United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, MONDAY, JUNE 26, 2006 No. 84

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOUSTANY).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 26, 2006.

I hereby appoint the Honorable CHARLES W. BOUSTANY, Jr, to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

FOREIGN LAW IN U.S. COURTS

Mr. STEARNS. Mr. Speaker, with the Fourth of July celebration next week, it is important to again remember why we fought for independence, namely, to free ourselves from foreign domination.

I fear that the Supreme Court's appeal to foreign legal practice has headed us down a slippery slope, down which our rapid descent could hurt the values we hold so dear.

In fact, to measure the standards of our Constitution by foreign opinion is to believe the false premise that other nations are evolving toward better answers than we are capable of finding ourselves. If we begin thinking that way, surely we will cease to be Americans.

In 2003 in Lawrence v. Texas, five Supreme Court justices created a new right to sodomy based largely on legal precedents from the European Convention of Human Rights. In his dissenting opinion on this ruling, Justice Scalia agreed with what I am trying to point out in this speech by saying, he ''expects and fears that the court's use of foreign law in the interpretation of our Constitution will continue at an accelerating pace.''

Later, in the 2005 Roper v. Simmons case, the United States Supreme Court found juvenile execution to be unconstitutional. In deliberations, Justice Sandra Day O'Connor claimed that the United States is the only country in the world that continues to give the juvenile death penalty official sanction. She allowed international law to override her own decisionmaking abilities. In the majority decision, Justice Kennedy stated that using foreign law ''does not lessen our fidelity to the Constitution or our pride in its origin to acknowledge that the affirmation of rights by other nations and people simply underscores the centrality of those same rights within our heritage of freedom.''

Though it may be proper to acknowledge the weight of foreign opinion against the juvenile death penalty, should it be the basis for American law? Justice Ginsburg, one of the most prominent advocates of using international opinion in U.S. courts, recently delivered a speech at the Constitutional Court of South Africa. She essentially concluded that she and other justices have the authority to change the Constitution as they see fit, deferral to foreign laws and rulings being a key part of their creative process. She insisted that U.S. jurists honor the Framers' intent to ''create a more perfect union,'' which would allow justices to alter the Constitution, to keep it from being ''fixed forever by the 18th century understanding.''

My colleagues, the Framers of the Constitution did not give justices the authority to create a more perfect union; in fact, they purposely made changing the Constitution a very difficult process, to ensure that these changes were thoroughly vetted and absolutely necessary. Any amendments require a two-thirds vote of both Houses of Congress and three-fourths of State legislatures to convene constitutional conventions to ratify them. But, as we have seen, some justices believe they have the power to amend the Constitution to suit every whim.

Foreign laws and decisions simply provide a convenient justification for some justices to almost thumb their noses at the Constitution and the legislative branch.

Foreign legal standards can help U.S. courts determine the meaning behind treaties, foreign law might even aid us in interpretation of our Constitution as the Framers were of English descent; but there needs to be a distinction between appropriate and inappropriate consultation, aside from justices' personal opinions.

In an address to the American Enterprise Institute earlier this year, Justice Scalia said, ''If there was any thought absolutely foreign to the Founders of our Country, it was the notion that we Americans should be governed the way Europeans are.'' In the Federalist Papers Number 46, to take just what one example, James Madison speaks contemptuously of the governments of Europe, which are afraid to trust the people with arms. Are we now to revise the second amendment because what these other countries think?

During his confirmation, Justice Roberts pointed out, ''Looking to foreign law for support is like looking out

over a crowd and picking out your best friends.'' A judge relying on foreign law in their decisionmaking can hand-pick a precedent based on a predetermined outcome of their choice.

So, Mr. Speaker, I believe that our courts should rely on our history, our laws, and most importantly our Constitution to help them reach a decision, especially when it comes to domestic issues. That is why we must focus our energies on the other body on confirming quality judges with a healthy respect for the Constitution like Justice Roberts and Justice Alito.

ANTI-AMNESTY RESOLUTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Michigan (Mr. STUPAK) is recognized during morning hour debates for 5 minutes.

Mr. STUPAK. Mr. Speaker, 11 days ago in this House, we had a partial limited debate on the war in Iraq. The same day, it was reported in a number of the area newspapers that there was consideration of giving amnesty to those Iraqis that killed, maimed, or injured U.S. troops or citizens. A few of us took to the floor during the Iraq debate and raised the issue of amnesty. Is this what we are fighting for in Iraq, the type of democracy that gives people who kill American soldiers amnesty?

Last week, I joined with Democratic leadership, Mr. LARSON, Mr. CLYBURN, Mr. MURTHA, Mr. SKELTON, Mr. ABERCROMBIE, and others, and introduced House Joint Resolution 90, which says: Disapproving the grant of amnesty by the government of Iraq to persons known to have attacked, kidnapped, wounded, or killed members of the Armed Forces of the United States or citizens of the United States in Iraq.

Mr. Speaker, proposing amnesty for Iraqis who have killed our troops is another stunning example of the failure of this administration's handling of the war and their overall policy. I, like the rest of the American people, would like to know, what did the President know about this amnesty and when did he know it? I find it coincidental that the day after the President comes back from his secret trip to Iraq, we start hearing these reports in newspapers about an agreement on amnesty.

In 3 years of war, we have lost more than 2,500 of our best and brightest Americans. The war in Iraq now boils down to amnesty for insurgents who attack and kill U.S. troops? This amnesty proposal appears to have the tacit agreement of the Bush administration and the Iraqi government officials, as they were quoted in the Washington Post as saying, and I quote, ''There is some sort of understanding between us and the U.S.-led multi-national force in Iraq that there is a patriotic feeling among Iraqi youth and the belief that those attacks are legitimate acts of resistance and defending their homeland. These people will be pardoned definitely, I believe.''

So officials in the Iraqi government believe that this is a done deal, and that attacking U.S. troops is a courageous act of self-defense. We could not disagree with it more, and that is why we have our House Joint Resolution 90.

I want to know, who agreed with the Iraqi government? How did they get this understanding that it is part of the policy of the United States that it is okay to kill U.S. troops? Was it someone in the Department of Defense, someone in the Secretary of State, or, again, during the meeting the President had in Iraq a few weeks ago, was that part of it?

The amnesty was reported in the papers the same day that two U.S. troops were found to be tortured and mutilated in Iraq. Do we give their torturers, their killers amnesty? Is this what the Commander-in-Chief does, lead troops into war, and then it develops into a civil war and those who kill U.S. troops get amnesty?

We ask the Republican leadership to bring House Joint Resolution 90 up before this floor. Let's bring it up before the Fourth of July recess, pass this House resolution, it should move quickly, and it should be a bipartisan resolution.

There is a lot of talk in this town, and some people like to use the word cut and run. Let me ask this. If the administration and if this Congress accept a policy that says it is okay to kill U.S. troops, what sort of message are we sending to the Iraqis on the street that it is okay to kill U.S. troops? But, more importantly, what sort of message are we sending to the 130,000 troops that are over there fighting in Iraq? To me, a proposal giving amnesty to those who have murdered Americans is the real definition of cut and run.

I urge the Republican leadership to allow our resolution to come to the floor, House Joint Resolution 90. No amnesty in Iraq, no amnesty for those who kill, maim, torture U.S. troops or our citizens in the country of Iraq.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOUSTANY) at 2 p.m.

PRAYER

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

Lord, today we ask Your blessing on the work of so many here on Capitol Hill. Besides the work of government, familiar to all, accomplished by elected Representatives and many staff, there are hundreds of personnel whose work is hidden.

Lord, here are people in a labor force of manual laborers, carpenters, cooks, kitchen help, gardeners and maintenance workers. Their work is often unnoticed, yet always appreciated. During daylight and night hours, this Capitol is kept clean, in good order and prepared for those who serve here in government.

You, Lord, reward everyone with all our differences for his or her own competency, expertise and daily labor. May the families of the workers and all hardworking Americans be proud of the many laborers who raise a high standard for all citizens by their work on Capitol Hill. Bless them and their work, now and forever. Amen.

THE JOURNAL

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

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

Mr. POE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. COBLE 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.

55 GUARDSMEN HOLDING OFF INVASION

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

Mr. POE. Mr. Speaker, news from the front. The border war continues.

Generalissimo Fox and the Mexican media have taken a setback in the illegal invasion of the United States. Illegal border crossings and detentions

have dropped 21 percent in just 10 days. The reason: 55 National Guardsmen on the border. Even though the Guard was sent to the border in a support role and as a publicity stunt to appease Americans, they are deterring illegal entry into the United States.

The Mexican media, taking a page out of the New York Times and their hatred for the U.S. military, has so exaggerated the truth and alarmed the Mexican illegals about the National Guard, the crossings have decreased dramatically.

The fear that the National Guard is portrayed like their own corrupt military has slowed illegal entry, you know, that Mexican military machine that is on the southern Mexican border that reportedly ''rapes, robs and beats Hondurans and Guatemalans that are just trying to do jobs that Mexicans won't do.''

If 55 Guardsmen can reduce the number of illegals by 21 percent, just think what would happen if we used more Guardsmen on the border front.

Those who say we cannot stop the invasion so we ought to surrender our soil are underestimating the American National Guard.

And that's just the way it is.

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, June 26, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 23, 2006, at 1:36 p.m.:

That the Senate passed without amendment H.R. 5603.

That the Senate passed without amendment H.R. 5403.

That the Senate passed S. 2370.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

RECORD votes on postponed questions will be taken after 6:30 p.m. today.

CORRECTING THE ENROLLMENT OF H.R. 889

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 103) to correct the enrollment of the bill H.R. 889.

The Clerk read as follows:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H.R. 889, the Clerk of the House of Representatives shall make the following corrections:

(1) In the table of contents in section 2, strike the item relating to section 414 and insert the following:

''Sec. 414. Navigational safety of certain facilities.''.

(2) Strike section 414 and insert the following:

''SEC. 414. NAVIGATIONAL SAFETY OF CERTAIN FACILITIES.

''(a) CONSIDERATION OF ALTERNATIVES.—In reviewing a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), not later than 60 days before the date established by the Secretary of the Interior for publication of a draft environmental impact statement, the Commandant of the Coast Guard shall specify the reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement, or right-of-way considered by the Secretary.

''(b) INCLUSION OF NECESSARY TERMS AND CONDITIONS.—In granting a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), the Secretary shall incorporate in the lease, easement, or right-of-way reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on Senate Concurrent Resolution 103.

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

There was no objection.

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

Mr. Speaker, Senate Concurrent Resolution 103 clarifies the intent of the conferees that the Coast Guard review and assess the impacts of any proposed offshore energy facility on the navigation safety in Nantucket Sound and on the service's capabilities to conduct missions within and near the proposed facility.

The resolution will require the Coast Guard to establish terms and conditions that are necessary to safeguard recreational and commercial vessel traffic in Nantucket Sound before any draft environmental impact statement is made available for public review.

The resolution also provides that these terms and conditions will be incorporated into the requirements of any lease that is granted for the construction of a proposed offshore facility.

This provision will allow us to develop offshore alternative energy resources in a way that does not jeopardize the safety and security of the maritime community in Nantucket Sound.

I urge my colleagues to support this concurrent resolution and to support the underlying resolution.

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

Ms. CORRINE BROWN of Florida. I yield myself such time as I may consume.

Mr. Speaker, this resolution will make changes to the Coast Guard conference report that reflects the compromise agreement that was worked out concerning the Cape Wind project.

It will allow the Commandant of the Coast Guard to set the terms and conditions on any leasing of Federal waters in Nantucket Sound that may be necessary to protect navigational safety. For example, over 3 million passengers ride ferries that transit through Nantucket Sound, and it is vitally important to protect the navigational safety of those vessels.

