these bills on principle, then we can do a lot for the American people in terms of affordable health care, assuring access to health care, and raising the quality of health care.

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 6:32 p.m., adjourned until Friday, May 5, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 4, 2006:

THE JUDICIARY

JEROME A. HOLMES, OF OKLAHOMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE STEPHANIE K. SEYMOUR, RETIRED.

VALERIE L. BAKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CONSUELO B. MARSHALL, RETIRED.

DEPARTMENT OF JUSTICE

CHARLES P. ROSENBERG, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE PAUL J. MCNULTY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT J. ELDER, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID A. DEPTULA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. VICTOR E. RENUART, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. JAMES G. STAVRIDIS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, May 4, 2006:

THE JUDICIARY

BRIAN M. COGAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

THOMAS M. GOLDEN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 4, 2006 withdrawing from further Senate consideration the following nomination:

JEROME A. HOLMES, OF OKLAHOMA, TO BE UNITED STATE DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, WHICH WAS SENT TO THE SENATE ON FEBRUARY 14, 2006.

EXTENSIONS OF REMARKS

NATIONAL POLICY CONCERNING PRIVACY OF HEALTH CARE RECORDS

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. STRICKLAND. Mr. Speaker, on behalf of the National Academies of Practice I would like to submit the National Policy Concerning Privacy of Health Care Records Paper to the CONGRESSIONAL RECORD.

NATIONAL POLICY CONCERNING PRIVACY OF HEALTH CARE RECORDS

SUMMARY

Confidentiality—the understanding that information given in confidence will be held in confidence—has characterized the patient-practitioner relationship for the last 2400 years or more. It has been an essential component of the professional's promise to be a conscientious fiduciary, a promise that has been the cornerstone of patient trust in the health care system.

Privacy—the right of the individual ''to be left alone,'' a liberty of personal autonomy that the Supreme Court has held to be protected by the 14th Amendment—has been emerging over the last several decades as a salient issue in health care. This emergence is driven by technological changes that have radically altered the ability of confidentiality pledges alone to assure the security of sensitive personal information. Privacy is related to confidentiality but has differing implications that need to be understood.

An effective health care system requires sound public policy that sensitively addresses privacy and confidentiality issues in ways that do not jeopardize the crucial patient-professional relationship and do not impair the practitioner's ability to justify the trust of his/her patients.

Introduction: This paper is a brief description of the issues involved in health care confidentiality and in statutory regulation of patient privacy rights. It suggests the direction that national policy should take in addressing these issues. It reflects the perspective of the National Academies of Practice (NAP), a multidisciplinary body of distinguished health care practitioners that was founded to distill the wisdom of the practice community into functional national health policy.

Confidentiality: Confidentiality is the assurance that information received in confidence will be held in confidence. As part of their ethical commitment, professionals have promised confidentiality of patient information from as long ago as approximately 400 BC, with the introduction of the Hippocratic Oath: ''All that may come to my knowledge in the exercise of my profession . . ., which ought not to be spread abroad, I will keep secret and will never reveal.'' A similar confidentiality promise has been incorporated into almost every ethics code of almost every health care profession since that time. Trust, based in part on assurance of confidentiality, is necessary to achieve open communication and cooperation. Without such trust, professional effectiveness is severely limited or impossible. The National Consumer Health Privacy Survey of 2005 (California HealthCare Foundation) suggests that this trust is severely stressed in our modern health care system.

Privacy: Privacy, in the words of Justice Louis Brandeis in 1890, is the ''right to be left alone.'' This right has been held to be supported by the 14th Amendment, and partially supported by the 1st, 4th, and 5th Amendments. In varying degrees, the right has been extended to certain personal records and other information; however, case law and judicial holding about the right to privacy of personal information is still in flux. The November 2, 2005 ruling on No. 04–2550 in the United States Court of Appeals for the Third Circuit, Citizens for Health v. Leavitt, suggests that such right may depend more on individual statutes than on constitutional protection.

Privacy was not a traditional consideration in health care, but has become one. The patient does not want to be ''left alone'' in the treatment relationship, but does want his or her health information to be held in confidence. Traditionally, when only the professional had access to the record, usually a hand-written notation in his or her private file, privacy of the record itself was automatic so long as confidentiality was maintained. Today, good health care requires that the professional's findings be entered into a permanent health care record that is available to multiple other parties. When that happens, the professional loses control of the information, and only protection of the record itself can assure professional confidentiality. That protection is directly dependent on privacy policies or laws that fall under statutory rather than professional control.

Adjudication of privacy rights under law, especially the extension of those rights to health record information, did not have its origin in health care concerns. herefore, people writing privacy policy tend to be unfamiliar with the tradition of health care and confidentiality, just as health care providers, steeped in the tradition of confidentiality as an ethical commitment, tend to be uninformed about the nuances of privacy law. The hazard is great that health care practitioners, with the wisdom of the ages behind them in building necessary patient trust, will be ignored in the development of privacy law and that those who develop privacy policy will be insensitive to the critical nature of the patient-practitioner relationship. At risk is the functionality of health care delivery, one of the most humanely important and economically significant enterprises in the country.

Cultural Shift from Confidentiality as Sole Protector of Privacy: The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and other groups require accredited facilities to have in place patient's rights regulations that protect sensitive health information. As noted, the safety of such records can no longer depend on confidentiality agreements alone. Privacy of the health care record itself has to be assured. Extensive national policy positions have recently been established to address the privacy issue. The most notable is the Health Insurance Portability and Accountability Act (HIPAA), which laudably adds many necessary patient protections. Health care professionals nevertheless find HIP AA to be both ineffective and burdensome in certain key respects. Future refinements are clearly needed. Understanding the shift from exclusive reliance on confidentiality to the need for privacy laws can point toward effective solutions. Four trends warrant highlighting.

Numerous health care professionals, third party payers, employers, and support personnel are routinely involved in today's health care system. The health care record has become the medium of communication among these involved groups. The health care professional can neither functionally withhold sensitive information from the record nor control the use of that information by others. The old promise of confidentiality is therefore no longer adequate protection of the sensitive information.

Technology has greatly increased the amount of sensitive information that directly enters the record, information that is not directly under the practitioner's control. These data include X-rays, blood chemistries, and numerous other laboratory or technologist-based findings. At the same time, the need for these laboratory personnel and technologists, as well as insurers, consultants, and others, to have access to health care information increases. All of these developments magnify the importance of controlling the health care record itself and its use by everyone with access to it.

The growing complexity of the health care system places increasing demands on the health care record. In response, the information age is replacing traditional multiple written records with a single electronically encoded one that can be accessed by almost any properly prepared person almost anywhere on earth. This shift to an agglomerated record in electronic format greatly magnifies the utility of the record as an aide to effective health care. At the same time, it creates a nightmare for control of privacy of the information it contains. Not only are confidentiality pledges inadequate but so also are privacy laws that cannot prevent hacking and other forms of electronic information theft.

The primary ingredient of effective health care over the last 2400 years or so has been the commitment of health care professionals to be conscientious fiduciaries. That continues to be the primary ingredient, but one that is being increasingly obfuscated by the shift from guild control to legal control of health care practice. As already noted, laws are necessary to implement privacy rights. Similarly, legally enforced licensing laws have replaced guild control of code of conduct issues, and the growing complexity of the health care system has interfaced health care with the legal system as never before. The result has been a tendency to raise both public and regulatory expectation that legal mandate can guarantee professional integrity. In fact, laws can supplement but cannot guarantee or replace professional integrity, which is as critical today for effective health care as it ever was. How far this muddying of the critical importance of the professional relationship will go remains to be seen. In the mean time, it creates a pressure for the professional to shift away from ''caring'' practice to ''safe'' practice and for the patient to shift away from a ''trusting'' attitude to a ''litigious'' attitude. Both of these trends are often at the expense of effectiveness of treatment and economy of service delivery. The shift toward legal regulation is

inevitable, so the sensitivity with which policies and laws are drafted is absolutely critical for the future health of the nation.

The foregoing are dramatic changes in long-accepted traditions. Privacy of the health care record, legally regulated, is the visible ''new kid on the block.'' Unlike professional confidentiality, it has little ''wisdom of history'' behind it. Not surprisingly, there is a tendency to address privacy by tactics that might work for confidentiality but do not work for privacy, by placing heavy penalties on professional breaches. This is ineffective when little attention is given to the leaky-sieve aspects of the health care record system itself. In fact, it can be severely counter-productive if it poisons the traditional trusting relationship between patient and professional. The urgent need is for highly sensitive and highly enlightened health care policy that preserves the wisdom of the past.

Tentative Answers to Complex Questions: Five questions arise in the context of the new privacy era in health care.

1. How extensive should the health care record be? The health care record will, and should, become increasingly complex and extensive. Information technology allows the retention and utilization of vast quantities of information. The future health care record will almost certainly be in electronic form. With electronic data manipulation techniques, even an extensive record can be efficiently sorted to allow quick decisions about immunizations, allergies, past responses to specific treatment approaches, drug interaction risks, excessive or inappropriate drug use, and similar questions of care. Aggregated data across a given problem or disease spectrum could identify both promising and ineffective treatment approaches. The potential gain from having such records is impressive indeed, and the technology for collecting, preserving, and utilizing them is already largely in place.

2. Who should have access to what information? Portions of the health care record should be accessible by every health care practitioner with whom each client will potentially interact. Other portions should be accessible by insurers, managed care officials, and similar non-health-care personnel who have a direct and necessary ''need to know.'' Portions should be available for malpractice monitoring and similar purposes. Portions should be available to research programs, perhaps stripped of data identifying the individual source. The number of people who should have legitimate access, in the interest of improving the health of both our individual citizens and the nation itself, will inevitably grow.

3. How can access be made easy on a ''need to know'' basis? In this electronic age, partitioning the record for limited access is technologically easy. For example, a school nurse needing to certify an immunization record neither needs nor wants to sort through the entire record. An electronic summary of immunizations can be programmed into the record and be made immediately available to a coded request by a ''school health worker.'' Similarly, current health status and current proposed or completed treatments can be electronically isolated for benefit of reimbursement or managed care assessments without exposure of the entire chart. The mental health record can be sequestered, with access limited to those with legitimate interest in that area. In general easy electronic access to appropriate data can be designed into the system, provided inappropriate policies do not frustrate legitimate access in the name of security.

4. How can inappropriate access be prevented? Any effective solution requires that the electronic record itself be designed from the beginning to incorporate essentially fail-proof security features. In the past, ''loose lips'' were the primary problem, people with legitimate information intentionally or unintentionally leaking that information. Control of people was the primary solution. Within the health care professions, lapse of confidentiality has long been addressed by guild ethics and by licensing laws that regulate the actions of the professionals. Outside of the health care professions, especially in the economic sector, abuse of confidentiality still needs to be addressed more effectively.

Although important, loose lips are not the primary problem. They usually endanger only one person at a time, rather than thousands whose data may be accessible in the electronic record. Limiting access to the electronic record to those with a legitimate need to know is the most significant key to guaranteeing privacy. Electronic data can be hacked, copied, transported, collected, sold, and otherwise manipulated in ways that are difficult to detect by people who are hard to identify. Passwords and other access codes, encryption, and the like may be essential, but they are not enough. The Internet, the primary platform for current electronic data portability, has not yet achieved the levels of security that are necessary.

A workable system might involve a completely separate health information network operating out of a centralized data bank and accessible only through authorized terminals. Security might involve requiring bio-electronic screening for palm prints, iris patterns, voice prints, or the like prior to system access. Electronic ''footprints,'' or audit trails, could preserve a record of all data accessed and for what purposes. An alarm system could alert a central information-monitoring group when an unauthorized access was attempted or when an unusual pattern of access was detected. Such steps would make unwarranted penetration of the system rare, access to the system by authorized persons easy, and apprehension of violators probable.

5. Who should control the privacy information? Privacy rights should guarantee that health care information is held confidential within the health care system, except as the patient explicitly opts out of the privacy agreement. It is the patient's knowledge that his or her own sensitive information will be used only for health care purposes that assures the trust necessary for effective cooperation. Circulation of the information within the legitimate health care system is necessary and functional, but circulation outside of that system, without explicit and uncoerced patient consent, should be taboo. Public knowledge of personal health problems can be severely damaging. One only has to recall Eagleton's vice-presidential nomination.

A few legally mandated requirements, such as the duty to protect or the duty to alert authorities of abuse of helpless patients, currently require exceptions to confidentiality. Perhaps other exceptions are warranted, but professional experience suggests that they should be rare and very carefully crafted. We suggest that they should be limited to those circumstances that pose an explicit future threat to others or an abuse against which a patient is not capable of protecting himself/herself.

While a patient may voluntarily choose to waive some privacy rights, perhaps in exchange for convenience or other benefits, waivers that are determined by law as part of health care policy, as in certain sections of HIPAA, are often more disclosure notices than they are matters of voluntary consent. Without true voluntary consent, there is no choice and no trust. These complexities reflect the early growing pains of privacy law and can have serious unintended consequences.

It is in these areas of developing health care policy and related privacy law that health care practitioners can make some of their most important policy contributions. The danger is that others who determine such policies may either fail to understand or simply disregard the practitioner perspective, at great harm to the nation's health.

Conclusions: Practitioner work is anchored on two premises that have stood the test of time: patient trust, which is necessary for essential communication, and the guarantee of confidentiality of information, which requires that the health care record be used exclusively for health care purposes. The National Academies of Practice recommends that information in the health care record should be exclusively available for health care purposes and that the record should be protected from access for any other use.

Maintaining privacy with an ever expanding and easily accessible electronic health care record, in an ever more complex health care delivery system, requires new approaches. These approaches must be integrated into the record keeping and service delivery systems themselves, through technological safeguards. Health care practitioners cannot control the privacy of the health record and do not control privacy policy, but our long experience with confidentiality issues and our pragmatic wisdom concerning the treatment process offer understanding that should be an essential part of policy development.