Recent emergencies have reminded us once again why a well-funded and fully operational Coast Guard is paramount for protecting the citizens of this Nation.

The 2006 Coast Guard and Maritime Transportation Act conference report has been delayed for far too long. We are all glad to see that a fair agreement based on navigational safety has been worked out and that this bill will now move to the President's desk for signature.

I encourage all my colleagues to support this fair resolution and support full funding for the Coast Guard.

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

Mr. YOUNG of Alaska. At this time I yield whatever time he may consume to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank the gentleman from Alaska, the distinguished chairman of the full committee.

Mr. YOUNG, I want to commend you and Mr. LOBIONDO, the distinguished gentleman from New Jersey, for having chaired the full committee and the Coast Guard subcommittee, along with your respective ranking members, Mr. OBERSTAR, the gentleman from Minnesota; and Mr. FILNER, the gentleman from California. You all have done notable work.

Chairman YOUNG, you and I have talked about this before, but I believe the U.S. Coast Guard probably more than any other Federal entity assumes additional duties time after time without corresponding increased appropriations. I told the Commandant the other day, Admiral Allen, I said, You must

have a magic wand down there, because you all continue to discharge duty after duty, oftentimes newly assigned duties, with the same amount of money. And I don't know how they do it, but they do.

I thank the gentleman for yielding.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 103.

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

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of April 6, 2006 at page H1640.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 889.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 889, the Coast Guard and Maritime Transportation Act of 2006.

This bill authorizes $8.7 billion in funding for the Coast Guard, including $1.6 billion for the recapitalization of Coast Guard vessels, aircraft and support systems.

Funding at this level would result in the acceleration of the Deepwater program and would provide a new, more capable fleet to support the Coast Guard's many traditional and homeland security missions.

The conference report also includes provisions related to Coast Guard's response in the regions that were affected last year by Hurricanes Katrina and Rita, and the impacts of the storms on the maritime industry.

The conference report also requires safety inspection for passenger ferries, makes it easier to prosecute illegal drug smugglers, encourages the construction and use of U.S. flag liquefied natural gas vessels, enhances maritime security by increasing penalties for violations of the Maritime Transportation Security Act, and adjusts oil spill liability limits for the first time since the Oil Pollution Act was passed in 1990.

H.R. 889 also includes legislation passed by the House as H.R. 1412, the Delaware River Protection Act.

This bill was introduced by the Coast Guard Subcommittee chairman, our colleague from New Jersey, Mr. FRANK LOBIONDO. I commend him for his hard work on this measure.

H.R. 889 is a truly bipartisan bill and deserves the support of each Member of this House.

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

Ms. CORRINE BROWN of Florida. I yield myself such time as I may consume.

Mr. Speaker, I want to thank Chairmen YOUNG and LOBIONDO and Ranking Members OBERSTAR and FILNER for their hard work in bringing this conference report to the floor. It has been a long time coming, and I am glad to see the finish line ahead.

Every time this country faces an emergency, the Coast Guard is the first agency on the scene. The Coast Guard was the first agency to react to the terrorist attacks on September 11 and within minutes was guarding our ports and bridges and directing maritime traffic out of New York. They were also the only agency in the Bush administration to actually do their job during the devastation of Hurricane Katrina. That is worth repeating: they were the only agency in the Bush administration to actually do their job during the devastation of Hurricane Katrina. And they are still in the gulf region supporting the recovery effort.

They respond to these emergencies all while completing their core missions of search and rescue, drug interdiction, and enforcing maritime and fisheries laws.

Fortunately, the Transportation Committee realizes how important the Coast Guard is and has once again stepped up to the plate and provided the Coast Guard the true amount of funding they need to do their job. I encourage all my colleagues to support this bill and support full funding for the U.S. Coast Guard. It is simply the right thing to do for America.

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

□ 1415

Mr. YOUNG of Alaska. Mr. Speaker, at this time, I yield to the chairman of the subcommittee who has done an outstanding job, a man who understands the Coast Guard and really has been leading the Coast Guard for the last 6 years, the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. I thank the chairman for yielding, and I would like to thank Chairman YOUNG for his ongoing very strong support for the Coast Guard and their maritime missions.

H.R. 889, the Coast Guard and Maritime Transportation Act, authorizes nearly $8.7 billion in funding for the Coast Guard in fiscal year 2006. This authorization includes funding to support each of the Coast Guard's important missions, including many that have been highlighted in response to the tragedy that occurred in the gulf region last year.

The Coast Guard is a unique entity within the Federal Government, as both a military service and a Federal agency with law enforcement abilities and wide regulatory responsibilities. The men and women of the Coast Guard carry out their missions every day to protect the safety and security of our Nation. Whether the mission involves saving thousands of lives, responding to oil spills, keeping our ports and waterways open, or boarding a suspicious vessel, the men and women of the Coast Guard work tirelessly.

However, we cannot allow the commitment that is being shown by the men and women of the Coast Guard to go on without a real commitment by this body to provide the service with the assets and resources necessary to carry out all of these missions that we have asked them to do. H.R. 889 will authorize the funding levels required to do just that.

H.R. 889 authorizes $1.6 billion for the Coast Guard's Integrated Deepwater System, a critically important system. Every day our Coast Guard servicemembers must deal with the unfortunate reality that an aircraft or boat they command may lose power, spring a leak, or otherwise fail to operate. This is unacceptable. It puts the safety of our personnel and the success of their mission in real jeopardy. We must accelerate Deepwater to make replacement assets available now. I urge my colleagues to support funding levels in this bill and in the future to make this a reality.

H.R. 889 also includes important oil spill response and liability provisions originally included in the Delaware River Protection Act legislation that I introduced, along with Representatives SAXTON, CASTLE, ANDREWS, and SCHWARTZ, in the wake of the Athos I oil spill in the Delaware River. These provisions represent the first real effort in 15 years to strengthen our Federal oil spill prevention and response system. This bill will provide the Federal Government with the authorities that will enhance our capability to prevent and respond to future oil spills.

Once again, I would like to thank Chairman YOUNG for his strong support, Ranking Member OBERSTAR, as well as subcommittee Ranking Member

FILNER for working with me to develop a strong bipartisan product. I would also like to thank our dedicated staff on both sides of the aisle for their work: John Rayfield, Eric Nagel, and Liz Megginson on the majority staff, and John Cullather on the minority staff, who did an outstanding job in helping us put this conference report together.

The bill takes a balanced approach to providing the resources and authorities necessary to support each of the Coast Guard's many and varied missions. Although the Coast Guard has received a great deal of attention for its port security mission, we must strive to protect the service's unique multi-mission character. We must maintain a Coast Guard with the ability to successfully accomplish each of its vital missions.

I would like to urge all my colleagues to support this important bill and continue to support the men and women of the Coast Guard who do such an exceptionally good job for the United States of America.

Ms. CORRINE BROWN of Florida. I continue to reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I echo the words of Mr. LOBIONDO. This Coast Guard that serves this great Nation of ours has done such an outstanding job over the years in my 34 years in Congress that I can only just applaud each time I see a Coast Guard vessel or a member of the Coast Guard or the flag that they carry.

It is a unique privilege, being in a State that has probably the greatest challenge of all the States and probably the most involved with the Coast Guard. When I first arrived in Congress, we had one Coast Guard station, actually two, one in Juneau, which was a command station, and one in Ketchikan, which was relatively small. Since that time, over the last 34 years, we now have, I believe, the largest Coast Guard unit in the United States on Kodiak Island.

They do a great job not only patrolling and watching for foreign interference of our fishing fleet, but saving my constituents. Many times they go out in weather, and I don't know how many of you watch the show of the most dangerous fishing, the ''Dangerous Catch,'' they call it, but there you will see the Coast Guard involved rescuing people in hundred mile winds, or knots, of seas of about 40 feet, 50 feet, sometimes. Even so bad that it took a helicopter down last year when they were trying to rescue people off a foreign ship that was carrying soybeans.

But they do not only that, but they watch for oil spills which pollute our seas. They do it for the little fisherman going out in the small dinghy, in larger seas than he should have, to catch those big King salmon Alaska has that belongs to Alaska and doesn't belong to Washington State or Canada. And sometimes they get in trouble, and the Coast Guard is there. And the young men and women that enlist and stay voluntarily for years and years, I just compliment them.

This bill is a good bill. As mentioned by Mr. LOBIONDO, John Rayfield has done outstanding work. There were very tiring times, especially in conference, because we are dealing with a conference, and they are very difficult in this business we are in. Conferences with the other side are equally difficult but sometimes ridiculous in the sense of what we have to negotiate for. But we believe we have negotiated a good conference. Liz Megginson, my legal counsel, has done very well on this legislation.

And for my colleagues, this is the end of 2006 as far as the authorization for the Coast Guard. As of today, we will be introducing a 2007 reauthorization bill; and we will be working on that, hopefully with expedited results, and getting the bill out of the House and to the Senate to decide and maybe having the finalization and being ahead of the ball game. That is what we are going to attempt to do to try to make sure that the Coast Guard gets the recognition, the organization, the authorization and be able to fulfill the mission that they have and will continue to have.

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, I just want to once again thank Chairman YOUNG and Mr. LOBIONDO and Ranking Members OBERSTAR and FILNER for their hard work on this bill.

The Coast Guard, once again, is the first agency on the scene that is doing their job; and I am very pleased that we finally have a bill that we are going to send to the President's desk.

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

Mr. YOUNG of Alaska. Mr. Speaker, I would just close by urging my colleagues to support this legislation.

The House has under consideration the conference report (109–413) to the bill H.R. 889 to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

Mr. WEINER. Mr. Speaker, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through the Coast Guard and Maritime Transportation Act of 2005, and to express my strong support of the bill.

It authorizes $8.7 billion for the Coast Guard for fiscal 2006, which will be used to perform the essential duties of the U.S. Coast Guard in the areas of homeland security, maritime safety, law enforcement, environmental protection, and emergency response: a mission area in which the Coast Guard led the pack in responding to Hurricane Katrina. To support these activities, the conference report authorizes $500 million in additional emergency funds for Katrina response.

Mr. Speaker, I want to highlight a provision that I offered and was accepted by the Committee last July and is included in this conference report. It directs the Environmental Protection Agency to conduct a study of the pollution in Newtown Creek caused by underground oil spills in Brooklyn, N.Y. The study is to be fully funded through the Oil Spill Liability Trust Fund. As outlined in section 410 of the conference report, this study is to be completed no later than one year after enactment of this law.

Newtown Creek is a 3.5 mile long waterway that flows from the East River and separates the boroughs of Brooklyn and Queens. The State of New York has ruled that the Creek does not meet water quality standards under the Clean Water Act. It is the single most polluted waterway in New York City, and its banks are home to the largest oil spill in the United States. The spill is 150 percent the size of the Exxon-Valdez spill.

In 1978, a Coast Guard patrol detected petroleum on the surface of Newtown Creek and identified a spill that spreads from the banks of the Creek through the Greenpoint neighborhood in Brooklyn. Evaluations at that time identified a spill totaling 17 million gallons attributed to refineries operated along the banks of the Creek by the predecessors to ExxonMobil, BP/Amoco and Chevron-Texaco. To date, 8.7 millions gallons have been cleaned but estimates indicate it will take at least 25 more years to finish the remediation, primarily conducted by ExxonMobil under a 1990 consent agreement with the New York State Department of Environmental Conservation that sets no timetable for completion and includes no meaningful criteria for compliance.

Even though it has been over 25 years since the oil spill was detected, the public health and safety risks associated with the oil spill are still unknown.

The legislative intent of the amendment that directs the Coast Guard to study Newtown Creek (Creek) is for the Environmental Protection Agency to revisit the findings of the U.S. Coast Guard's July 1979 report entitled ''Investigation of Underground Accumulation of Hydrocarbons along Newtown Creek,'' and address the following issues:

The actual current size of the Greenpoint Oil Spill (Spill) and the extent to which oil from each refinery site contributes to the Spill.

The extent and severity of surface water pollution and sediment contamination from the Spill, and methods to prevent further seepage into the Creek.

The Spill's impact on existing conditions in the Creek including but not limited to low levels of dissolved oxygen and high levels of bacteria.

The interaction between pollution from the Spill and pollution from other sources in the Creek including but not limited to Combined Sewer Overflow Pipes and the Newtown Creek Sewage Treatment Plant.

The extent to which oil and contaminated sediments in the Creek disperse into New York Harbor.

The extent to which the Spill has affected aquatic species in the Creek and Harbor, and methods to prevent further harm.

The extent to which the Spill has affected groundwater in the surrounding area, and methods to prevent further harm.

The extent and severity of contaminated soil in the area affected by the Spill, and methods to prevent further harm.

Any public health issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

Any safety issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

The extent to which the current remediation efforts are sufficient, and any new technologies or approaches that could accelerate product recovery and/or improve the scope of the remediation.

I would like to express my thanks to Chairman YOUNG, Mr. OBERSTAR, Chairman LOBIONDO, and Mr. FILNER for their willingness to work with me on this very important yet often overlooked Issue. The country will benefit from renewed Federal attention on this oil spill, the largest in the country.

Furthermore, I would like to thank my Democratic colleagues in the New York City delegation, all of whom signed a letter to conferees urging that this study be included in the conference report. I would especially like to commend Mrs. VELÁZQUEZ, who represents the people of Greenpoint. She and I have worked together closely on this initiative.

Additionally, I would like to thank both the Democratic and Republican staff of the Transportation Committee and the Subcommittee on the Coast Guard and Maritime Transportation. In particular, Ward McCarragher and John Cullather of Mr. OBERSTAR's staff and Fraser Verrusio and John Rayfield of Mr. YOUNG's staff were very helpful.

Mr. YOUNG of Alaska. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and agree to the conference report on the bill, H.R. 889.

The question was taken.

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

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4843) to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4843

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 ''Veterans' Compensation Cost-of-Living Adjustment Act of 2006''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2006, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amounts in effect under section 1311(b) of such title and paragraph (1) of section 1311(f) of such title (as redesignated by subsection (e) of this section).

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) BASE FOR INCREASE.—The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2006.

(2) PERCENTAGE OF INCREASE.—Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2006, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) ROUNDING.—Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) DESIGNATION CORRECTION.—Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2006, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

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

Mr. Speaker, H.R. 4843, as amended, is one of the more important bills the committee brings to the floor each year.

On April 6 of this year, the Subcommittee on Disability Assistance and Memorial Affairs, chaired by Mr. MILLER of Florida, took testimony on H.R. 4843. The subcommittee then marked this bill on June 8 and reported the bill favorably to the full committee by unanimous voice vote. The full committee reported the bill, as amended, on June 22.

H.R. 4843, as amended, would provide a cost-of-living adjustment, a COLA, to disabled veterans and certain survivors in the same amount given to Social Security recipients. All veterans who receive disability compensation and qualified survivors would receive the adjustment beginning December 1 of this year. Congress has acted on COLA legislation every fiscal year since 1976.

More than 2.6 million veterans receive service-connected disability compensation. These benefits are paid monthly and range from $112 for a 10 percent disability to $2,393 for a 100 percent disability. Additional monetary benefits are available for our most severely disabled veterans, as well as those with dependents.

Spouses of veterans who died on active duty or as a result of a service-connected disability may also be entitled to monetary compensation. The amount of the dependency and indemnity compensation is $1,033.

Additional amounts are paid to survivors who are housebound or in need of aid and attendants or have minor children. Currently, about 340,000 surviving spouses and children are receiving survivors' benefits.

The amendment to the bill by Ms. BERKLEY would also provide a COLA to the dependency and indemnity compensation transitional benefit. Established in Public Law 108–454, transitional DIC is a 2-year benefit; and it is intended to ease the family's transition following the death of a service member or veteran.

The Congressional Budget Office is projecting a 2.2 percent COLA increase, but it may be higher or lower depending upon the changes in the Consumer Price Index. The exact percentage will be calculated as of September 30, 2006.

The cost of providing a COLA is assumed in the administration's budget baseline; therefore, it will be budget neutral. Additionally, H.R. 5385, the Military Quality of Life and Veterans Affairs and Related Agencies Appropriations Bill of 2007 fully funds a veterans' COLA effective December 1, 2006.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank Chairman BUYER, Ranking Member LANE EVANS, subcommittee Chairman JEFF MILLER and our subcommittee Ranking Member, Ms. BERKLEY, for their work on this bill. In particular, I want to thank Ms. BERKLEY for her amendment, which was offered during our markup and which received unanimous bipartisan support.

H.R. 4843, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006, will help our service-disabled veterans and their survivors maintain the purchasing power of their benefits in 2007. Ms. BERKLEY's amendment assures our Gold Star Wives with young children that the value of their benefit will not continue to erode as it did during this current year.

Unfortunately, many do not fully recognize that the benefits we pay to men and women who have borne the battle, their widows, widowers, and children are a continuing cost of war. Indeed, the VA is currently paying benefits to survivors of Civil War veterans. We have a moral obligation to the men and women who put on the uniform and are harmed in the service of the Nation that we will compensate them for the harm which occurs. We have many examples where this is not being done, because, although costs increase, the benefit has remained static. The least we can do for the young families of our deceased veterans is to provide them the full value of the 2-year transitional benefit they receive.

Although we will not know the exact percentage by which the benefit is to be increased until the Consumer Price Index is calculated in October, I expect this bill will help VA beneficiaries maintain the value of their benefits.

□ 1430

No amount of money can ever compensate our veterans for the loss of their health or the families for the loss of a loved one. Nonetheless, it is critical that the monetary value of these benefits, which partially compensate for such losses, is not reduced merely by the passage of time.

In 2004, over 28,000 veterans in New Mexico received disability compensation or pension payments from the VA. Many New Mexico family members of veterans and their survivors also receive VA cash benefits. The action we are taking here today will help the veterans in my congressional district who depend on these VA benefits.

H.R. 4843, as amended, will receive my full support; and it deserves the support of all Members of the House.

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

Mr. BUYER. Mr. Speaker, I have no additional speakers.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), a member of the Veterans' Affairs Committee who has been a fighter for our Nation's veterans.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to support this bill to increase the veterans compensation, or COLA. It is important to pass this legislation to support those who have put their lives on the line to protect the freedom this country holds so dear.

This money is very important to veterans living on fixed incomes and very little outside support. The COLA increase is tied to the Social Security COLA, which could change depending on the Consumer Price Index.

While many of the beneficiaries of the increase are veterans of past wars, the disabled from the current war, Operation Enduring Freedom and Operation Iraqi Freedom, will benefit also.

Those injured in the current war are surviving once fatal injuries at greater numbers than anytime in the past. The rates of disability compensation and dependency and indemnity compensation affected by the COLA will help those recovering to have a better quality of life and help them to become contributing members of society.

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

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4843, as amended.

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

There was no objection.

Mr. BUYER. Mr. Speaker, I would also like the Members to note that last year when we came to the floor, we thought that the COLA was going to be about 2.7 percent. Once they did the adjustment on the CPI, it ended up being about 4.1 percent. I don't know what it is going to be this year. That was a huge change. Even though we are saying approximately 2.2, I don't know what it is going to be.

I would like to thank LANE EVANS and BOB FILNER for their work. I would also like to thank Mr. MILLER and Ms. BERKLEY. I would like to thank Mr. UDALL and Ms. BROWN. Also, I thank them in appreciation for the timely fashion in which they moved this bill through the committee and now onto the floor.

Mr. Speaker, I urge my colleagues to support the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

Mr. MICHAUD. Mr. Speaker, I rise today in strong support of H.R. 4843, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

This is a good bipartisan bill.

It will help to ensure that the real value of the benefits earned by our veterans does not decrease as prices rise.

These benefits are critical for many veterans and their families to help make ends meet.

Veterans and their families need to know that the purchasing power of their earned benefits will not decrease over time.

This legislation also includes a provision similar to my bill, H.R. 1573.

Last Congress, in response to a VA evaluation, we passed legislation to provide an increase of $250 to the monthly DIC, Dependency and Indemnity Compensation, benefit for surviving spouses with children under 18 for the first 2 years of eligibility.

While I believe that we should make this benefit permanent, especially in light of the brave men and women giving their lives in Iraq and Afghanistan; the provision in today's bill is extremely important and will ensure that this benefit maintains its value over time.

I want to thank Ms. BERKLEY for her amendment in Committee to include this provision.

This is a good bill that will help veterans and their families across the country and I urge my colleagues to support it.

I hope that this is the first of many bills that we will now move forward to improve the benefits and quality of care provided to our veterans and their families.

I congratulate Chairman MILLER of Florida for introducing this important bill, and I thank full committee Chairman STEVE BUYER and full committee Ranking Member LANE EVANS for moving this legislation forward.

Mr. MILLER of Florida. Mr. Speaker, I rise in strong support of H.R. 4843, as amended, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

On March 2, 2006, as Chairman on the Subcommittee on Disability Assistance and Memorial Affairs, I introduced H.R. 4843 with SHELLEY BERKLEY, Ranking Member of the Subcommittee, and STEVE BUYER and LANE EVANS, Chairman and Ranking Member, respectively, of the Committee on Veterans' Affairs. On June 22, 2006, the full Committee adopted an amendment offered by Ms. BERKLEY to provide the annual adjustment to a two year transitional benefit offered under the dependency and indemnity compensation program.

Each year since 1976, Congress has provided a cost-of-living adjustment (COLA) to the benefits provided to our Nation's disabled veterans and their survivors. The purpose of the annual COLA is to ensure that Department of Veterans Affairs (VA) cash benefits retain their purchasing power and are not eroded by inflation.

The Committee is following its longstanding practice of setting the COLA by reference to the yet-to-be-determined Social Security increase. In February 2006, the Administration projected a 2.6 percent increase; as of May 2006, the Congressional Budget Office is projecting the COLA to be 2.2 percent. However, it may be higher or lower depending on changes in the Consumer Price Index. The exact percentage will be calculated as of September 30, 2006, and the COLA will go into effect on December 1, 2006.

As Chairman BUYER indicated, this is one of the more important pieces of legislation the Veterans' Affairs Committee brings to the floor each year, and I urge my colleagues to support the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 4843, as amended.

The question was taken.

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

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1834

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRADLEY of New Hampshire) at 6 o'clock and 34 minutes p.m.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

CONGRATULATING THE MIAMI HEAT FOR WINNING THE 2006 NBA CHAMPIONSHIP

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 887) congratulating the Miami Heat for winning the 2006 NBA Championship.