Some present trends in national privacy policy are threatening the integrity of the practitioner/patient relationship. A sensitive and sophisticated privacy policy for health care records that does not jeopardize the necessary trust of the patient is critical to assure the effectiveness of health service delivery. Health care professionals that represent the wisdom of the multidisciplinary practitioner community are an indispensable resource for such policy development. Failure to incorporate them, visibly and functionally, into the policy making process risks jeopardizing the millennia-long practitioner tradition of establishing consumer trust on which the effectiveness of health care depends.

THE POLICE UNITY TOUR

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Police Unity Tour. On May 9th, the Police Unity Tour will kick-off their 10th anniversary bicycle tour to our Nation's capitol.

For the past nine years, police officers have mounted their bicycles and cycled from New Jersey to Washington, DC, in memory of the men and women of the police force, who have sacrificed their lives while protecting our communities from harm. This year, the ride will begin on May 9 and end on May 13. The officers will depart from the Florham Park Police Headquarters, in Florham Park, NJ and will arrive at the National Law Enforcement Officer's Memorial in Washington, DC, culminating their journey with a candlelight vigil.

Established 10 years ago by Patrick P. Montuore of the Florham Park, NJ, Police Department, the Police Unity Tour started with 18 riders and has grown into a Nationwide project with participants and supporters from all over the country. The mission of the tour is to bring awareness to the lives of police officers who have died in the line of duty. The number of participants continues to grow with over 700 police officers participating last year.

In route to Washington, the tour will stop at Ground Zero, a place that will forever remind us of American heroes. The Police Unity Tour honors the heroes who lost their lives that day and reminds us that everyday our police officers, firefighters, and emergency service personnel devote their lives to protecting and serving our communities. Too many of these officers make the ultimate sacrifice and to them we are eternally grateful. We must never take their actions for granted and always remember the families and friends they leave behind.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the participants of the Police Unity Tour on their 10th anniversary and for the work they do honoring those police officers who have died in the line of duty.

CELEBRATING THE 60TH ANNIVERSARY OF LA PERLA CAFÉ IN PHOENIX, AZ

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to La Perla Cafe, a Mexican food restaurant in Glendale, Arizona, and its owners, the late Joseph Peralta Pompa, his wife Eva Macias Pompa, and their family, on the occasion of the 60th Anniversary of their restaurant.

La Perla has been a popular family-operated restaurant in the west Valley since 1946. In an industry where small business owners sometimes struggle to survive, the Pompas have thrived by following one simple rule: Serving food as good as what you make at home.

The Pompa family history in Arizona dates back to the early 1900s. Joseph Pompa was born in Pierce, Arizona, the son of the Pompas from Sonora, Mexico. When he was one year old, his father abandoned the family, which included his mother and seven sisters. The family moved to Jerome, Arizona, and Joseph, or Joe, began working as a copper miner at the age of 14.

Eva Macias Pompa was born in Camargo, Chihuahua, Mexico, and immigrated to the United States at the age of 1, along with her widowed mother. They arrived in Clarkdale, Arizona, where Eva's mother made a living by cleaning houses. She eventually remarried and had five more children. Eva's stepfather later became very ill so Eva had to quit high school in order to work to support her family. She cleaned houses to help make ends meet.

Joseph and Eva Pompa met and married in 1935. When Joe married Eva, he was the Welterweight Champion for Arizona. Eva couldn't bear the violence of boxing, and Joe retired from the sport. He took correspondence courses on electronics when he had free time, and received his degree. He was then hired as an electronic engineer at Goodyear Air Research.

The couple opened La Perla in 1946, determined to make their restaurant a success. Eva learned her cooking skills from her mother and had a passion for not only cooking Mexican food, but all ethnic foods. The Pompas were very kind, hard working people who wanted their children to have all the educational opportunities available, and to pursue a life defined by faith in God, pride in one's work, and happiness. As the restaurant took off, Joe and Eva had four children: Sylvia, Gloria, Joanne and Joseph. In 1961, Joseph senior passed away. Despite his sadness, the younger Joseph, also known as Butch, started working in the restaurant at the age of 13 to take his father's place. Butch grew up, married and had four sons and a daughter. Butch's son Gabe, a graduate of the San Francisco Culinary Art School, now is head of catering for La Perla and oversees cooking assistants.

La Perla has at one time or another employed aunts, uncles, cousins, and multiple generations of Pompa family members. The four generations of Pompas number into the hundreds and are part of the great American success stories woven into our U.S. history. Working as cooks, chefs, lawyers, teachers, salespeople, or real estate agents, all the Pompas have contributed to this country in their pursuit of the American Dream.

For this reason, I wish to honor The Pompas and I ask my colleagues to join me in congratulating the family on the occasion of La Perla Cafe's 60th Anniversary, and wishing them many more years of success.

COVER THE UNINSURED WEEK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KUCINICH. Mr. Speaker, this is Cover the Uninsured Week. As we take this occasion to reflect on the ways in which we can cover the uninsured, I encourage my colleagues to address the issue head-on. We need a solution that will not only address the uninsured problem, but will also address the rising cost and inequities.

Consider that we pay almost twice as much for health per person than the average of other industrialized countries. Yet the World Health Organization ranks our health care system 37th in the world. The situation is worsening as costs continue to increase, employers continue to scale back coverage and the number of uninsured, now 46 million, continues to rise. Four out of five (82%) of the uninsured are in working families. 46% of all bankruptcies were either fully or partly caused by illness or medical bills according to a Harvard study. Three-quarters of those bankrupted by illness were insured when they first got sick. Our health care system based on private health plans gives us low quality, inefficiency, inaccessibility and is ultimately unsustainable.

The inefficiency of privately administered health care is especially stark. Between 1970 and 1998, total healthcare employment in the US grew 149 percent while the number of managers in health care grew 2348 percent. Our businesses bear the burden of that inefficiency because they provide health care to most Americans lucky enough to have it. All other industrialized countries have universal health care that costs less. The result is that our businesses are losing competitive advantage. Ontario now makes more cars than Detroit. Canadian GM, Ford, and Daimler Chrysler signed a letter in support of their single payer heath care system because of the advantage it gives them.

Managed care has failed. Employer based insurance is failing and dragging down American businesses. Consumer driven health care being trumpeted by right wing ideologues tries to control costs by providing less care, not more. Instead, we need to control costs by addressing the real inefficiencies, not by growing the uninsured and underinsured. We know exactly how to do it.

Traditional Medicare enjoys consistently higher satisfaction ratings than private insurance. Its overhead costs are about 3 percent compared to overhead costs of private health plans which average about 31 percent. Medicare's rates of cost increase have been significantly lower than in private health plans. We need such a time tested, rock solid model like Medicare to address our health care crisis. In fact, by addressing the inefficiencies, we could bring everyone in the U.S. under Medicare and they would pay no premium, no deductible, and no copayments.

Polls consistently find that Americans favor expanding government guaranteed health insurance like Medicare to all Americans. The Deans of medical schools including Harvard and Stanford, 14,000 doctors, including the former editor of the New England Journal of Medicine, and two former Surgeons General now support national health insurance like HR 676. Newspapers around the country are making the case for Medicare for All, including two recent editorials in the New York Times and the Wall Street Journal. Over 100 unions have officially endorsed it. HR 676 boasts the support of 69 members of Congress, including 9 ranking members of full committees and 28 ranking members of subcommittees.

Access the high quality health care is a right. I encourage my colleagues to support real health care reform that covers all of the uninsured and contains costs. Please support HR 676, the Expanded and Improved Medicare for All Act.

IMMIGRANTS ANSWER CALL TO SERVICE, CALL TO NEW LIFE

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. REICHERT. Mr. Speaker, I rise today to call attention to a problem we're seeing the effects of all over the country, immigration.

As a former cop, I respect and appreciate those who've dedicated their lives to serving others as well as those who appreciate the rule of law and honor it. In my time in Congress, I've seen these two values come together in an interesting way as my office has assisted in immigration casework.

Abdullah Yousify contacted my office because he needed citizenship to continue his work in Iraq with Northwest Medical Teams.

Repeatedly, Yousify would travel at his own expense back to Seattle when CIS requested new fingerprints again and again and he once risked his life in Iraq to have fingerprints taken there. He was sworn in as a citizen last October and is now able to continue serving with the Northwest Medical Teams.

A neurologist from China who specializes in treating patients with multiple sclerosis contacted my office. This young doctor was trying to teach medicine in this country but was having trouble working with CIS. We tracked down her work authorization and it was sent to her and she is now poised to begin teaching medicine at Stanford.

Wade Bain from Trinidad wanted to join American Special Forces but couldn't get the national security check completed in order to do so. We were able to help him and he received his citizenship, allowing him to join Special Forces.

These individuals didn't want to become Americans for personal gain; they wanted to become Americans to serve others. They embody the American ideal of helping others regardless of personal cost.

It is vitally important that we implement immigration reform. We need a bill that strengthens our borders and protects this nation, but that also makes it simpler for good people to become Americans. We need a bill that provides a way for immigrants who are in this country illegally to register and become documented, lawful immigrants. There must be penalties for individuals who've violated American immigration laws. However, we must encourage undocumented individuals to ''get right'' with our government and register.

We must face the reality of immigration in this country. In Washington State, the immigrant population has grown by 42 percent in the five years between 2000 and 2005—which is an increase from 8 percent to 10.6 percent of the overall population—and the jobless rate in the state has hit a 6 year low. Immigration is not just compatible with but is a necessary component of economic growth. Going forward, as we work to strengthen our border in the interests of homeland security, we must also recognize the economic importance of immigration reform. I look forward to voting for a bill that appreciates the importance of both when safeguarding the security and economic future of this country.

CONGRATULATING NANCY AMOS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Nancy Amos for being named the 2006 Woman of the Year by the Dallas-Fort Worth Chapter of Women in Transportation.

Ms. Amos attained her Bachelors in Business Administration from Texas Wesleyan University. She then went on to receive her Masters Degree from the University of Texas at Arlington. Ms. Amos is an avid member of the American Heart Foundation, the Fort Worth Chamber's Foundation Board, and the founding member of UTA Fort Worth's Advisory Council. She and her husband Charley reside in Arlington, Texas and have two children as well as two grandchildren.

Through her remarkable clout and ingenuity in her twenty-five years in the field of public transportation, Ms. Amos has definitely raised the bar for the advancement of women in this area. One of Ms. Amos' many highlights was her active involvement in the introduction of the Trinity Railway Express to the Dallas-Fort Worth Metroplex as the coordinator for the acquisition of the Rock Island and Pacific freight railroad. This laid the groundwork for the only commuter rail in Texas.

Mr. Speaker we are truly fortunate in my community to have the type of dedicated professional that Nancy Amos personifies, and I wish her every success during the continuance of her future endeavors.

CONGRATULATING BOB RUTLEDGE ON THE OCCASION OF HIS RETIREMENT AS HEADMASTER OF ST. PAUL'S EPISCOPAL SCHOOL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BONNER. Mr. Speaker, it is a real pleasure to rise today to honor Mr. Bob Rutledge, a man who has devoted practically all of his adult life to the benefit of literally thousands of young men and women who live in Mobile, Alabama. In just a few days, Bob will be stepping down as headmaster of St. Paul's Episcopal School in Mobile.

For the past 33 years, Bob has been an integral part of the school's history and development, and he leaves behind a rich legacy that has helped to make St. Paul's one of the finest schools in Alabama.

Bob began his career in education in the Florida public school system where he served as a teacher and coach of both the football and track teams. In 1971, he moved to Jackson, Mississippi, where he served at St. Andrew's Episcopal School as the director of the upper school, director of athletics, and varsity football coach.

In 1973, he joined the staff of St. Paul's, initially serving as the school's head football coach and athletic director. In no time, it became apparent that Bob Rutledge's influence and leadership extended far beyond the athletic field.

In 1984, Bob assumed the role of upper school director, and a few years later, he was tapped assistant headmaster as well as admissions and alumni director. And in 1994, the Board of Trustees appointed Bob headmaster, making him only the sixth person to hold this important position in the school's rich history.

Mr. Speaker, without a doubt, Bob Rutledge has worked tirelessly to help transform St. Paul's into one of the premier college-preparatory schools in the southeast. Moreover, he has worked hard to build a school that is recognized throughout the state for its top-notch staff and first-rate faculty.

Without question, Bob Rutledge is an outstanding example of the quality of individuals who have devoted their entire life to the field of education. Mr. Speaker, I ask my colleagues to join with me in congratulating Bob on his remarkable career and his many, many contributions. I know his lovely wife, Martha, as well as his family, friends, and the entire St. Paul's community join with me in praising Bob for his accomplishments and extending our sincerest thanks to him for his many efforts over the years on behalf of the young men and women who have been a part of St. Paul's Episcopal School.

BAHIA GRANDE'S NATIONAL COOPERATIVE CONSERVATION AWARD

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to commend the U.S. Fish & Wildlife Service and the Bahia Grande Restoration Project's 60 partners upon their receipt of the Department of the Interior's 2005 Cooperative Conservation Award. This award acknowledges the collaboration activity among diverse agencies working to restore our environment.

The legacy we leave our children and our grandchildren is the condition of the Earth beneath our feet. Some of the most fragile—and at the same time, most important—parts of that legacy are the delicate wetlands that buffer our continent.

The project's participants have demonstrated an understanding of this delicate intersection of wetlands and our continent by finding new and creative ways to sustain the Bahia Grande wetland in South Texas.

Through their teamwork and innovativeness, the Bahia Grande partners have managed to walk the line between environmental and economic prosperity to achieve an ecologically and economically successful community. Federal, state, local and tribal governments, as well as private groups, nonprofit institutions, and nongovernmental entities have worked together on discerning a path to solve what seemed to be an unsolvable problem, further exemplifying the cooperative spirit this award honors.

The Bahia Grande suffered from the construction of the Brownsville Ship Channel in the 1930s, which blocked the natural tide action necessary to maintain the basin under water. The basin eventually dried up and began blowing clouds of dust, jeopardizing the health of nearby residents and damaging area schools.

With the help of many people, these consequences were addressed and mitigated. By allowing the Port of Brownsville to flood the Bahia Grande, the moisture will prevent the dry sand from blowing around and affecting the health of those in the area.

What was once an idle dust bowl plaguing surrounding cities has now become the largest wetlands restoration effort in U.S. history. Once completed, more than 10,000 acres of the Bahia Grande wetland system will be permanently flooded and restored.