The Clerk read as follows:

H. RES. 887

Whereas on June 20, 2006, the Miami Heat defeated the Dallas Mavericks, the Western Conference Champions, in 6 games to win the 2006 National Basketball Association (NBA) Championship;

Whereas Dwyane Wade, of the Miami Heat, was named the 2006 NBA Finals Most Valuable Player;

Whereas the Miami Heat defeated the Chicago Bulls in 6 games in the first round of the NBA playoffs;

Whereas the Miami Heat defeated the New Jersey Nets in 5 games in the second round of the NBA playoffs;

Whereas, in the third round of the NBA playoffs, the Miami Heat defeated the Detroit Pistons, their archrival and the defending Eastern Conference Champions, in 6 games;

Whereas the ''White Hot'' Miami Heat fans sold out the American Airlines Arena and cheered on their hometown team;

Whereas the Miami Heat remained persistent and continued to believe in themselves throughout the playoffs;

Whereas the Miami Heat are the first team since 1977 to win 4 NBA Finals games consecutively after losing the first two games, and in doing so, the Miami Heat made one of the most stunning turnarounds in NBA history;

Whereas the Miami Heat became just the third team in the history of the NBA Finals to win a series after losing the first two games, and the first team in the history of the NBA Finals to do so after losing the first two games by double-digit margins;

Whereas this is the first NBA championship title for the Miami Heat, which has long been one of the most outstanding basketball programs in the Nation;

Whereas Pat Riley, the head coach of the Miami Heat, has cemented his legacy as one of basketball's all-time great head coaches by winning his fifth NBA championship title;

Whereas, in game 3 of the NBA Finals, the Miami Heat were losing by 13 points on their home floor with only 6 minutes 30 seconds left;

Whereas the Miami Heat came back with the tenacity of Dwyane Wade and won game 3 of the NBA Finals by 2 points;

Whereas Micky Arison, owner and Managing General Partner of the Miami Heat; Pat Riley, Head Coach and President of Basketball Operations; Randy Pfund, General Manager; Eric Woolworth, President of Business Operations; and Andy Elisburg, Senior Vice President of Basketball Operations, have shown a positive commitment to the Miami Heat franchise by successfully acquiring, assembling, and maintaining a team of high-quality, winning players;

Whereas ''15 strong'' brought the first NBA championship title to the City of Miami;

Whereas the Miami Heat team of skilled players, including Derek Anderson, Shandon Anderson, Earl Barron, Michael Doleac, Udonis Haslem, Jason Kapono, Alonzo Mourning, Shaquille O'Neal, Gary Payton, James Posey, Wayne Simien, Dwyane Wade, Antoine Walker, Jason Williams, and Dorell Wright, contributed extraordinary performances during the regular season, the NBA playoffs, and the NBA Finals;

Whereas veteran Michael Doleac, and future stars Jason Kapono, Wayne Simien, Dorell Wright, Earl Barron, and Matt Walsh, helped shape the Miami Heat by preparing the starters for the postseason, giving the starters tough practices and quality scrimmages;

Whereas Shandon Anderson and Derek Anderson added to the Miami Heat's experience base by bringing their knowledge and NBA Finals experience from runner-up finishes in Utah and San Antonio, respectively;

Whereas, in game 6 of the NBA Finals, James Posey hit a big 3-pointer to put the Miami Heat up by 6 points with only 3 minutes left to play;

Whereas Alonzo Mourning, returning from a nearly career-ending kidney illness and kidney transplant, came up with 6 rebounds and 5 monster blocked shots to turn the tide in game 6 of the NBA Finals;

Whereas Gary Payton, having consistently shown his greatness on two near-championship NBA teams, hit a 21-foot jumper to save and seal a comeback victory for the Miami Heat in game 3 of the NBA Finals;

Whereas Jason Williams shot a team-high 34 percent from the three-point line and led the Miami Heat in assists during the NBA Finals, while directing the Miami Heat offense from the point guard position;

Whereas Antoine Walker, the Miami Heat's second-highest scorer in the NBA Finals, scored 14 points and kept the Miami Heat in important point-scoring opportunities by pulling down 11 big rebounds in game 6 of the NBA Finals;

Whereas Udonis Haslem, playing with a badly injured shoulder, showed the heart of a champion by contributing 17 points, 10 rebounds, and 2 steals, one of which was with time winding down;

Whereas Shaquille ''Shaq'' O'Neal came to the Miami Heat and on July 21, 2004 said, ''I want ya'll to remember this day, because we're going to do it again in June. I'm going to bring a championship to Miami. I promise you.'';

Whereas Shaq delivered over 1,100 points, 104 blocks, 113 assists, and 541 rebounds in the regular season, adding another 83 points, 5 blocks, 17 assists, and 33 rebounds in the NBA Finals for his fourth NBA championship title;

Whereas Dwyane Wade scored 42, 36, 43, and 36 points in the Miami Heat's NBA Finals victories, leading all scorers;

Whereas, in the NBA Finals, Dwyane Wade had the Miami Heat's second-highest rebound total, with 47; the second-highest number of assists, with 28; the second-highest number of blocks, with 6; the highest free throw percentage, at 77 percent; and the highest point total from the free-throw line, with 75; all in route to his first NBA Finals Most Valuable Player award;

Whereas the Miami Heat coaching and support staff, including Head Coach Pat Riley; Assistant Coaches Bob McAdoo, Keith Askins, Erik Spoelstra, and Ron Rothstein; Assistant Coach/Advance Scout Bimbo Coles; Strength and Conditioning Coach Bill Foran; Athletic Trainer Ron Culp; and Assistant Trainer Jay Sabol, exhibited exemplary leadership and guidance to the team;

Whereas the Miami Heat have not only been players on the court, but have also been instrumental role models to the south Florida community;

Whereas the Miami Heat organization has a positive civic impact on the south Florida community through the Miami HEAT Family Outreach Charitable Fund, Heat Academy, Heat Scholarships, Miami Heat Read to Achieve, Miami Heat Fun-Raiser, Miami Heat Wheels, Shoot For the Stars Books and Basketball Summer Clinics, Heat Youth Basketball, and the Miami Heat Learn to Swim Program; and

Whereas the Miami Heat fans are a part of this championship by supporting the team and giving the team the energy, strength, love, and passion to compete each and every season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates—

(A) the Miami Heat for winning the 2006 National Basketball Association (NBA) World Championship and for their outstanding performance during the 2005–2006 NBA season; and

(B) Miami Heat guard Dwyane Wade for winning the 2006 NBA Finals Most Valuable Player Award;

(2) recognizes and praises the achievements of the Miami Heat players, coaches, management, and support staff whose hard work,

dedication, and resilience proved instrumental throughout the Miami Heat's championship season;

(3) commends the south Florida community and the Miami Heat fans for their dedication; and

(4) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to—

(A) each of the Miami Heat players;

(B) Pat Riley, Miami Heat Head Coach and President of Basketball Operations;

(C) Micky Arison, Miami Heat owner and Managing General Partner;

(D) Randy Pfund, Miami Heat General Manager;

(E) Eric Woolworth, Miami Heat President of Business Operations;

(F) Andy Elisburg, Miami Heat Senior Vice President of Basketball Operations;

(G) each of the Miami Heat coaches and trainers;

(H) the Honorable Manny Diaz, Mayor of the City of Miami, Florida;

(I) the Honorable Carlos Alvarez, Mayor of Miami-Dade County, Florida; and

(J) the Honorable Jeb Bush, Governor of the State of Florida.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Florida (Mr. MEEK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to congratulate south Florida's own Miami Heat for winning the 2006 NBA championship. This momentous occasion marks the first NBA championship title for the Heat, a young franchise with a proud basketball tradition.

Despite some hardships in the beginning of the 2005–2006 season, the Miami Heat remained persistent throughout the playoffs and the finals.

I would like to recognize especially the Heat fans, as they are an integral part of this championship. Their relentless support energized the Heat players to compete each and every game. The ''White Hot'' Heat fans also helped to sell out the American Airlines arena and cheer their hometown team on to victory. An estimated 200,000 Heat fans came together last Friday during a parade down Biscayne Boulevard to celebrate the team's first championship in 18 years as a franchise.

The Miami Heat players are not only an inspiration on the court, Mr. Speaker, but they are also role models to the youth of south Florida. Through its many charitable organizations, such as the Miami Heat Family Outreach Charitable Fund, Heat Scholarships, and the Miami Heat Read to Achieve program, the Heat franchise has contributed to the well-being of our community.

The Heat coaching and support staff, led by head coach Pat Riley and owner, Micky Arison, have shown a positive commitment to the Heat franchise by successfully acquiring, assembling, and maintaining a team of high-quality winning players. And, of course, we need to applaud the achievements of the Miami Heat players, whose hard work and dedication proved instrumental throughout this NBA championship.

The outstanding support given by the city of Miami, Miami-Dade County, and the State of Florida were all crucial in forging one of the best teams we have ever seen.

Congratulations to our 15-strong Miami Heat team for bringing the first NBA title, the first of many, Mr. Speaker, to the city of Miami and to everyone who has participated in this magnificent season.

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

Mr. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is definitely an honor being here on the floor with my colleague ILEANA ROS-LEHTINEN and also other colleagues from the Florida delegation to commend the Miami Heat. I am so glad my colleagues are here.

As we know, the Miami Heat was a team that kind of came together over a period of 19 years to be able to bring about the kind of championship series that we have been able to witness over the last couple of weeks.

I would like to commend the Dallas Mavericks for a hard-fought game, and I believe that it was a game of life. I mean, there were mistakes made and there were also ups and downs; but I can tell you when the Miami Heat was down by two games, they came fighting back and it was not easy, and I want to thank not only the Dallas fans but especially the Miami fans, and I want to thank the NBA in general for all of their assistance to local communities in Miami and also in Dallas.

I would also like to, as we commend the Miami Heat, commend American Airlines for all that they did to not only assist both teams because they have arenas in both cities. They do quite a bit in both cities, and they also help fans travel back and forth to the games. I can tell you that this is especially unique for Miami because we have so many of the players who have been in the NBA for so long.

Just on a personal note, a personal friend of mine, Alonzo Mourning, has a youth center in the middle of my district in Overtown, which is one of the areas where children are challenged, in a safe place to be. He has been able to provide that and is leading into his 10th year of a program called Zo's Summer Groove where a number of NBA players come to south Florida, along with the Miami Heat, and raise a lot of money for great kids.

And I am also pleased with the coaching staff. I want to thank the members of the Florida delegation and Ms. ROS-LEHTINEN for putting in and mentioning the coaching staff and the front office there at the Miami Heat and Pat Riley, who has done an excellent job and who will go down in NBA history as one of the greatest coaches ever coaching the game.

For the Miami Heat fans, we can't say enough. This resolution also outlines their contributions. Some 200,000 members of south Florida's community came out in celebration of the Miami Heat. And as we all know, Dwyane Wade, and we all know Shaquille O'Neal, there are a number of players there that have contributed quite a bit; and I can tell you that that sixth player on the court has always been the Miami Heat fans. Even when the Heat are out of town, I think we have a good travel team that goes along with them, Heat fans, and I know the ''White Hot'' fans that are still white hot for the Heat are still celebrating and still appreciating. As we are here now tonight, Mr. Speaker, Shaquille O'Neal who is one of the outstanding philanthropic members of our community and who cares so much about the people, he is actually putting on a celebration party on South Beach as we speak.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute.

I just would like to congratulate Mr. MEEK for rallying the support of our delegation behind the Miami Heat. Throughout every game, even those first tough ones, he was passing out beads for the Miami Heat and rallying support, along with Members of this body, even giving Heat beads to Dallas fans. So he was winning converts one fan at a time.

Mr. Speaker, I would like to yield such time as he may consume to another fan of the Miami Heat championship season, my good friend, Mr. FOLEY.

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman for yielding.

I appreciate the efforts of both of my colleagues from south Florida, particularly Dade County, for introducing this resolution, H. Res. 887. I rise in strong support, and I want to congratulate the Miami Heat for winning the 2006 NBA championship.