I ask the House of Representatives to join me today in honoring the active support and involvement of those contributors in the Bahia Grande Restoration Project. Mr. Speaker, they have recognized the importance of environmental conservation on our lives; and for that, we must recognize them.

IN TRIBUTE TO ART HEITZER'S 40 YEARS OF COMMUNITY LEADERSHIP

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to honor a noted Milwaukee community leader, Mr. Art Heitzer, as his colleagues, friends, and family gather to celebrate his 40 years of activism. Throughout his life, Art has maintained an unwavering commitment to improving the quality of life for everyone in Milwaukee, while never losing sight of Milwaukee's connections to the wider world.

Art emerged as a compelling student leader while studying at Marquette University in the 1960s. As President of the Marquette Student Government, he helped organize student demonstrations that led to the creation of the Equal Opportunities Program, which provides low-income students and students of color with the academic support, tutoring and mentoring they need to succeed. A whole generation of community leaders who have since been educated at Marquette—myself included—are indebted to Art for leading this charge.

Art Heitzer is nationally known for his pathbreaking work in employment law, and has attained leadership positions in state and national professional associations as a result of his success. An active citizen, he has been a noted member of the Midtown Neighborhood Association, and a committed leader of Peace Action Wisconsin. He serves on the boards of the Fourth Street Forum and Ko Thi Dance Company, and is a member of Central United Methodist church.

A true citizen of the world, Art has been a longtime advocate for changes to U.S. foreign policy toward Cuba. A strong opponent of the travel ban, he has organized religious and civic delegations to visit Cuba, and has been instrumental in developing a sister city relationship between Milwaukee and Nuevitas. He has acted out of his passionate belief that increasing connections between U.S. and Cuban citizens can only improve the state of democracy and human rights in Cuba and at home. Mr. Speaker, it is truly a privilege to pay tribute today to Art, his wife Sandra Edhlund and son Franz, and to thank all of them for their commitment to improving Milwaukee and our world.

LETTER TO PRESIDENT BUSH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KUCINICH. Mr. Speaker, on April 14, 2006, I sent the following letter to President Bush regarding reports of United States troops conducting military operations in Iran:

DEAR PRESIDENT BUSH: Recently, it has been reported that U.S. troops are conducting military operations in Iran. If true, it appears that you have already made the decision to commit U.S. military forces to a unilateral conflict with Iran, even before direct or indirect negotiations with the government of Iran had been attempted, without UN support and without authorization from the U.S. Congress.

The presence of U.S. marines in Iran constitutes a hostile act against that country. At a time when diplomacy is urgently needed, it escalates an international crisis. It undermines any attempts to negotiate with the government of Iran. And it will undermine U.S. diplomatic efforts at the U.N.

Furthermore, it places U.S. troops occupying neighboring Iraq in greater danger. The achievement of stability and a transition to Iraqi security control will be compromised, reversing any progress that has been cited by the Administration.

It would be hard to believe that such an imprudent decision had been taken, but for the number and variety of sources confirming it. In the last week, the national media have reported that you have in fact commenced a military operation in Iran. Today, retired Col. Sam Gardiner related on CNN that the Iranian Ambassador to the IAEA, Aliasghar Soltaniyeh, reported to him that the Iranians have captured dissident forces who have confessed to working with U.S. troops in Iran. Earlier in the week, Seymour Hersh reported that a U.S. source had told him that U.S. marines were operating in the Baluchi, Azeri and Kurdish regions of Iran.

Any military deployment to Iran would constitute an urgent matter of national significance. I urge you to report immediately to Congress on all activities involving American forces in Iran. I look forward to a prompt response.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

CONGRATULATING REV. JOHN S. KRAFCHAK ON THE OCCASION OF HIS 50TH ANNIVERSARY OF ORDINATION TO THE PRIESTHOOD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Rev. John S. Krafchak, pastor of St. Mary of Czestochowa Church, Nanticoke, Pennsylvania, who is celebrating his 50th anniversary of ordination to the priesthood on May 26, 2006.

Father Krafchak was born in Old Forge, Pennsylvania, in 1931, a son of Ann Marie Potempa and John Krafchak. He graduated from St. Ann's Monastery High School in West Scranton. He attended St. Mary's College, Orchard Lake, Michigan; St. Mary's Seminary and University, Baltimore, Maryland. He was ordained on May 26, 1956, in St. Peter's Cathedral, Scranton, by then Bishop Jerome D. Hannon.

Father Krafchak was first assigned as assistant pastor at Holy Name of Jesus Church, Swoyersville, Pennsylvania. He was later transferred to St. Mary's Church, Nanticoke and then to St. Hedwig's Church, Kingston. Following that assignment, he was transferred to St. Mary's Church of the Maternity in Wilkes-Barre. In 1974, he was named administrator at Ss. Peter and Paul Church, Sugar Notch and, in 1983, was named pastor at St. Mary's Church in Nanticoke, where he is presently.

Over the years, he taught at Marymount High School in Wilkes-Barre and West Side Central Catholic High School in Kingston.

Father Krafchak is well known as a ''people's priest'' because of how intensely he has worked with his parishioners on a myriad of projects and issues.

Over the years, Father Krafchak was especially interested in building his parish's religious education programs as well as the marriage preparation and family life programs. He was also very concerned about parish restoration and expansion projects as well as stabilizing parish finances. At his present parish, he oversaw the construction of a new rectory in 1986.

Mr. Speaker, please join me in congratulating Father Krafchak on a remarkable priestly career. His devotion to his chosen vocation and his commitment to the people he served is an inspiration for others in the value of selfless service. Father Krafchak has left an indelible mark on the lives of thousands in northeastern Pennsylvania and, in the process, has earned their eternal love and respect.

TRIBUTE TO SYBYL ATWOOD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a remarkable woman, Sybyl Atwood. For the past 40 years Sybyl has been the linchpin of the social services community in my hometown, Flint, Michigan. On May 11 she will be honored for her selfless work on behalf of the less fortunate at a dinner hosted by the Resource Center in Flint.

Relocating to the Flint area after earning her Baccalaureate Degree in Community Development from Central Michigan University, she gathered together a group of volunteers on February 14, 1966 and founded the Volunteer Bureau. Serving as the chief executive officer of the Bureau for more than 20 years, Sybyl defined its direction as an organization promoting volunteerism, grassroots community involvement and expanded delivery of social services in the Flint area. The Bureau evolved into the Voluntary Action Center in 1989 and Sybyl continued at its helm. After merging with United Way, the Voluntary Action Center became part of the Resource Center. Sybyl continues to head the Volunteer Services at the Resource Center.

Thousands of volunteers have benefited from her training and guidance. She compiled the Genesee County Community Sourcebook, a reference book listing over 400 service agencies in Genesee County. Sybyl is also responsible for assembling the information and the publishing of the ''Emergency Assistance Directory,'' the ''Youth Volunteer Opportunities Directory,'' and the ''Reduced Income Planning Guide.'' She also coordinates the weekly ''Volunteer Here'' column in the Flint Journal and runs the Information and Referral Program. This program receives about 350 calls per month from persons seeking emergency assistance.

For her service to the community Sybyl has received the American Society of Training and Development Chapter Award for Service, City of Flint Human Relations Commission People's Award, Genesee County Bar Association

Liberty Bell Award, Toastmaster International Regional Communication and Leadership Award, the YWCA of Greater Flint Nina Mills Women of Achievement Award, the Rotary Club's Paul Harris Award, Citizen of the Year Award from the National Association of Social Workers, and earlier this week Michigan State University named her the 2006 Outstanding Field Educator for the Flint Program.

In addition to her work with Volunteer Services, Sybyl is also a founding member of the Emergency Services Council, the Genesee County Service Learning Coalition, the local Americorps collaborative, and has found time to work toward a master's degree in Public Administration. As a member of the Committee Concerned with Housing, she is currently studying the gaps in service in the emergency housing sector. Sybyl works within her neighborhood promoting the historic Carriage Town area and the propagation of Michigan's indigenous plants and grasses.

Mr. Speaker, Sybyl Atwood embodies the sentiments in her favorite quotation, ''While there is a lower class, I am in it; while there is a criminal element, I am of it; while there is a soul in prison, I am not free.'' She is a champion of the poor, the helpless, and the innocent. I am proud of my association with her, grateful for the good that she does, and treasure her inspiration, commitment and wisdom. The Flint community is a more humane place because of Sybyl Atwood. I ask the House of Representatives to rise today and join me in honoring this exceptional woman.

HOLOCAUST REMEMBRANCE DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in solidity with Jews across this nation and around the world to pay tribute to those who perished at the hands of the Nazis during the Holocaust. Today in the Nation's Capital, we gather to pay our respects at the National Commemoration of the Days of Remembrance. I would like to thank the United States Holocaust Memorial Museum for arranging this important and emotional event.

My district, the 9th Congressional District of Illinois, is home to perhaps the largest concentration of survivors in the country and certainly in the state, and this day holds deep meaning for those individuals and the entire community.

Recent events in the Middle East and around the world underscore the importance of this day. Anti-Semitic and anti-Israel rhetoric and demonstrations continue in numerous countries. And the President of one these countries, Iran, has threatened to use nuclear weapons to wipe Israel off the face of the map.

With anti-Semitism on the rise we must be reminded that ''Never Again'' is not a guarantee, but a pledge that we must uphold through education, dialogue, and determination. It also reminds us that we must continue to strengthen the U.S. commitment to the security of Israel. Moreover, we must redouble our efforts to bring lasting peace to the Middle East.

''Never Again'' means that we must combat hate wherever it exists. While the Holocaust was a unique incident, a genocide is taking place right in front of our eyes in the Darfur region of Sudan. I recently traveled to Darfur where President Bush and the U.S. Congress have officially acknowledged ''genocide'' is taking place. According to official estimates, out of an estimated pre-conflict population of 7 million in Darfur, anywhere between 180,000 and 400,000 Darfurians have already died and over 2 million have been displaced. The conflict has spilled across international borders and hundreds of thousands have fled into Chad. The window to provide security and hope is narrowing. According to the Commander of the African Union forces who briefed the participants of my Congressional Delegation in Darfur, ''There is no sense of urgency outside.''

As a Jew I cannot sit idle while these atrocities continue to unfold in Darfur. The lessons from the Holocaust have taught us that we must never turn a blind eye to terror or discrimination. We must demand that our government hold those who carry out acts of needless brutality accountable. I believe that everyone should take a moment today to consider the role of the U.S. in the prevention and prosecution of genocide.

We must honor those who were lost during the Holocaust by carrying on and living honorable and productive lives. At the same time we must also honor them by carrying out measures to bring to justice those who were implicated and who profited from their suffering. And we must do everything within our power to provide the utmost measure of restitution for those who survived the Nazi's evil plan.

The Holocaust was the most horrific human atrocity the world saw during the last century and perhaps in the history of the planet. Millions of Jews and others were brutalized, raped, beaten, dehumanized, enslaved, robbed, and murdered. While it is hard to grasp how terrible those events must have been, what all of our children, and us must do is to listen to the stories of those few remaining survivors of the Holocaust and ensure that their stories and their suffering are a permanent part of history.

Today we honor and mourn those who perished. We vow to live our lives in a way that pays tribute to their memory and ensures others will not suffer their fate.

CONGRATULATING CHARTER SCHOOLS

SPEECH OF

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to congratulate Charter Schools across the country and in the 21st District of Florida for their continuing work to educate our country's youth. Charter schools are a great asset for our children and for our public school system. By providing flexible programs, community outreach, and specialized training, charter schools serve the ever changing needs of our students. The City of Pembroke Pines Florida Charter School, located within the 21st District of Florida, stands as an exemplary model of excellence among all charter schools.

Under Governor Jeb Bush's A-plus plan, the Pembroke Pines charter elementary and middle schools have all earned an ''A'' for the past two years for exceptional student achievement. The Pembroke Pines Charter School standardized test scores are outstanding. By all measures, this charter school has exceeded its goals and reached beyond expectations.

The City of Pembroke Pines Florida Charter School is exceptional for another reason: its specialized training for autistic students. At Pembroke Pines, autistic students receive training tailored to their unique and individual needs. Not only do these students receive the personal attention that they need, they also are assimilated into the general school population. This innovative program brilliantly serves both needs of our autistic students by expanding their academic ability while fostering good social skills among the general student body.

I wholeheartedly commend our charter schools for their hard work and devotion to our children. With creative solutions and selfless dedication, these schools provide an invaluable service to the next generation of Americans. On the occasion of National Charter Schools week, I would like to take this opportunity to express my deepest support for this resolution. Most of all, I extend my heartfelt gratitude to the teachers, administrators, and students of our Nation's charter schools.

TRIBUTE TO EDWARDSVILLE PUBLIC LIBRARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the Edwardsville Public Library of Illinois as we celebrate its 100th anniversary. For the last 100 years, the library and staff have served the residents of Edwardsville and the surrounding area.

The first library in Edwardsville was established in 1819; just one year after Illinois was admitted into the Union. In 1823, the Edwardsville Library Association was chartered and it was again revived in 1879. In 1903, through the efforts of the Library Board President Charles Boeschenstein, Edwardsville was given a gift of $12,500 from Andre Carnegie. On June 26, 1906 the library building was dedicated.

The library has gone through several structural changes over the years, including growing from 8,000 square feet to 20,000 square feet. No matter the structural changes, the library patrons still have access to a wealth of information and resources.

It is my pleasure to congratulate the people that have made the Edwardsville Public Library a sanctuary of intellectuality for 100 years and I wish all the best for the years to come.

CONGRATULATIONS TO REBEKAH NASTAV

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate 15-year-old Rebekah Nastav of Amoret, Missouri. Miss Nastav's design for a new stamp won the Federal Junior Duck Stamp Design Contest on April 20, 2006.

Miss Nastav's acrylic painting of a redhead duck, entitled ''Morning Swim,'' will be featured on the 2006–2007 Junior Duck Stamp. More than 34,000 Junior Duck Stamp designs were submitted from all 50 states. Miss Nastav's stamp will be made available by the Fish and Wildlife Service for $5.00 to the general public on June 1, 2006. Proceeds from the Junior Duck Stamp sales will be used to support environmental education efforts.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating Miss Rebekah Nastav and in wishing her luck in all her future endeavors.