As chairman of the Travel and Tourism Caucus, I would also like to signal a hearty good luck to the American Airlines arenas, hosting both the Mavericks and the Heat. They had the good fortune of having the naming rights on both of those facilities; so they too have benefited significantly from this. American Airlines is an important airline in Florida into the Miami market and to Latin America; so they too join in the celebration as well.

Since taking over the Heat a decade ago, owner Micky Arison has built the Heat into one of the NBA's marquee franchises. His steadfast leadership has now been rewarded with his first NBA championship.

I want to congratulate coach Pat Riley. As many of you know, Coach Riley returned to the Heat bench part way into the season and led his team to a successful regular season and to the NBA finals. He brought together a team of many different personalities, leading them as one cohesive unit.

I also want to recognize finalist MVP Dwyane Wade. Anyone watching could see that Mr. Wade elevated his game to another level during the finals. The Heat found themselves down two games to none and down by 13 points with only 6 minutes remaining in game three. This was when Mr. Wade took over and led the Heat to a roaring comeback before a cheering crowd at American Airlines Arena.

And we all know the Heat could not have done this without the outstanding effort and leadership of Shaquille O'Neal. When Mr. O'Neal was traded to the Heat in the summer of 2004, he promised he would bring a championship to Miami, and he held true to his promise.

I also feel special recognition is in order for veteran players Gary Payton and Alonzo Mourning. This is a well-deserved championship for Alonzo as he has battled back from kidney disease and a kidney transplant to win his first championship.

□ 1845

This is a remarkable feat of accomplishment for any human being, much less a player of which so much is demanded on the court.

I commend all the players and everyone involved with the Heat organization, including such fans as my local supporter, Richard Bernstein, who was here in D.C. and decided to fly home during the finals to his regular seat in the arena. He has been a passionate advocate for the Heat. He has never given up on them, no matter how dismal the season; and, of course, his loyalty and steadfast determination to sit by the Heat players as they went season to season has been amply rewarded by this outstanding victory.

South Florida is thrilled. We will cherish and remember this 2006 world championship. To all the fans who have given loyal support to the team, we thank them as well. All Florida celebrates the Miami Heat's championship.

Mr. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from Palm Beach for sharing those very thoughtful comments.

Mr. Speaker, I want to say how important this is not only for South Florida but also for the country. This team is a team of individuals that have been on NBA rosters for some time, and also some newcomers. Dwyane Wade was not known by the rest of the country prior to this NBA championship and this series.

Just from a personal note, I took my two children to the game five; and it was one of the most enjoyable games I have ever witnessed in my entire life. Being there with my children and seeing so many other parents there with their children witnessing such a game between two great NBA teams was something I know they will never forget and something I will never forget.

Mr. Speaker, I hope we can continue this. Like Ms. ROS-LEHTINEN has said, I hope this is just the first of several resolutions. I look forward to coming to the floor commending the Miami Heat and commending the fans.

But to my friends from Texas and from Dallas, I just want to let them know they have a great team, also; and we look forward to beating them, I mean playing with them, in the future as we move on.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to thank my staff member, Eddy Acevedo, for his work in getting all of our Florida delegation united on this resolution.

As my good friend from Florida (Mr. MEEK) has pointed out, the Miami Heat players are not only tremendous athletes, outstanding people, but they also give back to the community so much. We thank them for their contribution to making South Florida a better place in which to live.

Mr. Speaker, I urge all Members to support the adoption of House Resolution 887.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 887.

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

A motion to reconsider was laid on the table.

REAUTHORIZING PERMANENTLY USE OF PENALTY AND FRANKED MAIL RELATING TO LOCATION AND RECOVERY OF MISSING CHILDREN

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4416) to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

The Clerk read as follows:

H.R. 4416

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

SECTION 1. REPEAL OF TERMINATION OF AUTHORITY TO USE PENALTY AND FRANKED MAIL TO LOCATE AND RECOVER MISSING CHILDREN.

Public Law 99–87 is amended by striking section 5 (39 U.S.C. 3220 note).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Florida (Mr. MEEK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4416, a bill which permanently reauthorizes the use of penalty and franked mail in efforts relating to the location and recovery of missing children. This bill was passed by the Government Reform Committee by a voice vote on June 8.

I would like to thank my colleague from California, Juanita Millender-McDonald, for sponsoring this very important bill.

According to the U.S. Department of Justice, every day more than 2,100 children are reported missing somewhere in the United States. We are all familiar with the missing child notices that appear in the media, on government office bulletin boards, on advertising mail and, of course, on milk cartons. These notices provide immeasurable help in bringing missing children home. According to the National Center for Missing and Exploited Children, one out of every six children featured on these notices are recovered.

This bill will allow Members of Congress and Federal agencies to continue to assist in the recovery of missing children by authorizing them to include missing child notices on their official and franked mail envelopes. The wider these notices are disseminated, the greater the chances that someone will recognize a missing child and contact the proper authorities.

Mr. Speaker, I urge my colleagues to support this legislation.

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

Mr. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleagues in consideration of H.R. 4416, legislation sponsored by Representative MILLENDER-MCDONALD, which would permanently reauthorize the use of franking and penalty mail by Congress and Federal agencies and departments. This measure, which was unanimously reported from the Government Reform Committee on June 8,

would allow Members to assist in efforts to locate and to recover missing children.

First enacted in 1985, this program authorized the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to prescribe guidelines under which the government and franked mail may be used to help find and recover missing children. The law also authorized the Senate Committee on Rules and the House Commission on Congressional Mailing Standards to establish guidelines for the use of franked mail in the House and Senate.

Although the law was reauthorized three times, the underlying statutory authority expired in 2002. H.R. 4416 would permanently reauthorize this very important effort. The placement of photos of missing children on government and congressional mail will greatly assist in locating and recovering children.

Mr. Speaker, I commend my colleague, Ranking Member Millender-McDonald, for sponsoring this bill; and I urge my colleagues to include photos of missing children on their official and franked mail.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I include for the RECORD a letter from Congressman Vernon Ehlers, chairman of the Committee on House Administration, regarding the bill before us that is under consideration.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION, LONGWORTH HOUSE OFFICE BUILDING,
Washington, DC, June 14, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: I write concerning H.R. 4416, a bill to permanently reauthorize the use of penalty and franked mail in efforts relating to the location and recovery of missing children. H.R. 4416 was ordered reported by the Committee on Government Reform on June 8, 2006.

As you know, the Committee on House Administration received a joint referral on the bill because of the Committee's jurisdiction over matters concerning Congressional franking privileges. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. 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.

Sincerely,

VERNON EHLERS,
Chairman.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time; and I hope that our colleagues support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 4416.

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

A motion to reconsider was laid on the table.

UNITED STATES-OMAN FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–118)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Oman Free Trade Agreement (FTA). This FTA enhances our bilateral relationship with a strategic friend and ally in the Middle East region. The FTA will benefit the people of the United States and Oman, illustrating for other developing countries the advantages of open markets and increased trade.

In negotiating this FTA, my Administration was guided by the objectives set out in the Trade Act of 2002. Congressional approval of this FTA will mark another important step towards creating a Middle East Free Trade Area. Like our FTA with Bahrain that the Congress approved in December 2005, and our FTA with Morocco that was approved in July 2004, this FTA offers another important opportunity to encourage economic reform in a moderate Muslim nation. Oman is leading the pursuit of social and economic reforms in the region, including by selling state-owned businesses, encouraging foreign investment connected to broad-based development and providing better protection for women and workers. It is strongly in our national interest to embrace these reforms and do what we can to encourage them.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 26, 2006.*

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 109–528) on the resolution (H. Res. 845) requesting the President and directing the Secretary of Defense and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution, documents relating to the termination of the Department of Justice's Office of Professional Responsibility's investigation of the involvement of Department of Justice personnel in the creation and administration of the National Security Agency's warrantless surveillance program, including documents relating to Office of Professional Responsibility's request for and denial of security clearances, which was referred to the House Calendar and ordered to be printed.

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.

□ 1900

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.)

ILARIO PANTANO'S MEMOIR

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that I might speak at this time.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, on April 5, 2005, I rose on the House floor in defense of former Marine Lieutenant Ilario Pantano, who had been accused of premeditated murder for his actions in April 2004 that resulted in the deaths of two suspected Iraqi insurgents.

At that time I encouraged my colleagues to support a resolution calling on the United States Government to dismiss all charges against Lieutenant Pantano who had defended the cause of freedom, democracy and liberty, while serving as a platoon commander in Iraq.

In an action of self-defense, Lieutenant Pantano made a split-second battlefield decision to shoot two suspected Iraqi insurgents who refused to follow his orders to stop their movement towards him. Lieutenant Pantano did his duty as any marine officer should when faced with the enemy.

Following a 5-day military hearing in May 2005, the truth of Lieutenant Pantano's innocence prevailed, and he was cleared of all charges. Lieutenant Pantano left the Marine Corps following the dismissal of the charges brought against him, as the media frenzy surrounding his case may have put him or other corps members at greater risk were he to return to duty.

As an outstanding leader and dedicated servant to the Marine Corps and our Nation, I believe Lieutenant Pantano's resignation was a great loss for the Marine Corps and a great loss for America. Mr. Speaker, I recall these events to draw attention to the recent release of a memoir by Lieutenant Pantano, coauthored by Malcolm McConnell, entitled: ''Warlord, No Better Friend, No Worse Enemy.''

Ilario Pantano first enlisted in the Marine Corps at the age of 17 and was inspired to reenlist following the terrorist attack of September 11 of 2001, 10 years after his service as an elite marine sniper and a veteran of Desert Storm.

Answering the patriotic call to duty, Lieutenant Pantano voluntarily left a successful career in finance to head to officer's training school in Quantico, Virginia. As a platoon commander in Iraq, Lieutenant Pantano was praised by his fellow marines and superiors as a capable and devoted leader and an intelligent and motivated officer who embodied the Marine Corps principles of honor, courage, and commitment.

As someone who had the pleasure of meeting Lieutenant Pantano, along with his lovely wife, Jill, and his two sons, I believe every American would benefit from reading the inspiring story of such a great American and a military hero.

Mr. Speaker, I am confident that those who read Lieutenant Pantano's story will come to a better understanding of the depth of his strength and heroism, both on the battlefield and in the courtroom.

Mr. Speaker, I close by asking God to please bless the men and women in uniform and to ask God to continue to bless America.

RAISING AWARENESS OF AUTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to bring attention to a disease that has a profound impact on those it afflicts. Autism is a bioneurological developmental disability that generally appears before the age of 3.

Autism impacts the normal development of the brain in the areas of social interaction, communication skills, and cognitive function. Individuals with autism typically have difficulties communicating and interacting with others and often engage in repetitive behaviors. Individuals with autism often suffer from numerous physical ailments, which may include allergies, asthma, epilepsy, digestive disorders, persistent viral infections, feeding disorders, sensory integration dysfunction, sleeping disorders and more.

Some may be surprised, Mr. Speaker, to learn that autism is diagnosed four times more often in boys than girls. Its prevalence is not affected by race, region or socioeconomic status. According to the National Autism Association, autism and related developmental disorders affect one in 166 people across the country, 10 times as many as just a decade ago.

No one knows for certain what causes autism. Some believe that anything from genetics to certain vaccines can lead to autism. Those with infants and toddlers should watch for the early signs of autism, which include no big smiles by 6 months, no sharing of sounds, smiles or facial expressions by 9 months, and no babbling by 12 months, no words by 18 months, and any loss of speech or social skills at any age.

I wish to repeat that, Mr. Speaker: those with infants and toddlers should watch for the early warning signs of autism, which include no big smiles by 6 months, no sharing of sounds, smiles or facial expressions by 9 months, no babbling by 12 months, no words by 18 months, and any loss of speech or social skills at any age.

Autism, however, does not affect life expectancy. Currently there is no cure for autism, though with early intervention and treatment, the diverse symptoms related to autism can be greatly improved. This makes it imperative that appropriate resources are available to help people with autism and their families.

Mr. Speaker, I intend to take to this floor over the coming weeks and months to highlight the impact autism has on those it afflicts and those who care for them. I hope by doing so that I can help raise awareness about this disease and encourage greater understanding about the importance of research into its prevention, detection and treatment.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–529) on the resolution (H. Res. 890) providing for consideration of the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–530) on the resolution (H. Res. 891) providing for consideration of the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

JOBS AND THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. SAXTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. SAXTON. Mr. Speaker, I rise at this time to say a few words about the U.S. economy, which has been actually quite good. It is quite amazing for us here in the House with all of the responsibilities that we have and with all of the responsibilities outside of the beltway that the American people have to just take a minute or a few minutes, I guess, to review the current economic situation.

Mr. Speaker, as the chairman of the Joint Economic Committee, some of the observations are quite apparent to me, and I just wanted to share these observations with my colleagues and with others who may be present.

According, Mr. Speaker, to most neutral observers, including the Federal Reserve and a consensus of private economists, the economy is doing quite well and is quite healthy. Indeed, if anything, there seems to be a little concern in some quarters that the economy may have been growing too fast, a concern with which I do not agree.

The economy actually grew 4 percent in 2004 and advanced at a rate of about 3.5 percent in 2005. The growth rate for the first quarter of 2006 is expected to be very robust, consistent with the trend of strong growth since 2003.

In the first quarter of 2006, the economy expanded at a blistering rate of 5.3 percent. Now, these are all figures and statistics that we can vividly see because, in effect, we have already been through them. Looking ahead is a somewhat more difficult exercise, and an exercise that I often refer to others with whom I communicate from time to time.

I have here in my hand a copy of the ''Blue Chip Economic Indicators Top Analysts Forecast of U.S. Economic Outlook for the Year Ahead.''

This blue chip economic indicator document was actually issued just a few days ago on June 10. And for those who may not be familiar with this report, it is essentially a compilation of the beliefs based on what they see, of a variety of organizations and individuals from organizations which will be quite familiar if you hear who they are. There are actually 50-plus organizations that take part in this process, organizations like Bear Stearns, Lehman Brothers, Goldman Sachs, the National Association of Home Builders, Merrill-Lynch Economics, General Motors Corporation, Standard and Poor's. And those, of course, are just a few of the more than 50 organizations that take part in this economic forecast.

You might suspect that since I have got it here with me it is good news, and it is good news for the economy going forward. It projects that in the second quarter of this year, the quarter that will end just a few days from now on June 30, the economic growth rate, the GDP, will continue to grow at almost 3 percent; and in the third quarter of this year at 2.9 percent; in the fourth quarter of this year at 2.8 percent; jumping back up in two quarters of next year to 3.1 and 3 percent respectively.

And so these are good numbers; and so going forward, based on the economic basis that we have been able to set in our country, we expect things to continue to do quite well. The improvement in economic growth in recent years is reflected by some very good economic figures. For example, since August 2003, business payrolls have increased by over 5.3 million jobs. The unemployment rate stands at a low 4.6 percent. Consumer spending continues to grow, and the number of American families who own their own homes is at an all-time high.

The household net worth for families in the United States is also at a record high. Productivity growth continues at a healthy pace. Long-term inflation pressures appear to be contained at about 2.7 percent or so. Long-term interest rates, including mortgage rates are still relatively low. I can relate to this very well. I was in the real estate business for 20 years before I came here. I can remember in the 1960s selling houses with 6 percent, with mortgages that carried an interest rate of 6 percent. It was pretty much a standard rate.

Then as the years went by and inflationary pressures took hold, inflation drove interest rates to 6 percent, 6½ percent, 8 percent, 10 percent. Mr. Speaker, I can even remember interest rates on home mortgages being 19 percent, and of course that shut the market down.

Recently, interest rates for home mortgages have been at about 5 percent. But today, even today, when we think about interest rates being higher than they were a year or a year and a half ago, they are still at about the 1960s level of 6 percent or a little bit higher.

So low interest rates are still an incentive to economic growth. In addition, the resilience and flexibility of the economy have overcome a number of serious shocks: the war, the attacks on 9/11, and of course most recently the hurricanes of last year, all disruptive influences which have not been as disruptive as one may have thought.

□ 1915

Equipment and software investment has been strong. It is clear that the Federal Reserve remains poised to keep inflation under control. All good news. The only soft spot that we see in the economy is in the housing sector. It seems to be slowing somewhat, although it appears that a soft landing is most likely. So in the recent policy report to Congress, like the Blue Chip Indicators, the Federal Reserve noted that the U.S. economy delivered a solid performance in 2005.

Furthermore, the Fed observed that the U.S. economy should continue to perform well in 2006 and 2007. In summary, overall economic conditions appear to remain positive. The U.S. economy has displayed remarkable flexibility and resilience in dealing with many shocks. The administration forecast for economic growth in 2006 is comparable with those of the blue chip consensus and the Federal Reserve. With growth expected to be about 3.5 percent in 2006, the current economic situation is solid and the outlook remains favorable.

Mr. Speaker, in December of 2005, this is another way to look at the economy, the Joint Economic Committee issued a report, under my direction, entitled ''U.S. Economy Outperformed the Canadian, European and Japanese Economies Since 2001.'' When we look at our U.S. economy and have comparisons within the economy, that is one way to look at economic growth. But another way is to compare it with what is going on in the rest of the world. The economic data showed that since 2001, the United States has outperformed every other large developed economy in the world. This report examines the performance of a peer group of large developed economies from 2001 to the present time. The peer group included Canada, Japan, the United States, and 25 member states of the European Union.

Recently, we updated this report to bring it current. The United States and Canada in the most recent version of this report tied for first place in economic growth among the major developed economies with an average gross domestic product growth of 2.6 percent a year from 2005 to the current period. That compares with just 1.6 percent economic growth in the European Union and 1.5 percent in Japan. The period includes the economic slowdown after the collapse of the stock market bubble in 2000 and the terrorist attack of 2001.

However, after Congress cut taxes on capital gains and dividends and provided business with incentives in May of 2003, the United States enjoyed the highest rate of economic growth among the major developed countries.

This is a point that I would just like to stop and pause for a moment to talk a little bit more about. We knew that economic growth while we were growing beginning in the fourth quarter of 2001, when we began to grow, job growth was very slow. The President said, and the Congress agreed, that if we gave business some incentives to invest, that investment in fact would take place and that we would grow. That actually happened.

As we see on this chart, we had this valley of very slow growth and very little invested in the economy during 2001 and 2002. But after the tax cuts that took place in the first quarter of 2003, business investment occurred rapidly and it helped to spur economic growth throughout the economy. For example, the United States created more jobs than any other major economy from 2001 to 2006: 6 million jobs as of today created in the United States, 5.7 million jobs in the European Union, 1.5 million jobs in Canada, and a loss of almost 1 million jobs in Japan.

The unemployment rate. In March of 2006, the United States had an unemployment rate of 4.6 percent. That is the second lowest among the major developed economies. Only Japan was better with 4.1. Canada was actually 6.4. Here is the unemployment rate in the United States; 4.6 percent in the yellow bar, actually 6.3 percent in Canada, and 8.4 percent unemployment rate in the European Union.

In industrial production, another example, from January 2001 to February 2005, the United States ranks first in the growth of industrial production among major developed economies. Industrial production grew by 7.4 percent in the United States, 4.1 percent in Canada, 2.8 percent in the European Union, and 1.4 percent in Japan.

The rate of inflation is more good news. It has remained contained throughout the countries that were studied. As I noted a little while ago in the United States, interest rates are comparatively low with other countries.

And so as we look at the economy generally, we believe that we have done some things right. I mentioned tax policy a minute ago. Let me mention one other item which I think is extremely important. While we give credit to our friends at the Federal Reserve, interest rates are a direct reflection, or follow along as a reflection, I guess is a better way of putting it, of the rate of inflation. And so we have to give credit to our friends at the Federal Reserve who have done a great job in controlling inflation.

Another prominent feature of the recent U.S. economy is in fact a lower

and more stable rate of inflation than we have experienced in quite some time. The persistently low rate of inflation depicted on this chart there has helped to calm financial markets and reduce risk. This persistently lower rate of inflation has in turn fostered lower expectations of future inflation and consequently helped to lower the lid and keep interest rates low.

As we look here, we see that back in the eighties we had relatively high inflation, and as we went through the nineties, we can see that inflation actually dropped below 2 percent and has persistently stayed below 2 percent. The Fed has in essence adopted an implicit inflation targeting approach which has been very good for economic growth.

I would like to just conclude my portion of these remarks by saying that the blue chip indicators look good going forward and we have done some things right both here in the House and at the Federal Reserve. One of the things that I like to say about economic growth is that no matter what we do here, economic growth can't take place without the continued enthusiastic participation of the American worker. We try to provide those opportunities as best we can through our tax and spending policies, through the Federal Reserve's policy, through business incentives that we time and again put in place to encourage things to happen. But in the final analysis, it is the American working man and woman out there in the private sector that make economic growth possible.

I would like to yield at this point to my friend from Georgia (Mr. GINGREY) who would like to add some thoughts perhaps to what I have said.

Mr. GINGREY. I appreciate the gentleman from New Jersey yielding, and I thank him, Mr. Speaker, for bringing these statistics to the floor of the House this evening. Clearly, these numbers show that this economy is doing well under this Republican leadership and this Republican President. The blue chip report that the gentleman talked about on fiscal year 2007, and he mentioned those 50-something prestigious financial organizations, says that the economy will continue to do well the rest of this fiscal year and into 2007. Mr. Speaker, it is because of the policies of this administration and this Republican-led Congress. Those policies I am speaking of, of course, are that you grow the revenue when you cut taxes.

This is not a novel idea that we just invented over the last 2 or 3 years. This happened under a Democratic President in 1960, John F. Kennedy. It happened again in the early eighties under President Reagan. You cut taxes; you grow the revenue. All of these statistics that the gentleman from New Jersey (Mr. SAXTON) has pointed out in regard to low inflation, low unemployment, robust gross domestic product over something like 12 straight quarters now. Five million jobs since 2001.

I know when I first got to the Congress in the 108th in 2003, all I heard, Mr. Speaker, from the other side was how many jobs had been lost since George W. Bush was first elected. They pounded on that. I have not heard too much from the other side recently, because clearly this economy is robust, these jobs are growing, and they will continue to grow.

We have this arcane scoring system, Mr. Speaker and my colleagues, and I know everybody agrees, and this is really not in dispute, that when you cut taxes, they calculate a number of how much it is going to cost. I think with the Bush tax cuts, it was estimated that it was going to cost $1.3 trillion in reduced revenue; $1.3 trillion less coming into the Treasury because of a reduction of every marginal rate so that everybody in this country, every American taxpayer, would get a reduction in their Federal taxes and get a check in their pocket. To double the child tax credit, to eliminate the marriage penalty, to lower the capital gains and dividend rates to 15 percent for almost everybody and, indeed, for some as low as 5 percent, and to give our small business men and women, Mr. Speaker, we are talking about the mom-and-pops of this great country who probably create 65, 70 percent of all these jobs that we are talking about, to let them more rapidly depreciate their capital improvements so they can, with bricks and mortar, new machines, new equipment, whether it is in my profession, the health care industry, or any other, to put people back to work, so that more people, albeit at a lower rate, are paying taxes.