CONGRATULATING BRUCE FITCH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize and congratulate Mr. Bruce Fitch of Frisco, Colorado, who recently retired from his post as Executive Director of Outward Bound Wilderness. As a friend and former Executive Director of Outward Bound, I am honored to have the opportunity to congratulate Bruce on his contributions to Outward Bound and to wish him well on his future endeavors.

Bruce Fitch began his stellar career at Outward Bound with a simple love of the outdoors and a desire to provide young people with a strong outdoor education. These passions led him first to a position as a river instructor for the Colorado Outward Bound School, then to a variety of administrative positions within the organization. Bruce's leadership skills and devotion to outdoor education became obvious, and he climbed the ranks until he landed at the top of the organization as Executive Director, COBS. His responsible and forward-thinking stewardship as separate Outward Bound entities merged to become Outward Bound Wilderness provided a visionary path for the organization, and ensured that young people would continue to have the opportunity to participate in Outward Bound's life-changing programs.

With the same devotion to outdoor education that Bruce showed as a young instructor and administrator for Outward Bound, he has accepted a position as the Executive Director of the Breckenridge Outdoor Education Program. I have no doubt that he will provide this organization with the same leadership and vision that he contributed to Outward Bound over the years, and I look forward to seeing what the BOEP accomplishes with Bruce at the helm.

As Bruce and his family begin this new chapter in their lives, I hope my colleagues will join me in congratulating him on his continuing service to the outdoor education community and to those that it serves.

THE HARLEM CONGREGATIONS FOR COMMUNITY IMPROVEMENT, INC. AND THE NEW YORK STATE ASSEMBLY CITATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. RANGEL. Mr. Speaker, again I rise to offer yet another much deserved tribute to the Harlem Congregations for Community Improvement, Inc. (HCCI) and to also enter into the RECORD the wording directly from a New York State Assembly Citation proudly bestowed upon the HCCI in recognition of the HCCI's exemplary contributions to the citizens of Harlem.

The HCCI, founded in 1986, is a diverse inter-faith consortium of more than 90 congregations established to revitalize the Central Harlem community. Needless to say, the HCCI continues to make a substantial impact in Harlem. To sing the praises of this dynamic organization I will reiterate some of the initiatives they have successfully launched and maintained over the last twenty years. The HCCI is responsible for developing low and moderate income housing, creating supportive health and human services facilities and programs, providing commercial development opportunities for local businesses, expanding cultural programs, and providing assistance to families and individuals living with disabilities by providing housing and support facilities.

On April 27, 2006 during the HCCI's 20th anniversary gala dinner celebration held at the Rockefeller Center's Rainbow Room in New York City, HCCI honored the Bank of New York with their ''Community Development Award'' recognizing the bank's support of HCCI's comprehensive community development initiatives in Harlem, in particular, the bank's operating support for the organization and mortgage financing to HCCI clients. The Bank of New York offers affordable mortgage loan products for first time homebuyers, homeowners seeking refinancing, home renovation, reverse mortgages and also provides construction loans to both not-for-profit and for-profit housing developers. The bank, through its program support, has been instrumental in contributing to the remarkable revitalization initiatives in Harlem.

As Lloyd Brown, executive vice president of the Bank of New York stated during the award acceptance speech . . . ''We congratulate HCCI on its 20th year of community service in Harlem . . . (HCCI) is an organization that is successful in building affordable housing, creating commercial and job opportunities and providing health and social services to the people of Harlem.'' I join Mr. Brown to add my heartfelt congratulations.

Mr. Speaker, lastly, I would like to acknowledge and enter into the RECORD the wording from the prestigious citation bestowed upon the Harlem Congregations for Community Improvement, Inc. by the New York State Assembly.

NEW YORK STATE ASSEMBLY CITATION

Whereas, Harlem Congregations for Community Improvement (HCCI) was founded in 1986 as a consortium of 16 Harlem Churches, whose first president was the late Bishop Preston R. Washington, Sr. and today has a membership of over 90 Churches, Mosques and a Synagogue;

Whereas, HCCI began as a grassroots planning and organizing initiative, that has raised millions of dollars through ecclesiastical, entrepreneurial, and educational partnerships throughout the years. HCCl's interminable drive to improve the quality of life of all Harlemites, and dedication to community service is evidenced in the reversal of urban blight and deterioration concurrently, block by block;

Whereas, quality affordable housing has been the centerpiece of HCCl's services to the community from the beginning and to date has over 2,000 units of truly affordable housing built through innovative cross sector collaborations including elected officials, housing departments and banking institutions;

Whereas, HCCI has enhanced the livelihoods of many through adult education programs, welfare to work training literacy, trades and construction and computer technology and programming with proven success in job readiness and placement;

Whereas, HCCI has taken the leadership in addressing health issues affecting the community, most notably is the pilot program Community Organizations and Congregations for Health that offers technical assistance to faith based institutions to start nonprofits that sustain HIV/AIDS prevention services;

Whereas, a Great State is only as great as those persons who give exemplary service to their community, whether through participation in voluntary programs, through unique personal achievement in their professional or other endeavors or simply through a lifetime of good citizenry; and

Whereas, such services, which is truly the lifeblood of the community and state, so often goes unrecognized and unrewarded; now, therefore, be it

Resolved, that as a duly elected Member of the State Assembly of New York, I recognize that in Harlem Congregations for Community Improvement we have outstanding citizens, ones who are worthy of the esteem of both the Community and the great State of New York.

RECOGNIZING THE SESQUICENTENNIAL OF THE CITY OF MONMOUTH, OR

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to recognize the city and citizens of Monmouth, Oregon, as they prepare to celebrate the 150th anniversary of the city's foundation. Monmouth is a city that understands the meaning of words like history, tradition, and most of all, community.

Since its incorporation in 1856 by members of what became the First Christian Church, the people of Monmouth have held firm to the values that make it an outstanding example of the All-American city. The city is home to Western Oregon University which was founded in the same year and is the oldest public university in Oregon, as well as Campbell Hall, the oldest building in the state's public higher education system. The campus of Western Oregon University is also home to one of the tallest Christmas trees in the U.S., a giant Sequoia planted by the students in 1879 that has

been nominated for inclusion in Oregon's Heritage Tree Program.

Monmouth is home to the Oregon Department of Public Safety Standards and Training which provides training facilities for both local and state law enforcement officers along with the Oregon Military Academy. The partnerships forged between the town and these institutions shows the dedication of the citizens to not just a safe community, but safe communities across Oregon and the nation.

Beautiful parks in Monmouth are large enough for city-wide festivals such as the annual Western Days Fourth of July celebration—which draw 10,000 visitors annually for the largest and longest patriotic festival in Oregon, yet intimate enough for families to gather and enjoy a day of recreation. Family-friendly activities are available year-round, from active sports programs to dance recitals to high school plays where the whole town comes out to show their support.

And so tomorrow, on this town's 150th birthday, I join the residents of Monmouth, Oregon, in celebrating the wonderful community that they have created.

APRIL 18, 2006 LETTER TO PRESIDENT BUSH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KUCINICH. Mr. Speaker, On April 18, 2006, I sent the following letter to President Bush regarding the United States' use of Iranian anti-government insurgent groups in fomenting opposition and supporting military operations in Iran:

DEAR MR. PRESIDENT: Last week I wrote to you regarding reports that U.S. troops are conducting military operations in Iran.

There are also reports, however, that the U.S. is fomenting opposition and supporting military operations in Iran among insurgent groups and Iranian ethnic minority groups, some of whom are operating from Iraq.

The Party for a Free Life in Kurdistan (PEJAK) is one such group. PEJAK is based in the Kurdish region of Iraq, a few miles from the Iranian border, and has staged attacks across the border in Iran since 2004 on behalf of Iranian Kurdish interests, according to an April 3, 2006 article in the Washington Times. PEJAK claimed to kill twenty-four Iranian soldiers in three raids against army bases in March. Iran's official news agency also reported that three Republican Guard soldiers were killed in a gun battle near the Iraqi border in late March. Iran has denounced PEJAK as a terrorist group and has accused the U.S. of funding PEJAK. According to an April 15, 2006 article in the Economist, Iranians and Turks both believe that the U.S. is supporting PEJAK. It is hard to believe that PEJAK is operating successfully from Iraq without U.S. knowledge, support and coordination.

The Mujahedin e-Khalq (MEK), an Iranian anti-government group which has been listed as a ''terrorist group'' by the State Department since 1997, is another anti-government group that has received U.S. support. An article by Jim Lobe published on Antiwar.com on February 11, 2005 claims that Pentagon civilians and Vice President Cheney's office are among those in the U.S. government who support the MEK. His article further describes how according to Philip Giraldi, a former CIA official and a source in an article about this subject in the American Conservative magazine, U.S. Special Forces have been directing members of the MEK in carrying out reconnaissance and intelligence collection in Iran from bases in Afghanistan and Balochistan, Pakistan since the summer of 2004.

Seymour Hersh's April 10, 2006 article in the New Yorker also confirms that the U.S. troops are establishing contact with anti-government ethnic-minority groups in Iran. According to a government consultant with close ties to civilians in the Pentagon, American combat troops now operating in Iran are ''working with minority groups in Iran, including the Azeris, in the north, the Baluchis, in the southeast, and the Kurds, in the northeast.'' The consultant further says, ''The troops are studying the terrain and giving away walking-around money to ethnic tribes, and recruiting scouts from local tribes and shepherds.''

U.S. support for insurgent activity in Iran is not tolerable. You have claimed numerous times that the object of the so-called ''War on Terror'' is to target lawless insurgent groups.

Previously I asked you to immediately report to Congress on the extent of U.S. military operations currently in Iran. Now, in light of the evidence described above, I urge you to report to Congress on U.S. support for military operations in Iran by anti-Iranian insurgent groups.

It is a great breach of public trust to set this country on another path of war while keeping the Congress and the American people in the dark. I am demanding that you respond.

Sincerely,

DENNIS J. KUCINICH,
Ranking Democrat, Subcommittee on National Security, Emerging Threats and International Relations.

14TH ANNUAL ''STAMP OUT HUNGER FOOD DRIVE'' FEEDS HUNGRY, RAISES PUBLIC AWARENESS OF PROBLEM

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. REICHERT. Mr. Speaker, I rise today in praise of the 14th annual letter carriers food drive, "A Family Affair", which will occur on May 13th 2006. This is the Nation's largest one-day food drive. Last year the food drive raised 750,000 .lbs of food and the letter carriers have set an even bigger goal this year. For the 14th year, they would like to raise 1,000,000 .lbs of food. 60 percent of the food raised goes to children.

The "Stamp Out Hunger Food Drive" was organized in 1993 by postal employees, members of the National Association of Letter Carriers and rural carriers to collect food to raise public awareness and combat hunger. Since its inception, over 658 million pounds of food has been collected in more than 10,000 cities and towns across America and delivered to food banks by letter carriers and other Postal Service employees. Their commitment to feeding America's hungry is as unceasing as their other commitments extolled in the Postal Service's unofficial motto: "Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds." In this case, postal service employees have included feeding America's hungry in their "appointed rounds". God bless them for it.

Working in partnership with Campbell Soup Company and America's Second Harvest, as well as local offices of the United Way and the AFL–CIO, the Postal Service's commitment to fighting hunger is admirable.

IN HONOR OF ROBERT JAMES WIDMER, SR.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BURGESS. Mr. Speaker, I rise today to pay tribute to a man who can only be described as truly American, Robert James Widmer, Sr. who passed away on Monday, May 1, 2006, in Newark, Ohio, under the care of hospice.

Mr. Robert James Widmer, Sr., 84, of Granville, Ohio, retired in 1985 after 38 years in sales and management with Lederle Laboratories. Born July 9, 1921, in Toledo, Ohio, to the late Elsie Hollice Pace Rubin and Girard Winfield Widmer, Mr. Widmer attended Toledo University, Columbia University and graduated from Haverford College.

During World War II, Mr. Widmer served in the U.S. Army Air Corps from 1943 to 1946, and achieved the rank of Captain. He was assigned to the 454th Bombardment Group stationed in Italy and was shot down on his 13th mission on April 13, 1944, over Budapest and became a POW in Stalag Luft III. For his dedication and bravery, Mr. Widmer received the following medals for service to his country: two purple hearts with two clusters, Presidential Unit Citation for 454th Bombardment Group, Prisoner of War Medal, WWII Victory Medal, and the European African Middle East Campaign Medal with four battle stars.

Mr. Robert James Widmer, Sr., was a member of the Atlantis Country Club and Atlantis Golf Club, a founder and member of the 454th Bombardment Group, member of the Caterpillar Club, VFW, American Legion, Disabled American Officers, Former Prisoners of War at Stalag Luft III, Ex-Prisoners of War, Licking County SCORE, and a member and Elder of the First Presbyterian Church (USA).

This all-American man is survived by his loving wife Janet Clark Widmer; his daughters, Deborah A. Lewicki, Judith N. Widmer, and Nancy J. Freeman; his son, Robert J. Widmer, Jr. of Argyle, Texas in the 26th Congressional District; and five grandchildren, Aaron and David Lewicki, and Jay, Jocelyn and Jimmy Widmer.

Today, we honor Robert James Widmer, Sr., for his commitment to the safety of his country, his passion for life and the love of his family. He will always be remembered for his kindness and generosity to others. May he continue to serve as a role model for others in the future.

CONGRATULATING MR. CHARLES McDONALD ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BONNER. Mr. Speaker, it is with a tremendous amount of pride that I rise today to honor Mr. Charles McDonald on the occasion of his retirement after serving as president of the Alabama Retail Association for 35 years.

Charlie McDonald has been a devoted advocate for the retailers and business community of Alabama all of his life. Moreover, Charlie is a worker, not a talker, and he knows how to get the job done.

He served the Alabama Council of Association Executives for over three decades. In 1987, he served as chairman of the Alabama Civil Justice Reform Committee, and in 1992, he chaired the Alabamians for Workers' Compensation Reform.