What happens is instead of costing $1.3 trillion over 10 years, in about 2½ years our revenue increased, and I know the gentleman from New Jersey will confirm this and agree with me, by something like $250 billion, increased revenue, because of the boldness, the courage, and the good common sense to look at historical perspective and understand that when you cut taxes, you pull a country out of recession and you don't cause decreased revenue coming to the Treasury, you end up with more.

This is a great opportunity that the gentleman brings to us tonight to make sure the American people and all our colleagues on both sides of the aisle understand. Every Member is entitled to their own opinion, but they are not entitled to their own facts. I commend the gentleman from New Jersey for bringing us the true facts this afternoon and this evening on this floor of the House.

Mr. SAXTON. I thank the gentleman for emphasizing the importance of tax policy relative to economic growth.

One of the things that I would like to point out, and I know the gentleman knows this as well, the President today has been criticized by some for his tax policy, I think, unfairly. One of the charges that is often made is that these are, quote, tax cuts for the rich. I have some other statistics here that I would just like to share with my colleagues and that is simply this: if you believe that tax policy can be used to promote economic growth, as the gentleman and I do and as many others in this House do, then we are going to have to cut taxes relative to the people who pay taxes, because people who don't pay taxes can't get a tax cut because they don't pay taxes, unless we give them money back.

And so the facts are that the top 1 percent of the wage earners in this country pay 34 percent of the taxes. That is the individual income taxes. The top 5 percent of the people, wage earners, pay 54 percent of the taxes to the Federal Government. The top 10 percent pay 65 percent of the taxes. The top 25 percent pay 84 percent of the taxes. And the top 50 percent of the wage earners in this country pay 96.5 percent. So the bottom 50 percent of the wage earners in America, in the United States, pay about 3.5 percent of the taxes.

□ 1930

So if we are going to have tax cuts and if the people who pay taxes are the ones whose taxes you cut, which you kind of have to do by definition, then it will fall that the top 50 percent of the wage earners get most of the tax breaks because they are paying 96.5 percent of all the taxes that are paid on the personal side in this country.

So because of what has gone on in Republican and Democrat administrations, and the gentleman mentioned John Kennedy's inaugural address in 1962. I can remember his words, almost, not quite, but he said something like this. He said, we cannot for long expect to remain the leaders of the world if we fail to set the economic pace at home; and he stood right up there on that lectern and outlined a set of tax cuts to make the economy grow. And John Kennedy's tax cuts went into effect, and the economy did grow.

So this is not new to many here, but it is a revelation sometimes to people who haven't heard this before.

So our economy is growing. It has been growing since 2001. Since 2003, when we put in place our tax cuts, we began to see investment take hold and the economy grow and jobs being created, almost 6 million new jobs created since this economic recovery began; a low rate of unemployment, 4.6 percent, and things looking pretty good for the future, according to the blue chip indicators, which we referred to earlier.

So, Mr. Speaker, I went on to share with my fellow Members these observations based on the facts that the gentleman from Georgia and I have cited here; and I want to thank the gentleman from Georgia for coming here and taking part in this Special Order.

I think we can look forward, Mr. Speaker, to some good economic growth going forward, hopefully during 2006 as well as 2007 and beyond, as we continue to do what we can here to make that happen.

Again, I thank the gentleman for taking part.

AVIAN FLU PANDEMIC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. BURGESS) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. BURGESS. Mr. Speaker, may I inquire as to the amount of time that remains?

The SPEAKER pro tempore. The gentleman from Texas has 34 minutes remaining.

Mr. BURGESS. I thank the Speaker, and the gentleman from New Jersey for allowing me a little time on the floor tonight.

I thought it was important to come to the floor and talk about an issue that pops up from time to time on our news shows and the American consciousness, and that is the issue of avian flu, or the bird flu.

Mr. Speaker, as far as a little background is concerned, there are several types of influenza. There is the common flu, or seasonal flu, that we all receive inoculation against every year. Because of modest genetic changes that occur in this virus year over year, it is necessary to get a vaccination every year. But sometimes, instead of just that genetic drift that happens within the virus, there is a major change, a genetic shift; and when that happens, the stage is set for a worldwide pandemic. And, indeed, history tells us that that will occur about three times every century.

Now, currently, the avian flu is present in birds; and a big genetic change would have to occur for this to become a major health threat to humans. As of June 16 of this year, the World Health Organization has confirmed 227 human cases, with 129 deaths reported. The problem is, Mr. Speaker, if you do the math, that is a mortality rate that is in excess of 50 percent.

Now, when you think of a worldwide pandemic, there are various trouble signs you encounter. The World Health Organization has identified five of those. Widespread distribution of the virus in nature, in this case in birds, an endemic carrying of the virus in birds. A wide geographic setting with involvement of other animals, in this case felines, cats and tigers have become infected, presumably from eating infected animals. Bird-to-human transmission occurs with inefficiency and then comes inefficient human-to-human transmission. The last step, efficient human-to-human transmission, has not yet occurred, but that is the step, the previous four have occurred, and that is the step that would signal the onset of a worldwide pandemic.

Because the threat is so significant, our Secretary of Health and Human Services, Michael Leavitt, has designated the threat anywhere in the world, a threat anywhere in the world is a threat everywhere in the world, and that is why it is incumbent upon us to keep such a close watch on this illness.

Steps one through four occurred between right now and 1997. The last step, which has not to date occurred, would trigger a human pandemic. One of our major problems with a worldwide pandemic is we, as humans, have no underlying immunity to this relatively new type of flu virus.

Now, as I mentioned earlier, there are approximately three pandemics every century; and, indeed, last century there were exactly three. In 1918, the Spanish flu killed 50 million people worldwide; in 1957, the Asiatic flu killed 170,000; in 1968, the Hong Kong flu killed 35,000 people in the United States.

If the pandemic flu were to hit, the Department of Health and Human Services estimates that 209,000 deaths in the United States for a moderate flu outbreak, such as occurred during the Asiatic flu outbreak of 1957, and 10 times that many, 1.9 million deaths in the United States for a severe epidemic, such as occurred when the Spanish flu broke out in 1918.

Now, Mr. Speaker, I would like to draw your attention to this map that I have here. It is somewhat shocking to look at the eastern part of the world, several continents, in fact, that are totally covered in blue. And as you see from the key here, avian flu cases confirmed in 52 countries, and again widespread distribution across the eastern half of the globe.

The countries colored in in black are, in fact, where human cases have occurred; and we see originally China and Vietnam, Southeast Asia but more recently the addition of other countries that are moving more and more westward. There has been a gradual spread westward since 2004.

Mr. Speaker, let me demonstrate that further on this second map. Gradual western spread since 2004, and since 2004 the avian flu has gone from China to Cambodia to Thailand to Russia and then to Turkey in 2005.

Mr. Speaker, there was an explosion of outbreaks in early 2006 to the Middle East and Eastern Europe; countries such as Iraq, Romania, Italy, Germany, France, Africa, Nigeria, and Egypt, just to name a few. We see these concentric circles indicating the year of the spread. Here we have June, 2004, affecting primarily China and Southeast Asia; December of 2004, June of 2005, January of 2006; and as you can see, the arrow is pointing ever, ever westward.

From January to April, 2006, 35 new countries have reported avian flu outbreaks in poultry; and some of these have had their new first reported cases of H5–N1 virus in humans as well. So the total estimate of the World Health Organization for the number of countries affected is just over 50.

The disease is indeed endemic in birds. Over 200 million birds have been culled in the last 3 years, both birds that were suspected of having the infection and those culled for preventive measures. One of the keys here, Mr. Speaker, is this virus can be stopped in birds; and, indeed, stopping the virus in birds has to be the first line of defense.

The reason this is so important, and let me go to an additional map, if we look at the migratory flyways throughout the world, this disease is spread by migratory birds and infected poultry. Countries with outbreaks, this map shows the concentration of poultry worldwide and the migratory bird flyways.

The darker the color here, the greater the concentration of humans and poultry. You see the eastern United States, starting in my State of Texas, east Texas eastward, we have several significant concentrations of poultry juxtaposed to human populations.

Countries with outbreaks in general have a high concentration of poultry populations. There are some concerns over two flyways that go from Africa to North America, the so-called East Atlantic flyway, and the one that goes from Asia to Alaska, the East Asia-Australian flyway. Countries in both Africa and Asia have reported outbreaks and are countries that are directly on that flyway.

Now it is not for sure the virus will be carried this way, but the fact that the distribution has occurred in migratory birds, and those are the migratory pathways, certainly that is going to bear careful watching.

Some of the other unknowns is what is the behavior of the virus in very cold climates. I don't think anyone knows that yet, but, indeed, it is around this time of year that those bird populations are in fact returning to the Arctic areas. So increased testing across the United States, starting with Alaska, and indeed over nearly 100,000 samples have been taken from both live and dead wild birds as well as from high-risk waterfowl habitats.

On the World Health Organization scale of pandemic alerts, you go from low risk of human cases to efficient and sustained human-to-human transmission; and there are six stages on that World Health Organization pandemic alert chart. Currently, we are at a level three, no or very limited human-to-human transmission.

As of June 6, 2006, there have been 227 cases and 129 deaths. H5–N1, the virus that causes bird flu, has been cited first in 1997 in Hong Kong, with 18 human cases, six died, all poultry were culled. From 2002 to 2003, there was a reemergence of the virus in Asia. There was a high incidence of cases in a few countries. Vietnam accounts for 40 percent of the human cases; and Indonesia, so far, accounts for 20 percent of the human cases.

The problem is that, in Indonesia, avian flu has not yet been contained, compared to Vietnam. Indonesia has had outbreaks since early 2004, and new outbreak reports are coming out all

the time. Last week or the week before, the 50th case of the human infection, which was fatal, was confirmed.

Let's look for just a minute at a map of Indonesia. There has been a steady rise in reported cases and a high correlation between poultry and human outbreaks. On the map, the triangles represent human cases. It is a little misleading, because more cases have occurred and many of the triangles overlap. Since these cases occur in clusters, they are very close together geographically. But look at how close the triangles are and take notice of Singapore and Malaysia and the close geographic location.

Indonesia is densely populated. It is the world's fourth most densely populated country. Indonesia is still suffering from the effects of the tsunami that occurred in December of 2004. In May of this year, an earthquake in the central Java region left as many as 1.5 million people homeless. The country of Indonesia raises about 1¼ billion chickens a year, about 7½ percent of the global total. About 70,000 villages, spread across 17,000 islands, raise poultry. Poultry is raised in the backyards of about 80 percent of the country's 55 million households.

Mr. Speaker, I am going to put a chart up here that is a little busy, but it illustrates a very important point for us to keep in mind. This chart shows only a sample of the human cases in Indonesia, some 15 of the now 51 cases. Information confirmed by scientists and field researchers from the World Health Organization is present on this graph.

□ 1945

Mr. Speaker, there is a family cluster from the Kubu Simbelang Village in North Sumatra. Many of the recent news headlines had to do with concern that the avian flu virus might have become effective at transmitting from human to human. When you just look at the number of cases involved, you would have to ask yourselves that question.

Now, this outbreak has been extensively investigated. The outbreak investigation showed that this cluster is, indeed, what is called a contained cluster, meaning that no other individuals, no other health care workers, no neighboring villagers, were, in fact, becoming infected.

In the initial case, a 37-year-old woman was most likely infected by sick and dying chickens that she was keeping in her backyard. Indeed, on the chart there, you see she kept them in indoors with her at night. Because no specimen was taken before she was buried, it can't be confirmed that the illness from which she died was indeed the avian flu, or the H5N1 virus, more specifically.