A graduate of the University of Alabama, Charles received the School of Commerce and Business Administration's Retailer of the Millennium Award in 1999. He was also honored by the Food Marketing Institute with the Donald H. MacManus Retail Association Executive of the Year Award, and the American Society of Association Executives awarded him the Grand Award for Management Achievement. This year, the National Retail Federation honored Charles with the prestigious J. Thomas Weyant Lifetime Achievement Award.

Mr. Speaker, I ask my colleagues to join me in congratulating a dedicated community leader and friend to many throughout Alabama.

I know Charles's colleagues, his wife Elaine, his children, and grandchildren, and his many friends from throughout the country join me in praising his accomplishments and extending our heartfelt thanks for his many efforts over the years on behalf of the state of Alabama.

THE PORTER COWBOYS' 5A SOCCER TITLE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the Porter Cowboys, winners of the University Interscholastic League Class 5A boys' soccer state championship. These young players came painstakingly close to defeat, but rose to victory in a 2–1 double-overtime win, earning Brownsville's first 5A state championship, and the pride of South Texas.

The Cowboys came back from a 1–0 deficit against the highly regarded team of Coppell in a match that went to two 10-minute overtime periods. The agility and perseverance of this team gained the recognition of even the rival coach who could not deny the heart the Cowboys put forth.

Less than a minute later, Porter tied up the game 1–1, after Coppell's only goal. The winning shot scored with 3:42 left on the stadium scoreboard, leaving the Cowboys' solid defense squad to protect the lead. The team left it all on the field to earn the Rio Grande Valley's first 5A title in soccer.

With such dedicated players and skilled coaching, it seems only right that their remarkable qualities led them to this year's championship. Their triumph is significant to both the team and their fans because it tells the story of how the road to victory is paved by those who never give up.

The Cowboys' success comes from sheer persistence and true teamwork. These young men have learned the supreme principles of both sports and life. They have experienced that winning is great but success is sweeter when teamwork and faith defy expectations and confront challenge.

These are the young champions: Eric Chapa, Edgar Sanchez, Aldo Sierra, Juan Razo, Jose Alvarado, Peter Ruiz, Victor Vela, Cristian Sierra, Wilfredo Fernandez, Edgar Acuna, Jorge Briones, Jovanny Briones, Alex Lara, Humberto Lopez, Gerardo Herrera, Mario Perez, Gerardo Martinez, Diego Rodriguez, Michael Cedillo, Angel Cardenas, Jesus Sanchez, Miguel Vasquez, Jose Mojica, Jorge Gandara, Abpsa Cardenas, Jose Sosa, and Abel Perez.

The coaches who led them to victory are Luis Zarate, Arturo A. Puig Jr., Pedro Valdez, and Miguel Marroquin.

I congratulate the Porter Cowboys who through their unwavering endurance and determination have brought great pride and joy to all of South Texas. I ask the House of Representatives to join me today in commending this outstanding band of champions who have learned the most important lessons of competition, faith, and commitment. Mr. Speaker, these young men have inspired us and made us exceptionally proud.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, on Tuesday, April 25 and Wednesday, April 26, I was absent for votes on rollcall numbers 100 through 108. Had I been present, I would have voted "Yes" on rollcall number 100, "Yes" on rollcall number 101, "No" on rollcall number 102, "No" on rollcall number 103, "Yes" on rollcall number 104, "Yes" on rollcall number 105, "No" on rollcall number 106, "Yes" on rollcall number 107, and "No" on rollcall number 108.

CONGRATULATING RAYMOND S. ANGELI ON THE OCCASION OF RECEIVING THE B'NAI B'RITH AMERICANISM AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Raymond S. Angeli, of Lackawanna County, Pennsylvania, who will be the recipient of the B'nai B'rith's annual "Americanism Award" on May 7.

The honoree of this prestigious accolade is traditionally selected by past award recipients and the presidents of various service organizations.

Mr. Angeli, who serves as president of Lackawanna College, was previously a member of the late Pennsylvania Gov. Robert P. Casey's cabinet. He served as secretary of the Department of Community Affairs after having served as Deputy Secretary for Programs at the agency and as Director of its Northeast Regional office.

A veteran of the United States Army, Mr. Angeli retired with the rank of lieutenant colonel. He served two combat tours in Southeast Asia, one as commander of a helicopter company. He also served as a Department of Defense inspector general and as foreign area officer in the U.S. Embassy in Paris, France.

While in military service, Mr. Angeli was awarded the Meritorious Service Medal, the Purple Heart, the Bronze Star, The Air Medal and the Pennsylvania Meritorious Service Medal.

Active in state, regional and community affairs, Mr. Angeli served as chairman of the board of the National Institute for Environmental Renewal, the state's Interagency Task Force on affordable housing and the Pennsylvania Housing and Finance Agency.

Mr. Angeli serves on the boards of the Great Valley Technology Alliance, St. Joseph's Center, Lackawanna Heritage Valley Authority and the Delaware and Lehigh Corridor Authority.

Mr. Angeli is a past recipient of the Boy Scouts of America's Outstanding Citizen Award in Northeastern Pennsylvania, UNICO's Man of the Year Award and the University of Scranton's Distinguished Alumnus Award.

A native of Blakely, Pennsylvania, Mr. Angeli earned a bachelor's degree in political science from the University of Nebraska and a master's degree in education from Scranton University.

Mr. Angeli and his late wife, Nancy, are the parents of two daughters, Ms. Emy Angeli and Mrs. Tracy Barone.

On a personal note, I want to express my own appreciation for the commitment Ray has made to his community. Although I met him during his tenure in Governor Casey's Cabinet, it has only been since my Congressional district expanded to include Scranton that I have had the opportunity to work closely with Ray on several projects. I know that I can count on him to have thought carefully about every project he undertakes and to have determined that it is in the best interest of the Northeastern Pennsylvania. We are indeed fortunate to have him in our community.

Mr. Speaker, please join me in congratulating Mr. Angeli on this auspicious occasion. Mr. Angeli's commitment to service and excellence has earned him the respect and admiration of the greater Scranton community. It is fitting that such an award would be presented to him.

APRIL 5, 2006 LETTER TO SECRETARY RUMSFELD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KUCINICH. Mr. Speaker, I sent the following letter to Secretary Rumsfeld requesting

records pertaining to Pentagon plans to use U.S. Special Forces to advise, support and train Iraqi death squads:

Hon. DONALD RUMSFELD,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR SECRETARY RUMSFELD: I am writing to request a copy of all records pertaining to Pentagon plans to use U.S. Special Forces to advise, support and train Iraqi assassination and kidnapping teams.

On January 8, 2005, Newsweek magazine first published a report that the Pentagon had a proposal to train elite Iraqi squads to quell the growing Sunni insurgency. The proposal has been called the ''Salvador Option,'' which references the U.S. military assistance program, initiated under the Carter Administration and subsequently pursued by the Reagan Administration, that funded and supported ''nationalist'' paramilitary forces who hunted down and assassinated rebel leaders and their supporters in El Salvador. This program in El Salvador was highly controversial and received much public backlash in the U.S., as tens of thousands of innocent civilians were assassinated and ''disappeared,'' including notable members of the Catholic Church, Archbishop Oscar Romero and the four American churchwomen. According to the Newsweek report, Pentagon conservatives wanted to resurrect the Salvadoran program in Iraq because they believed that despite the incredible cost in human lives and human rights, it was successful in eradicating guerrillas.

Mr. Secretary, at a news conference on January 11, 2005, you publicly stated that the idea of a Salvador option was ''nonsense.'' Yet mounting evidence suggests that the U.S. has in fact funded and trained Iraqi assassination and kidnapping teams and these teams are now operating with horrific success across Iraq.

We know that the Pentagon received funding for training Iraqi paramilitaries.

About one year before the Newsweek report on the ''Salvador Option,'' it was reported in the American Prospect magazine on January 1, 2004 that part of $3 billion of the $87 billion Emergency Supplemental Appropriations bill to fund operations in Iraq, signed into law on November 6, 2003, was designated for the creation of a paramilitary unit manned by militiamen associated with former Iraqi exile groups. According to the Prospect article, experts predicted that creation of this paramilitary unit would ''lead to a wave of extrajudicial killings, not only of armed rebels but of nationalists, other opponents of the U.S. occupation and thousands of civilian Baathists.'' The article further described how the bulk of the $3 billion program, disguised as an Air Force classified program, would be used to ''support U.S. efforts to create a lethal, and revenge-minded Iraqi security force.'' According to one of the article's sources, John Pike, an expert of classified military budgets at www.globalsecurity.org. ''the big money would be for standing up an Iraqi secret police to liquidate the resistance.''

We know that some of the Pentagon's Iraq experts were involved in the Reagan Administration's paramilitary program in El Salvador.

Colonel James Steele, Counselor to the U.S. Ambassador for Iraqi Security Forces, formerly led the U.S. Military Advisory Group in El Salvador from 1984–1986, where he developed special operating forces at brigade level during the height of the conflict. The role of these forces in El Salvador was to attack 'insurgent' leadership, their supporters, sources of supply, and base camps. Currently Colonel Steele has been assigned to work with the new elite Iraqi counter-insurgency unit known as the Special Police Commandos, operating under Iraq's Interior Ministry.

Director of National Intelligence, John Negroponte, was U.S. Ambassador to Iraq from June 2004 to April 2005. From 1981 to 1985, he was ambassador to Honduras where he played a key role in coordinating U.S. covert aid to the Contras, anti-Sandinista militias who targeted civilians in Nicaragua. Additionally, he oversaw the U.S. backing of a military death squad in Honduras, Battalion 3–16, which specialized in torture and assassination. The U.S. had similar programs of supporting paramilitary groups set up Nicaragua and Honduras as its program in El Salvador. In a Democracy Now interview on January 10, 2005, Allan Nairn, who broke the story about U.S. support of death squads in El Salvador, suspected that Ambassador Negroponte would most likely be involved in the economic side of U.S. support to death squads in Iraq.

We know that a wave of abductions and executions, in the style of the death squads of El Salvador, and with ties to an official government sponsor, and to the U.S., has hit Iraq.

News reports over the past 10 months strongly suggest that the U.S. has trained and supported highly organized Iraqi commando brigades, and that some of those brigades have operated as death squads, abducting and assassinating thousands of Iraqis. Some news highlights:

May 1, 2005—Los Angeles Times reports that the U.S. is providing technical and logistical support to the Maghawir (Fearless Warrior) brigades, the Interior Ministry's special commandos, according to Major General Rasheed Flayih Mohammed. Iraqi authorities plan to increase deployment of the 12,000-strong Maghawir (Fearless Warrior) brigades, which are composed of well-trained veterans who have worked closely with U.S. forces in Najaf, Fallujah and Mosul and include the Wolf, Scorpion, Tiger and Thunder brigades.

May 16–20, 2005—Los Angeles Times and New York Times reveal discovery of 46 bodies, all Iraqi men abducted and slain execution-style, in various locations: floating in the Tigris, dumped in ditches and garbage-strewn lots, and buried at a poultry farm.

June 15, 2005—Washington Post reports that U.S. forces had knowledge of secret and illegal abductions of hundreds of minority Arabs in Kirkuk. The abductions were by forces led by Kurdish political parties and backed by the U.S. military.

June 20, 2005—Los Angeles Times reports that Saad Sultan, of Iraq Human Rights Ministry said that police and security forces attached to the Iraqi Interior Ministry, thousands of whom have been trained by American instructors, are responsible for abusing up to 60% of estimated 12,000 detainees in prison and military compounds. He says the units have used tactics reminiscent of Saddam's secret intelligence squads.

July 3, 2005—Reuters News reports that the government of Iraq publicly acknowledged that the new security forces were using torture. Article further says that accounts are common of people being seized by armed men in the uniforms of the police, army or special units like Baghdad's Wolf Brigade police commandos, and then disappearing without trace or being found dead.

July 28, 2005—Los Angeles Times reports that members of a California Army National Guard company, the Alpha Company, who were implicated in a detainee abuse scandal, trained and conducted joint operations with the Wolf Brigade, a commando unit criticized for human rights abuses. In an online Alpha Company newsletter, Captain Haviland wrote, ''We have assigned 2nd Platoon to help them transition, and install some of our 'Killer Company' aggressive tactical spirit in them.'' The article further states that despite the Wolf Brigade's controversial reputation for human rights violations, it is regarded as the gold standard for Iraqi security forces by U.S. military officials.

August 31, 2005—BBC reports that on the night of August 24, a large force of the Volcano Brigade raided homes in Al-Hurriyah city in the Baghdad, kidnapping and then executing 76 citizens. The victims were all shot in the head after their hands and feet had been tied up. They suffered the harshest forms of torture, deformation and burning.

November 16, 2005—Reuters News reports the discovery of 173 malnourished men, some of whom were tortured, imprisoned in a secret jail run by Shi'ite militias tied to the Interior Ministry.

November 17, 2005—Newsday reports that in the past year, the U.S. military has helped build up Iraqi commandos under guidance from James Steele, a former Army Special Forces officer who led U.S. counterinsurgency efforts in El Salvador in the 1980s. The brigades built up over the past year include the Lion Brigade, Scorpion Brigade and Volcano Brigade.

February 15, 2006—Associated Press reports that the Interior Ministry has launched a probe into death squad allegations.

February 19, 2006—BBC reveals that morgues in Baghdad receive dozens of bodies picked up daily from rivers, sewage plants, waste burial sites, farms and desert areas. Most of the bodies are handcuffed and blindfolded civilians with a bullet or more in the forehead, indicating that they were executed. The handcuffs used on the victims are like those used by the Iraqi police.

February 26, 2006—The Independent reports that outgoing United Nations' human rights chief in Iraq, John Pace, revealed that hundreds of Iraqis are being tortured to death or summarily executed every month in Baghdad alone by the death squads working from the Ministry of Interior. He said that up to three-quarters of the corpses stacked in the Baghdad mortuary show evidence of gunshot wounds to the head or injuries caused by drill-bits or burning cigarettes.

March 9, 2006—Los Angeles Times reports that Iraqi police officers who worked at the Interior Ministry's illegal prison had received American training, and that U.S. trainers have also given extensive support to 27 brigades of heavily armed commandos accused of a series of abuses, including the death of 14 Sunni Arabs who were locked in an airtight van last summer.

March 10, 2006—Sidney Morning Herald reports that men wearing the uniforms of U.S.-trained security forces, which are controlled by the Interior Ministry, abducted 50 people in a daylight raid on a security agency. Masked men who are driving what appear to be new government-owned vehicles are carrying out many of the raids.

March 27, 2006—The Independent reports that while U.S. authorities have begun criticizing the Iraqi government over the ''death squads,'' many of the paramilitary groups accused of the abuse, such as the Wolf Brigade, the Scorpion Brigade and the Special Police Commandos were set up with the help of the American military. Furthermore, the militiamen were provided with U.S. advisers some of whom were veterans of Latin American counter-insurgency which also had led to allegations of death squads at the time.

Mr. Secretary, in light of this evidence of U.S. support for and the existence of death squads in Iraq, what is the basis for your January 11, 2005 statement, that the idea of a Salvador option in Iraq is ''nonsense''?

I request a copy of all records pertaining to Pentagon plans to use U.S. Special Forces to

advise, support and train Iraqi assassination and kidnapping teams. I look forward to receiving your response.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

TRIBUTE FOR THE 50TH ANNIVERSARY OF THE NAACP BAY CITY BRANCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to honor the Bay City Branch of the National Association for the Advancement of Colored People as it celebrates 50 years as a dedicated champion of civil rights. On June 2, 2006 the members of the Bay City Branch will come together to revere its founding members and renew its commitment to justice for all.

Roy Wilkins chartered the first branch of the NAACP in Bay City in 1918. This was at a time when the NAACP was instrumental in convincing President Woodrow Wilson to publicly denounce lynching. The Branch was disbanded but it was re-chartered in 1938 by Attorney Oscar Baker Sr. and chartered a third time in 1946.

In 1955, NAACP member Rosa Parks was arrested for refusing to give up her seat on a Montgomery Alabama bus and one of the largest grassroots civil rights movements was born. The NAACP was at the forefront of this struggle and Reverend Obie Matthew, Pastor of the Second Baptist Church, organized the present Bay City Branch the following year on October 8, 1956. 50 years later the Branch is still fighting for equality of all citizens.

The Bay City Branch has led the fight against discrimination in housing, education, employment, healthcare, and the criminal justice system. Some of its notable fights were the Migrant Negroes from Georgia Case, the Bay County Skating Rink Case in the 1960s, the Woolworth 5&10 Store Sit-in, the hiring of the first African American teachers by the Bay City School District, and the inclusion of a Black History Class in the Bay City Central High School curriculum. The Branch has given away more than 70 scholarships to high school students. They have supported CORY Place, sponsored a summer USDA Food and Activity program for children, and worked with other local agencies to improve the living conditions in Bay City.

The hymn, Lift Every Voice and Sing, was written by James Weldon Johnson in 1900. In it he wrote, ''Sing a song full of hope that the present has brought us; Facing the rising sun of our new day begun, Let us march on till victory is won.'' Under the current leadership of President Idella White, the Bay City Branch is marching on in the fight to remove barriers to racial equality. The Bay City Branch remains committed to educating citizens about their constitutional rights, and the adverse effects of racial discrimination.

Mr. Speaker, I am asking the House of Representatives to join me in congratulating the Bay City Branch of the NAACP for 50 years of commitment to social justice. The members are to be commended for their steadfast fight against racial hatred and I pray that together we will eliminate this scourge from our nation and the world.

IRAN FREEDOM SUPPORT ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Ms. SCHAKOWSKY. Madam Speaker, I rise in support of H.R. 282, the Iran Freedom Support Act, which has 360 bipartisan cosponsors who represent approximately 216 million Americans.

Following continued Iranian threats to develop and deploy nuclear weapons, increasing evidence that Tehran is interfering with stabilization efforts in Iraq, President Mahmoud Ahmadinejad's denial of the Holocaust and comments that Israel should be wiped off the map, and ongoing Iranian support of international terrorist organizations such as Hezbollah, it is time for the United States to take concrete steps to hold Iran accountable for its actions.

I am a co-sponsor of H.R. 282 because I feel it is a priority to ensure that Iran is not abusing the basic rights of its people, endangering the well-being of its neighbors, or destabilizing the region. H.R. 282 strengthens existing United States sanctions against Iran, authorizes support to democratic reformers within Iran, and calls for American investors to divest their holdings of companies invested in Iran's energy sector. The legislation is designed to deny Iran the necessary funds to advance its quest for nuclear weapons.

Iran is a signatory to the Nuclear Non-Proliferation Treaty (NPT) and has foresworn acquiring nuclear weapons. Yet, it operated a clandestine nuclear program for nearly two decades before it was exposed in 2002.

Iran's continued behavior has led to the decision by the International Atomic Energy Agency to report Iran to the United Nations Security Council. Late last month, the Security Council issued a unanimous statement reiterating calls by the IAEA and members of the international community for Iran to suspend its uranium enrichment efforts and permit U.N. inspectors to reenter Iranian nuclear facilities. Now the United States Congress must use every diplomatic and economic tool at its disposal to address this situation.

While Iran must be held accountable for its actions, I will be demanding that the President of the United States seek the consent of Congress before any military plans are considered. There is no military solution to resolving this conflict. The only solution is to use diplomacy, work with the international community, and promote change in Iran from within.

Iran's acquisition of nuclear weapons threatens the stability of the entire Middle East and could spark a dangerous and unprecedented nuclear arms race. I urge all of my colleagues to act now and support H.R. 282.

FREEDOM FOR ALFREDO MANUEL PULIDO LÓPEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to remind my colleagues about Alfredo Manuel Pulido López, a political prisoner in totalitarian Cuba.

Dr. Pulido López is a dentist, an independent journalist and a member of the Christian Liberation Movement. He believes in writing and speaking the truth about the nightmare that is the Castro regime. As a dentist, trained in protecting and nurturing human life, he could not tolerate the tyrant's incessant abuse of Cuban people. He understood the human condition and he knew that freedom is infinitely superior to the ills of tyranny and repression.

On March 18, 2003, as part of the dictator's condemnable crackdown on peaceful pro-democracy activists, Dr. Pulido López was arrested because of his belief in liberty over repression. In a sham trial, he was sentenced to 14 years in the inhuman, totalitarian gulag.

On April 18, 2006, Dr. Pulido López's wife Rebeca Rodriguez Sauto visited him and found that his health has significantly worsened. According to the report that she filed with Cubanet, Dr. Pulido López is dangerously malnourished, deeply depressed and distraught. She reports that he is afflicted with chronic bronchitis and dark bruises of an unknown origin have appeared on his skin.

Despite his seriously declining health, Dr. Pulido López stated in the Cubanet report that he has no real reason to ask for a medical parole since he is an innocent man to begin with and what the dictatorship's officials really have to give him is freedom. He continued telling his wife, ''I am more firm in my convictions every day. I am not going to renounce them. They know that my health is affected. They can do what they want.''

Dr. Pulido López's commitment to freedom, in the face of declining health in the grotesque gulag, is a brilliant example of the heroism of the Cuban people. It is a crime against humanity that Castro's totalitarian gulags are full of men and women, like Dr. Pulido López, who represent the best of the Cuban nation.

Mr. Speaker, we must speak out and act against this abominable disregard for human rights, human dignity, and human freedom just 90 miles from our shore. My colleagues, before it is too late, we must demand the immediate and unconditional release of Alfredo Manuel Pulido López and every political prisoner in totalitarian Cuba.

TRIBUTE TO THE VILLAGE OF BREESE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Breese, Illinois upon her sesquicentennial. The Village of Breese was formed in 1856 and will celebrate her sesquicentennial on June 2–4, 2006.

Breese was settled in 1822 by way of the Goshen Road. The first Post Office was established at Shoal Creek in 1855. Breese then continued to prosper by establishing roots into electrical generation in 1905 and water treatment in 1937.

Chief Justice Sidney Breese, for whom Breese is named, was an outstanding early National and State figure. He is recognized as a Speaker of the Illinois House of Representatives, Chief Justice of the Illinois Supreme Court, and a United States Senator. A statue representing him now stands in Springfield, Illinois.

I am pleased to congratulate the citizens of Breese on 150 years of history in their community. I thank them for their contributions to our great Nation. May God bless Breese and may He continue to bless America.

TRIBUTE TO RETIRING COLONEL SHARON S. DERUVO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize the long and distinguished career of Colonel Sharon S. DeRuvo, who is retiring after serving our Nation's military with distinction for over 20 years.

Colonel Sharon S. DeRuvo was commissioned through the Walter Reed Army Medical Center Institute of Nursing in 1989. She graduated from the University of Maryland with a Bachelor of Science Degree in Nursing and received a Master of Science Degree from the University of Arizona in 1992. She also earned a Master of Strategic Studies Degree in 2003 from the Army War College.

Colonel DeRuvo has held a variety of positions culminating in her current assignment as Commander, General Leonard Wood Army Community Hospital, Fort Leonard Wood, Missouri. Past assignments include staff nurse positions at Fitzsimons Army Medical Center, Denver, Colorado and Brooke Army Medical Center, Fort Sam Houston, Texas. She also held positions as Head Nurse, Hematology-Oncology, Brooke Army Medical Center, Fort Sam Houston, Texas; Director, Quality Assurance, Brooke Army Medical Center, Texas; Assistant Chief, Department of Clinical Investigation, Tripler Army Medical Center, Hawaii; Chief, Medical Nursing Section and Chief Clinical Nursing at Landstuhl Regional Medical Center, Germany; and Deputy Commander for Health Services, Fort Carson, Colorado.

Colonel DeRuvo has earned numerous decorations and badges for her outstanding service in the military. Her awards include the Meritorious Service Medal with Four Oak Leaf Clusters, the Army Commendation Medal, and the Army Achievement Medal with Four Oak Leaf Clusters. She has received several Tri-Service Nursing Research Grants, and was awarded the Orthopedic Surgeons and Nurses National Research Award. She is a member of the Order of Military Medical Merit and the Sigma Theta Tau Nursing Honor Society.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Colonel Sharon S. DeRuvo for her exceptional service to the United States and will wish her and her family all the best in the days ahead.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, I am disappointed and regretful that I must vote against this bill, for two reasons—first, because it fails to adequately address the need for real reform of the lobbying rules, and, second, because the Republican leadership has insisted on adding unrelated, unnecessary and undesirable restrictions on political speech.

The bill does include some good reform provisions, but they fall short of what is needed.

For example, it would add some transparency regarding appropriations earmarks. I support that, which is why I am cosponsoring H.R. 4964, the Earmark Transparency and Accountability Act of 2006, introduced by Representative FLAKE. That bill would require all earmarks to be included in the texts of bills, so they would be known and could be debated and also would bar consideration of a conference report unless it includes a list of all earmarks and the name of the Member who proposed each earmark and was available to the general public on the Internet for at least 72 hours before its consideration.

Unfortunately, the earmark provisions of this bill do not meet that standard.

Similarly, the bill takes a step toward greater ethics training for Congressional staff. I also support that, which is why I have joined my Colorado colleague, Representative HEFLEY, in sponsoring H.R. 4988, the House Ethics Reform Act of 2006. That bill not only would require mandatory annual ethics training for Members of the House and House officers, it also includes provisions that would strengthen the ethics committee and enable it to carry out the job of ensuring compliance with the House's rules and standards of conduct.

So, unfortunately, here too the bill falls short of what is needed.

Similarly, the bill would do nothing meaningful to tighten the current House gift rule or curb meals from registered lobbyists. It would do nothing meaningful to curb the abuse that can come from the availability of corporate jets for Members. And it would do nothing to slow the revolving door, retaining the current 1-year period in which former Members are prohibited from lobbying their former colleagues.

Those shortcomings would have been corrected by adoption of the motion to recommit, which would have added provisions from H.R. 4682, the Honest Leadership and Open Government Act, which I am cosponsoring. However, unfortunately, that motion was not adopted.

But the worst part of all is that the bill, already watered down, was corrupted by the addition of H.R. 513, dealing with so-called "527" organizations—a bill that I strongly opposed when the House considered it last month.

That legislation would bring independent groups under the jurisdiction of the Federal Election Commission (FEC) and subject them to the full scope of federal election law regulation—even though this not necessary to remove any appearance of public corruption—and it would restrict the freedom of speech of people who band together to express themselves about federal candidates and issues of national importance. It also would lift limits on coordinated expenditures, allowing national party committees to completely underwrite individual campaigns.

I cannot support these provisions—and so I cannot support the overall bill.

HONORING MRS. BONNIE SCOTT GENDASZEK AND MS. LOIS ELIZABETH LYONS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. HOLT. Mr. Speaker, today I rise to honor Mrs. Bonnie Scott Gendaszek, an eighth grade mathematics teacher at John Witherspoon Middle School in Princeton, New Jersey and Ms. Lois Elizabeth Lyons, a high school science teacher at High Technology High School in Lincroft, New Jersey. Mrs. Gendaszek and Ms. Lyons are the two New Jersey recipients of the 2005 Presidential Awards for Excellence in Science and Mathematics Teaching.

The Presidential Awards for Excellence in Science and Mathematics Teaching program is administered by the National Science Foundation to recognize and reward outstanding mathematics and science teachers who serve as role models for their colleagues, and to encourage these talented individuals to remain in the teaching field. We must, as Members of Congress, celebrate these fine individuals.

Each of us is in Congress today because we had along the journey of our education, teachers who inspired us to achieve, to inquire, to excel, and to dream.

Teaching today is different than when we were in eighth grade or high school. It is not just the content of mathematics and science courses that is different. Additionally, there is more valid scientific research in the area of how students learn and how to integrate mathematics and science knowledge into their intellect, and into their lives. We know that students must be engaged in the learning process, actively involved in the lesson, not just listening to the teacher.

Mrs. Gendaszek's classroom is one of questioning for deeper understanding. She has created a learning community of inquisitive middle-schoolers who seek to understand mathematics in their everyday lives. This is no small accomplishment, Mr. Speaker. To create such an environment requires daily dedication to her students.

Ms. Lyons' classroom is also one of questions and exploration. She has learned how to make chemistry less intimidating to her student by connecting the concepts to her students' lives first, thus engaging their curiosity. Research into student motivation tells us that relevance is key to facilitating intrinsic motivation in students and creating life-long learners.

Teachers in our Nation do not receive enough respect or recognition for the work that they do each day of the school year for

our youth and for our Nation. As I work to pass the Congressional Teacher Award Act, I am happy to celebrate these mathematics and science teachers through the Presidential awards. As the United States seeks to find its place in the emerging global knowledge economy, our attention has turned to those who educate our youth, for teachers truly can change the future. I look forward to the leadership in the classroom, in New Jersey, and in the United States of Mrs. Gendaszek and Ms. Lyons to help maintain the leadership of the United States in the global economy.

A TRIBUTE TO THE LIFE OF EARL WOODS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the life of Earl Woods, a gentleman who was more determined to raise a good son than a great golfer. As a testament to his legacy I submit that he achieved both goals. Sadly, Earl Woods passed away today at the age of 74.

Earl Woods was born March 5, 1932, in Manhattan, Kansas, the youngest of six children. His parents died by the time he was 13. His father wanted him to play for the Kansas City Monarchs in the Negro Leagues, and his mother stressed education. He eventually attended Kansas State, graduating in 1953 with a degree in sociology and he also fulfilled his obligation to play baseball.

More than a dedicated father, Earl was a true mentor, a dedicated soldier, an author and a coach extraordinaire. During his lifetime, Earl Woods played catcher for Kansas State; the first black to play baseball in the Big Eight Conference. He was also a Green Beret in the U.S. Army Special Forces. He served for two tours in Vietnam rising to the rank of lieutenant colonel. His second tour shaped the latter part of his life.

He met his soon-to-be second wife Kultida Punsawad, a receptionist in Thailand and they wed in 1969. He fought alongside a Vietnamese friend who he nicknamed because of his courage and bravery. Earl promised Tiger Phong that he would name a son after him.

Eldrick ''Tiger'' Woods was born December 30, 1975.

Earl Woods was instrumental in helping his son establish the Tiger Woods Foundation and he also wrote a book, ''Training a Tiger: A Father's Guide to Raising a Winner in Both Golf and Life'' to share his experiences of guiding and nurturing his son.

Most people identify with Earl Woods as Tiger Woods' father. Yes it is true that Earl Woods had done a remarkable job raising a son who was empowered to chose his direction, accept responsibility, and stay committed, focused and honest as he journeyed into becoming a role model with great character. Earl Woods made sure that Tiger had tools essential to his development as he grew into a good person first and a championship golfer second.

Earl Woods was extremely proud of his youngest son. I know he can rest assured that his legacy will live on. He devoted countless hours to shaping and molding his son's character and making sure that Tiger was ''mentally strong.'' He told Tiger, when he was a young man, ''You'll never run into another person as mentally tough as you.'' Tiger believes his dad. In a statement made by Tiger today he admits, ''I wouldn't be where I am today without (my father), and I'm honored to continue his legacy of sharing and caring.'' This statement is a true testament to how the love and dedication of Earl Woods was the reason for Tiger Woods' success.

Mr. Speaker: I send heartfelt condolences to Kultida, Tiger, and the rest of the Woods family as they mourn the passing of their loved one. I pay tribute to an extraordinary man who left an indelible impression in his own right.

RECOGNIZING THE SESQUICENTENNIAL OF THE FIRST CHRISTIAN CHURCH OF MONMOUTH, OR

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to recognize the First Christian Church of Monmouth. In the past 150 years, the members of this church have proven again and again the depth of their caring and giving, not just to their community, but to all those in need.

From 1850 to 1853, pioneers like Elijah Davidson, Ira F.M. Butler and others came to the Oregon Territory from their homes in Monmouth, Illinois—the inspiration for what became Monmouth, Oregon. These settlers, members of the Disciples of Christ Church, came to create a new community and school steeped in their religion and their values, tenets that they shared with the long history of pioneers going back to the Pilgrims. In 1856, Monmouth University (present-day Western Oregon University) was chartered, and it became the first home for the church.

The First Christian Church has long since outgrown its small beginnings, a single 20 by 30 foot room on the comer of Monmouth Avenue and Church Street. The church moved to its current location in 1913 and remains there today, where it still acts as a staple of town fellowship and camaraderie.

Just as the buildings that house this faith community have changed and grown over the years, so has the church's congregation. Active in the community, their good works include a teen center for local youth as well as the home for the Monmouth chapter of Meals on Wheels. This congregation represents the heart of the community and the goodness in people which we should all strive to achieve.

I want to take this opportunity to honor this church for the efforts that they have made on behalf of the residents of Monmouth and students of Western Oregon University. On this, their sesquicentennial anniversary, I acknowledge and honor the First Christian Church of Monmouth for their service and dedication to their community.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 4939, Emergency Supplemental Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S3997–S4092

Measures Introduced: Forty-five bills and four resolutions were introduced, as follows: S. 2709–2753, and S. Res. 465–468. **Pages S4050–51**

Measures Passed:

Emergency Supplemental Appropriations: By 77 yeas to 21 nays (Vote No. 112), Senate passed H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, after taking action on the following amendments proposed thereto: **Pages S4007–30**

Adopted:

Cochran (for Landrieu) Amendment No. 3753, to provide project-based housing assistance to repair housing damaged as a result of Hurricane Katrina and other hurricanes of the 2005 hurricane season. **Page S4008**

Cochran (for Voinovich/DeWine) Amendment No. 3677, to make a technical correction to a project for Rickenbacker Airport, Columbus, Ohio. **Page S4009**

Cochran (for Vitter) Modified Amendment No. 3819, to provide hurricane assistance to certain holders of fishery finance program loans. **Page S4009**

Cochran (for Byrd) Amendment No. 3860, to extend the availability of certain funds appropriated in Public Law 106–554 (Consolidated Appropriations Act, 2001). **Page S4009**

Cochran (for Reed) Modified Amendment No. 3592, to provide emergency funding to upgrade the Fox Point Hurricane Barrier in Providence, Rhode Island. **Pages S4009–10**

Cochran (for Chafee) Amendment No. 3729, to direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier in Providence, Rhode Island. **Page S4010**

Cochran (for Baucus/Burns) Amendment No. 3761, relative to contract authority. **Pages S4010–11**

Cochran (for Bennett) Modified Amendment No. 3805, to allow nonconforming signs damaged by an act of God to be repaired or replaced under certain conditions. **Page S4011**

Vitter/Landrieu Further Modified Amendment No. 3728, to provide for flood prevention in the State of Louisiana, with an offset. **Pages S4007, S4011–13**

Obama (for Voinovich) Modified Amendment No. 3824, to provide funds for the maintenance of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois. **Page S4014**

Grassley/Baucus Amendment No. 3732, to transfer funds from the Disaster Relief fund to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season. **Pages S4014–16**

Landrieu Modified Amendment No. 3851, relative to charter schools damaged due to the effects of Hurricane Katrina or Hurricane Rita. **Page S4017**

Rejected:

By 39 yeas to 59 nays (Vote No. 111), Thune Amendment No. 3704, to provide, with an offset, $20,000,000 for the Department of Veterans Affairs for Medical Facilities. **Pages S4007, S4013–14, S4016**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees on the part of the Senate: Senators Cochran, Stevens, Specter, Domenici, Bond, McConnell, Burns, Shelby, Gregg, Bennett, Craig, Hutchison, DeWine, Brownback, Allard, Byrd, Inouye, Leahy, Harkin, Mikulski, Reid, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, and Landrieu. **Page S4029**

Child Crime Offender Registration: Senate passed S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, after agreeing to the committee amendment in the nature of a substitute. **Pages S4079–90**

National Childhood Stroke Awareness Day: Senate passed S. Res. 465, expressing the sense of the Senate with respect to childhood stroke and designating May 6, 2006, as "National Childhood Stroke Awareness Day". **Page S4090**

Negro Leaguers Recognition Day: Senate passed S. Res. 466, designating May 20, 2006, as "Negro Leaguers Recognition Day". **Pages S4090–91**

Honoring Chief Justice William H. Rehnquist: Senate passed H.J. Res. 83, to memorialize and honor the contribution of Chief Justice William H. Rehnquist, clearing the measure for the President. **Page S4091**

D.C. Special Olympics Law Enforcement Torch Run: Senate agreed to H. Con. Res. 359, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run. **Page S4092**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 95 yeas (Vote No. EX. 113), Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York. **Pages S4034–35, S4092**

By unanimous vote of 96 yeas (Vote No. EX. 114), Thomas M. Golden, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Pages S4035–36, S4092**

Nominations Received: Senate received the following nominations:

Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

Valerie L. Baker, of California, to be United States District Judge for the Central District of California.

Charles P. Rosenberg, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

3 Air Force nominations in the rank of general.

1 Navy nomination in the rank of admiral. **Page S4092**

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

Jerome A. Holmes, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma, which was sent to the Senate on February 14, 2006. **Page S4092**

Messages From the House: **Page S4047**

Measures Referred: **Page S4047**

Measures Placed on Calendar: **Page S4047**

Enrolled Bills Presented: **Page S4048**

Executive Communications: **Pages S4048–50**

Executive Reports of Committees: **Page S4050**

Additional Cosponsors: **Pages S4051–53**

Statements on Introduced Bills/Resolutions: **Pages S4053–78**

Additional Statements: **Pages S4046–47**

Amendments Submitted: **Page S4078**

Notices of Hearings/Meetings: **Page S4078**

Authorities for Committees to Meet: **Page S4078**

Record Votes: Four record votes were taken today. (Total—114) **Pages S4016, S4029, S4035**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:32 p.m., until 9:30 a.m., on Friday, May 5, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4092.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: FAA

Committee on Appropriations: Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Federal Aviation Administration, after receiving testimony from Marion C. Blakey, Administrator, Federal Aviation Administration, Department of Transportation.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee ordered favorably reported the following bills:

An original bill entitled "National Defense Authorization Act for Fiscal Year 2007";

An original bill entitled "Department of Defense Authorization Act for Fiscal Year 2007";

An original bill entitled "Military Construction Authorization Act for Fiscal Year 2007"; and

An original bill entitled "Department of Energy National Security Act for Fiscal Year 2007".

BUSINESS MEETING: FINANCIAL SERVICES REGULATORY RELIEF ACT

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original bill, to provide regulatory relief and improve productivity for insured depository institutions.

HOUSEHOLD GOODS MOVING FRAUD

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded a hearing to examine protecting consumers from fraudulent practices in the moving industry, focusing on criminal elements that operate

at the fringe of the industry and victimize the public, after receiving testimony from Todd J. Zinser, Acting Inspector General, and Warren Hoemann, Acting Administrator of the Federal Motor Carrier Safety Administration, both of the Department of Transportation; J. Joseph Curran, Jr., Maryland Attorney General, and Steven M. Sakamoto-Wengel, Maryland Assistant Attorney General and Deputy Chief, Consumer Protection Division, both of Baltimore; J.R. Kelly, Florida Department of Agriculture and Consumer Services, Tallahassee; Kay F. Edge, Virginia Tech School of Architecture and Design, Blacksburg; and Joseph M. Harrison, American Moving and Storage Association, Alexandria, Virginia.

NANO COMMERCIALIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Trade, Tourism, and Economic Development concluded a hearing to examine promoting economic development opportunities through nano commercialization, after receiving testimony from Sean Murdock, NanoBusiness Alliance, Skokie, Illinois; Robert D. Rung, Oregon Nanoscience and Microtechnologies Institute, Corvallis; Philip Boudjouk, North Dakota State University, Fargo; David Rejeski, Woodrow Wilson International Center for Scholars, Washington, D.C.; and Jerry L. Gwaltney, City of Danville, Danville, Virginia.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior, after the nominee, who was introduced by Senators Craig and Crapo, testified and answered questions in his own behalf.

URBANIZATION IN AFRICA

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine housing and urbanization issues in Africa, focusing on the East Africa Peer Exchange Program, and economic growth and poverty reduction, after receiving testimony from Darlene F. Williams, Assistant Secretary of Housing and Urban Development for Policy Development and Research; James T. Smith, Deputy Assistant Administrator, Bureau for Economic Growth, Agriculture, and Trade, U.S. Agency for International Development; Jonathan T.M. Reckford, Habitat for Humanity International, Americus, Georgia; and Anna Kajumulo Tibaijuka, UN–HABITAT, United Nations Human Settlements Programme, Nairobi, Kenya.

BUSINESS MEETING: NOMINATIONS

Committee on the Judiciary: Committee ordered favorably reported the nominations of Norman Randy Smith, of Idaho, and Milan D. Smith, Jr., of California, each to be a United States Circuit Judge for the Ninth Circuit, and Renee Marie Bumb, Noel Lawrence Hillman, Peter G. Sheridan, and Susan Davis Wigenton, each to be a United States District Judge for the District of New Jersey.

BUSINESS MEETING

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Property Rights approved for full committee consideration 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.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 23 public bills, H.R. 5288–5310; and 7 resolutions, H.J. Res. 85 and H. Res. 796–801, were introduced.

Pages H2173–74

Additional Cosponsors: Pages H2174–75

Reports Filed: A report was filed today as follows:

H.R. 4200, to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for

other purposes, with an amendment (H. Rpt. 109–451 Pt. 1). **Page H2173**

Chaplain: The prayer was offered by the guest Chaplain, Canon Andrew White, Anglican Vicar of Iraq. **Page H2105**

SAFE Port Act: The House passed H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, by a recorded vote of 421 ayes to 2 noes, Roll No. 127. **Pages H2107–53**

Rejected Mr. Nadler's motion to recommit the bill to the Committee on Homeland Security with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 202 yeas to 222 nays, Roll No. 126, after ordering the previous question without objection. **Pages H2150–52**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. **Page H2121**

Agreed to:

King of New York Manager's amendment (No. 1 printed in H. Rpt. 109–450) makes technical changes, adds several new findings on the importance of maintaining vibrant international trade, clarifies that port security grant funds can be used to address vulnerabilities in vessel and facility plans in addition to maritime security plans, and clarifies that the Domestic Nuclear Detection Office is responsible for implementing Department of Homeland Security requirements under the Global Nuclear Architecture and that any private testing performed by DNDO will be confidential. Additionally, the amendment removes two provisions accepted during full committee consideration: (1) establishing a pilot program for training Coast Guard reserve officers; and (2) funding for the acceleration of Deepwater. Finally, the manager's amendment establishes a Director of Trade policy in the DHS Office of Policy; **Pages H2133–36**

Ruppersberger amendment (No. 2 printed in H. Rpt. 109–450) requires the Secretary of the Department of Homeland Security to submit to the appropriate congressional committees an assessment study of the National Targeting Center and recommendations to strengthen the center, six months after implementation of the Act; **Pages H2136–37**

Ruppersberger amendment (No. 3 printed in H. Rpt. 109–450) requires the Secretary of the Department of Homeland Security to consult with the appropriate Federal, State and local entities when determining the establishment of maritime security centers. Currently the decision on where to locate the command centers resides solely with the Secretary of the Department of Homeland Security; **Pages H2137–38**

Ruppersberger amendment (No. 4 printed in H. Rpt. 109–450) advises that the Secretary of the Department of Homeland Security should, in consultation with appropriate federal, state and local officials including the Captain of the Port from the United States Coast Guard and representatives from the maritime industry to determine protocols. Currently stated the protocols are determined solely by the Secretary of the Department of Homeland Security; **Page H2138**

Cuellar amendment (No. 5 printed in H. Rpt. 109–450) directs the Secretary of Homeland Security to study the specific challenges faced by land ports when calling for greater security; **Pages H2138–39**

Ryun of Kansas amendment (No. 6 printed in H. Rpt. 109–450) directs the Secretary of Homeland Security to analyze portable nuclear devices under the evaluation of emerging technologies; **Pages H2139–40**

Hooley amendment (No. 7 printed in H. Rpt. 109–450) amends the definition of a cargo container security device in Sec. 1816 from: "a mechanical or electronic device designed to, at a minimum, detect unauthorized intrusion of containers", to "a mechanical or electronic device designed to, at a minimum, positively identify containers and detect and record unauthorized intrusion of containers. Such devices shall have false alarm rates that have been demonstrated to be below one percent." LATE; **Pages H2140–41**

Thompson of Mississippi amendment (No. 8 printed in H. Rpt. 109–450) ensures that communications equipment purchased, and mechanisms for sharing terrorism threat information established, under the new Port Security Grant program are interoperable with Federal, State, and local agencies; **Page H2141**

Shays (No. 9 printed in H. Rpt. 109–450) requires the Department of Homeland Security (DHS) to conduct a pilot project at an overseas port similar to the Integrated Container Inspection System (ICIS) in Hong Kong; **Pages H2141–42**

Bass amendment (No. 10 printed in H. Rpt. 109–450) allows states and local agencies to petition to the Secretary of the Department of Homeland Security for approval to apply for grants under this section for any activity relating to prevention of, preparation for, response to, or recovery from acts of terrorism, that would otherwise be a Federal duty performed by Federal agencies and under agreement with a State or local government and a Federal agency; **Pages H2142–43**

Millender-McDonald amendment (No. 11 printed in H. Rpt. 109–450) makes eligible the construction

or enhancement of truck inspection stations in seaport communities and trade corridors by authorizing up to $20 million annually in the Port Security Grant Program. Establishes or enhances truck inspection stations for seaports, communities and trade corridors where there is a high volume of truck container traffic. These truck inspection stations will be a consolidation and coordination of seaport, community and trade corridor security needs, by providing a security check point, safety inspections and emissions control check points; **Pages H2143–44**

Jackson-Lee of Texas amendment (No. 12 printed in H. Rpt. 109–450) provides for the community to be included in disaster awareness and preparation in the form of a ''Neighborhood Watch''; and **Pages H2144–45**

Weiner amendment (No. 13 printed in H. Rpt. 109–450) requires each port security grant recipient to report each expenditure to the Secretary of Homeland Security, who will then publish each expenditure on a publicly available website. The revision creates an exception for national security. **Pages H2145–46**

Rejected:

Flake amendment (No. 14 printed in H. Rpt. 109–450) which sought to strike the $400 million authorization for a new Port Security Program which would block the creation of an additional federal Homeland Security grant program; and **Pages H2146–48**

Sanchez, Loretta of California amendment (No. 15 printed in H. Rpt. 109–450) which sought to prohibit the current Customs and Border Protection (CBP) practice of granting automated targeting risk score reductions to Customs Trade Partnership Against Terrorism (C–TPAT) members that have not received CBP validation of the implementation and effectiveness of their security measures, (by a recorded vote of 195 ayes to 230 noes, Roll No. 125). **Pages H2148–50**

H. Res. 789, the rule providing for consideration of the bill was agreed to on Wednesday, May 3, 2006, by a yea-and-nay vote of 226 yeas to 200 nays, Roll No. 123.

Committee Election: The House agreed to H. Res. 796, electing a certain Member to a certain standing committee: Committee on Science—Representative Matsui. **Page H2155**

Meeting Hour: Agreed that when the House adjourns today it adjourn to meet at 2 p.m. on Monday, May 8th, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 9, 2006, for Morning Hour debate. **Page H2155**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, May 10, 2006. **Page H2155**

Canada-U.S. Interparliamentary Group—Appointment: The Chair announced the Speaker's appointment of the following Members of the House to the United States delegation of the Canada-United States Interparliamentary Group: Mr. Manzullo, Chairman; Mr. McCotter, Vice Chairman; Mr. Dreier, Ms. Slaughter, Mr. Peterson of Minnesota, Mr. English of Pennsylvania, Mr. Gutknecht, Mr. Souder, Mr. Tancredo, Mr. Brown of South Carolina and Mr. Lipinski. **Page H2156**

Clerk Designations: Read a letter from the Clerk wherein she designated Ms. Marjorie C. Kelaher, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to sign any and all papers and do all other acts for her under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of her temporary absence or disability. **Page H2161**

Investigative Subcommittees—Appointment: The Chair announced the Speaker's appointment of the following Members of the House to be available to serve on investigative subcommittees: Mr. English of Pennsylvania, Mr. Lucas, Mr. Diaz-Balart, Lincoln of Florida, Mrs. Blackburn, Mr. Simpson, Mr. Bonner, Mr. Bachus, Mr. Crenshaw, Mr. Latham and Mr. Walden of Oregon. **Page H2163**

Quorum Calls—Votes: One yea-and-nay vote and two recorded votes developed during the proceedings of today and appear on pages H2149–50, H2152, and H2153. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:08 p.m.

Committee Meetings

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies, approved for full Committee action the Interior, Environment, and Related Agencies Appropriations for Fiscal Year 2007.

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 approved for full Committee action the Military Quality of Life, and Veterans Affairs,

and Related Agencies Appropriations for Fiscal Year 2007.

STATE MANDATES ON EMPLOYER-PROVIDED HEALTH INSURANCE

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing entitled ''Examining the Impact of State Mandates on Employer-Provided Health Insurance.'' Testimony was heard from public witnesses.

WORLD CRUDE-OIL PRICING

Committee on Energy and Commerce: Held a hearing entitled ''World Crude-Oil Pricing.'' Testimony was heard from Guy F. Caruso, Administrator, Energy Information Administration, Department of Energy; Orice Williams, Director, Financial Markets and Community Investment Team, GAO; and public witnesses.

COMMUNITY HEALTH CENTERS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''The Critical Role of Community Health Centers in Ensuring Access to Care.'' Testimony was heard from Elizabeth Handley, Division Director, Policy and Development, Bureau of Primary Health Care, Health Resources and Services Administration, Department of Health and Human Services; and public witnesses.

MISCELLANEOUS MEASURES; RESOLUTION OF INQUIRY

Committee on Government Reform: Ordered reported the following measures: H.R. 4768, To designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the ''Robert Linn Memorial Post Office Building;'' H.R. 5086, To designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building;'' H.R. 5104, To designate the facility of the United States Postal Service located at 1750 16th South in St. Petersburg, Florida, as the ''Morris W. Milton Postal Office;'' H.R. 5245, To designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the ''Matthew Lyon Post Office Building;'' H. Res. 327, Supporting the goals and ideals of National Passport Month; H. Res. 626, Congratulating Albert Pujols on being named the Most Valuable Player for the National League for the 2005 Major League Baseball season; H. Res. 627, Congratulating Chris Carpenter on being named the Cy Young Award winner for the National League for the 2005 Major League Baseball season; H. Res. 729, Supporting National Tourism Week; H. Res. 753, Commending American craft brewers; H. Res. 763, Supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams; H. Res. 773, Commending the American Jewish Committee for its century of leadership; H. Res. 788, Supporting the goals and ideals of Peace Officers Memorial Day; and H. Con. Res. 399, Recognizing the 30th anniversary of the victory of United States winemakers at the 1976 Paris Wine Tasting.

The Committee also unfavorably reported H. Res. 752, Requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution documents in the possession of the President relating to the receipt and consideration by the Executive Office of the President of any information concerning the variation between the version of S. 1932, the Deficit Reduction Act of 2005, that the House of Representatives passed on February 1, 2006, and the version of the bill that the President signed on February 8, 2006.

SIFTING THROUGH KATRINA'S LEGAL DEBRIS

Committee on Government Reform: Held a hearing entitled ''Sifting Through Katrina's Legal Debris: Contracting in the Eye of the Storm.'' Testimony was heard from William Woods, Director, Acquisition and Sourcing Management, GAO; the following officials of the Department of Homeland Security: Matt Jadacki, Special Inspector General, Gulf Coast Hurricane Recovery; Elaine Duke, Chief Procurement Officer; and Deidre Lee, Deputy Director, Operations, FEMA; Emily Murphy, Chief, Acquisition Office, GSA; and MG Don Riley USA, Director, Civil Works, U.S. Army Corps of Engineers, Department of Defense.

BIOSCIENCE AND THE INTELLIGENCE COMMUNITY

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack continued hearings entitled ''BioScience and the Intelligence Community (Part II): Closing the Gap.'' Testimony was heard from Ambassador Kenneth Brill, Director, National Counterproliferation Center, Office of the Director of National Intelligence; Charles Allen, Chief Intelligence Officer, Department of Homeland Security; Bruce Pease, Director, Weapons Intelligence Nonproliferation and Arms Control, CIA; and Alan MacDougall, Chief, Counterproliferation Support Office, Defense Intelligence Agency, Department of Defense.

GERMANY'S WORLD CUP BROTHELS

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on Germany's World Cup Brothels: Women and Children at Risk of Exploitation through Trafficking. Testimony was heard from public witnesses.

VOTING RIGHTS ACT AMENDMENTS

Committee on the Judiciary: Subcommittee on the Constitution held hearings, Part 1 and 11, on H.R. 9, To amend the Voting Rights Act of 1965. Testimony was heard from Rena Comisac, Deputy Assistant Attorney General, Civil Rights Division, Department of Justice; J. Gerald Hebert, former Acting Chief, Civil Rights Division, Department of Justice; and public witnesses.

OVERSIGHT—ENERGY OCCUPATION ILLNESSCOMPENSATION PROGRAM ACT

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims, held an oversight hearing on the Energy Employee Occupation Illness Compensation Program Act. Testimony was heard from Representatives Wamp, Udall of New Mexico; Hastings of Washington; and Udall of Colorado.

OVERSIGHT—FUTURE OF COAL

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on the Future of Federal Coal: Status, Availability and Impact of Technological Advances in Using Coal To Create Alternative Energy Resources. Testimony was heard from Brenda Pierce, Program Coordinator, Energy Resources Program, U.S. Geological Survey, Department of the Interior; and public witnesses.

NATIONAL OCEAN EXPLORATION PROGRAM

Committee on Resources: Subcommittee on Fisheries and Oceans held a hearing on H.R. 3835, National Ocean Exploration Program Act. Testimony was heard from Richard W. Spinrade, Assistant Administrator, Office of Oceanic and Atmospheric Research, NOAA, Department of Commerce; and public witnesses.

NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM ACT

Committee on Science: Subcommittee on Environment, Technology, and Standards approved for full Committee action, as amended, H.R. 5136, National Integrated Drought Information System Act of 2006.

Prior to this action, the Subcommittee held a hearing on Improving Drought Monitoring and Preparedness: H.R. 5136, National Integrated Drought Information System Act of 2006. Testimony was heard from Chester Koblinsky, Director, Climate Program Office, NOAA, Department of Commerce; and public witnesses.

CHESAPEAKE BAY RESTORATION ENHANCEMENT ACT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on The Chesapeake Bay Program Reauthorization and H.R. 4126, Chesapeake Bay Restoration Enhancement Act of 2005. Testimony was heard from Representatives Jo Ann Davis of Virginia and Cardin; Benjamin H. Grumbles, Assistant Administrator, Water, EPA; and public witnesses.

MEDICARE DRUG BENEFIT IMPLEMENTATION

Committee on Ways and Means: Subcommittee on Health continued hearings on Implementation of the Medicare Drug Benefit. Testimony was heard from Representative Waxman; Leslie Aronovitz, Director, Healthcare, GAO; and public witnesses.

LABOR DEPARTMENT BUDGET/ UNEMPLOYMENT COMPENSATION

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on Unemployment Compensation Aspects of U.S. Department of Labor Fiscal Year 2007 Budget. Testimony was heard from Mason Bishop, Deputy Assistant Secretary, Employment and Training Administration, Department of Labor; Sigurd Nilsen, Director, Education, Workforce, and Income Security Issues, GAO; and public witnesses.

AL-QAEDA USE OF STRATEGIC COMMUNICATIONS

Permanent Select Committee on Intelligence: Held a hearing on Al-Qaeda Use of Strategic Communications. Testimony was heard from Peter W. Rodman, Assistant Secretary, International Security Affairs, Department of Defense; and a public witness.

COMMITTEE MEETINGS FOR FRIDAY, MAY 5, 2006

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, May 5

Senate Chamber

Program for Friday: The Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, May 8

House Chamber

Program for Monday: To be announced

Extensions of Remarks, as inserted in this issue.

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