However, seven of her relatives have tested positive for the H5N1 virus. The relatives most likely became ill due to close contact with the initial case, the woman who initially became ill. Six of these seven individuals have since died. So there is currently limited human-to-human transmission of avian flu.

If we look at this chart of those, indeed, who are sick or who have died from this illness, spent the night with a sick index patient on April 29, spent the night with the index patient on April 29. Spent the night with the index patient on the 29th. Took personal care of the sick index patient. Took personal care of the patient. Often visited the patient, was there April 29. Took care of a sick son in the hospital on May 9 through 13.

Another thing that I would like to point out are the ages of these individuals, and how very young they are. This is not a disease of the old and infirm. This is an illness of the young and robust. The ages span that of an 18-month-old baby to a 43-year-old man. This disease, when it strikes, is extremely virulent. On average, it is about a week, from 5 to 10 days from the onset of symptoms until the disease claims its victim or the victim recovers.

The illness itself is characterized by an intensely consolidated process in the lung, basically a pneumonia, a hemorrhagic pneumonia. There may be bleeding into lung tissue, and it is a very striking picture from these patients when they are ill with this disease.

Mr. Speaker, my main purpose in being here tonight is not to discuss how frightening the disease is, because, indeed, it is frightening, but to talk about what weakened it, what we can do as a country, what we can do as a partner in the world, what we can do as a Congress to place in motion those things that are going to be responsible for preparedness, particularly preparedness at the Federal level, because, after all, that is our responsibility.

There are medicines available that are known as antivirals. In the 1918 Spanish flu epidemic there were no antiviral medications. They had not yet been invented, but we have antiviral medications today.

Now, an antiviral is different from a vaccine or an immunization. An antiviral is a medicine like an antibiotic would be administered for a bacterial infection. An antiviral is administered after an onset of symptoms. It does, indeed, reduce the severity of symptoms, but it must be administered within 24 to 48 hours of the onset of the symptoms.

Having proper stockpiles of antiviral medications is going to be of critical importance. Even just as critical is going to be the distributive network to get those antivirals into the hands of communities where the virus may be present.

It does reduce the severity of symptoms. The New England Journal of Medicine indicated that the treatment with an antiviral reduced the median duration of illness from nearly 5 days to 3 days, and the severity of the illness by about 40 percent. When you have got an illness that has a 55 to 58 percent mortality rate, that reduction in severity is extremely critical.

In another study, the antiviral Tamiflu, given within the first 12 hours after the onset of fever, shortened the illness duration by more than 3 days as compared with the treatment that was started at 48 hours.

Vaccines are the other tool in the armamentarium against this illness. Vaccines also were not available in the 1918 flu epidemic, but obviously vaccines were available with the outbreak of the Hong Kong flu and the more recent pandemics.

Vaccines are of such critical importance that it is mandatory that we move the production of vaccine manufacture from foreign countries back into this country. We have seen an exodus of vaccine manufacturing out of this country. The vaccine needs to be manufactured within our shores, within our borders. We can't very well go around to other countries who may be suffering also with this disease and ask them to supply our vaccinations for us. It just simply won't happen.

It is going to be necessary, although a vaccine has been developed, reverse genetics were used to take one of the virus samples from one of these early cases in Vietnam and create a vaccine to the H5N1 as it exists today. The vaccine appears to be safe and effective, but it does require a lot of that vaccine in order to immunize any one of us, because we have no native immunity to this particular type of flu.

But since the flu is constantly changing, since it is constantly evolving, indeed it is going to be one of those changes if a pandemic occurs and it changes from a disease that is very bad in birds to a disease that is very bad in people, there will be of necessity another shift that has occurred in that virus.

Therefore, the virus that is present today, if we make vaccine in large quantities against that, it may or may not be effective against the virus that would go easily from human to human. So we do to some degree have to wait and develop the correct vaccine for the correct strain of flu.

But within the past 6 months, in fact our Department of Defense appropriation bill that we passed last December, had money in it for the development of a flu vaccine. Recently, the Department of Health and Human Services was awarded a total of $1 billion and a request for proposals for companies to develop cell-based vaccines manufactured in this country. Those contracts were let in May of 2006.

Mr. Speaker, when you look at vaccine manufacture in this country, not only have we suffered because companies have gone offshore, our method of creating vaccines is somewhat antiquated. We are still stuck back in the 1950s. We use an egg-based system to create our vaccines.

Well, you can just imagine, you have got an illness that is primarily affecting chickens, and we are culling chickens from chicken farms. Where are we going to get the eggs to manufacture the vaccines? Newer type of vaccine technology, the so-called cell-based vaccine technology. It is critical that the companies that manufacture the flu vaccine, not just for avian flu but for our seasonal flu, it is critical that we develop the companies and the capability of manufacturing those vaccines with a cell-based system much less prone to contamination and to all the other difficulties that have been much encountered by the egg-based system.

To some degree we may have to consider streamlining the FDA regulation and emphasize teamwork amongst our various research teams, not only at the NIH, but across the country and indeed across the world. We have to explore the promise that a universal vaccine holds.

When we talk about flu vaccines, the reason we are always changing is because the virus will change various parts of its outside protein coat, if you will. But there are several of the genes of the virus that don't change, from flu type to flu type, the so-called more pedantic or housekeeping genes within the core of the virus. If there is a way to develop a vaccine that will target those genes, it is going to be a much more effective vaccine because it will have that cross-reactivity across many different strains of the flu virus.

The current H5N1 vaccine clinical trials with Sanofi are of necessity. Those are going to continue. It will be critical, even though it may not be the final genetic result that they are developing the vaccine for. This vaccine is going to be critical as far as providing a pool for vaccinating our first responders, our nurses, our doctors, our firefighters, our ambulance personnel, if the virus were to make a sudden appearance in this country.

It is important again to remember, let me stress, that a much higher dosage of this vaccine is needed than for the average flu inoculation. Generally up to 90 micrograms of this vaccine are necessary to immunize one individual, where typically you need only 15 micrograms for the more common seasonal flu.

Other things that we need to do around our country, we need to be sure that we have the surge capacity of our vital workforce thought about and in place, identifying those key players, and ensuring their safety during the crisis and their ability to get and help people who have been harmed by the illness. Strengthening the health care infrastructure in general is a worthwhile thing that we should consider, really, on a daily basis here in this Congress.

Protecting first responders, I alluded to wanting to have a vaccine stockpile available, even if it is not the correct vaccine that we will end up with at the time when the flu virus mutates for that last time. But some immunity will be imparted by that early vaccine, and we need to be certain that we have that early vaccine to have for our first responders to allow them to have some measure of protection as they are on the first lines fighting this illness if the worst were to develop.

Offering support services, even including mental health support services. Remember the flu epidemic that occurred in 1918, it didn't just happen around the globe in 3 weeks and then it was over. It came in waves and wave after wave would affect communities, and basically the virus encircled the globe three times before it eventually died out.

We are going to have to be able to rotate workers, not just health care workers, but workers in various lines of work so that they don't become fatigued, give up, and we have to be able to sustain their efforts.

The economic impact of this illness is pretty hard to tell. In some countries already it has had a significant impact. Some of the maps I showed earlier of Africa, the country of Nigeria, where chickens are basically used as currency, this has had a significant economic impact. It may well have significant economic impact in this country as well.

We just go back to one of the earlier maps and point out, as the disease spreads westward. Look at where the chicken populations are concentrated in this country and other countries. There could be a devastating effect on the poultry industry, and some compensation for poultry farmers, especially if they involve themselves in early reporting and maintaining the livelihood of those individuals.

Safe cooking practices to kill the virus and, let me stress at this point, the virus has not been found in the Western Hemisphere, and United States chicken populations at this juncture are not affected or infected with this virus, but early containment of any outbreaks to prevent paralysis of a whole economy that is based on poultry.

We have got to encourage understanding. Panic is not going to be a solution for a pandemic, but proper planning is going to be one of the keys. The focus of the messaging, the World Health Organization, has already put out outbreak communication tips for public officials. I encourage my colleagues to become familiar with those. Enhance the public's compliance if a quarantine is needed and a quarantine is required, and common prevention techniques are going to go a long way towards preventing the spread of this illness; then we must be prepared to not only talk about them, but mandate them if indicated.

Our Federal, State, and local community officials will help play a big role in the preparedness. I know my officials back in north Texas have done a great job as far as preparing themselves for some of the things that would happen or could happen in the even of a pandemic. Bear in mind, this may be one of those things just like Y2K. We get all concerned about it, and it never happens.

But the manufacture of vaccine within the shores of this country is critically important. We should be doing that anyway and not just if we are faced with the threat of avian flu. Stockpiling of antiviral medications and indeed our Nation's stockpile of critical medicines, we need to look at that and be sure we have the distributive networks in place.

It doesn't matter if it is a hurricane, an earthquake or a terrorist strike. Preparedness should just be one of the bywords of this United States Congress for the rest of this decade and likely for many decades to come.

There are places on virtually every congressional committee where steps towards preparedness can be undertaken and, in fact, should be undertaken. Certainly we will look at a committee like Armed Services and what happened during the Spanish flu outbreak of 1918 and how it affected the returning troops from World War I. Armed Services needs to pay a good deal of attention to observing the outbreaks globally and implementing quarantine plans when is necessary.

The Committee on Agriculture, tracking avian populations as they disperse throughout the United States; my own committee of Energy and Commerce, and they have. I want to thank the committee on Energy and Commerce. They have done a great deal as far as the hearings on avian flu and as far as providing information for our committee.

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The Committee on Homeland Security will have critical oversight over border security and, in fact, coordinating efforts should a pandemic hit across the country.

The Committee on Judiciary will have to decide some jurisdictional issues; and, indeed, they will have to decide whether or not we relax some of the liability as it pertains to vaccine manufacture as well as indemnifying first responders if they are harmed by vaccines or new antiviral medicines that are developed.

The Committee on Science, of course, will have an integral role in encouraging research on vaccines, vaccine development and rapid testing to detect is this just a cold or is this, indeed, a more serious type of flu.

The Committee on Veterans Affairs will be involved with educating veterans and combating the spread of the illness, as well as providing very educated, organized local spokespersons for educating the public should this disease become a problem.

The Committee on Ways and Means will have significant oversight of trade issues as they become important. Look at the countries that could possibly be

affected by this, as well as issues in countries that are currently experiencing an outbreak.

Integration from the Federal, State and local levels is going to be critical. The global health threat is important. It should not, indeed, it cannot be ignored. But preparing for the threat within our own country is certainly critical.

The virus, H5N1, could appear in the bird population as early as this fall in the Western Hemisphere; and even if it does appear in birds it doesn't mean that a pandemic has started. But because of the natural flyways that exist, that is a possibility that we need to be, we, in Congress, need to be prepared for how we educate our constituents and how we help our State and local officials adjust to that.

Preparedness is going to be the greatest single tool at our disposal to mitigate what might otherwise be a disaster of worldwide proportions.

Mr. Speaker, this is an important issue. I thank you for the time and letting me come to the House and talk about this tonight. I know I have covered a lot of these issues relatively quickly. I know a lot of the maps are somewhat involved, and they have gone by quickly. They are available on my Web site at burgess.house.gov.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 367. Concurrent resolution honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter.

OUR IRAQ POLICY

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

This evening I come to the floor to continue the discussion that this Congress has had with respect to our policies as it relates to Iraq.

I was fortunate this past weekend to attend yet another ceremony, in this case, with the 1048th Tankers Division from the State of Connecticut who was being deployed to Iraq.

We in this country continue to owe a great debt of gratitude to the men and women who wear the uniform and who have served this country so valiantly and with such courage. But we also owe a deep debt of gratitude to their families in what has become gut-wrenching ceremonies as you watch young children and mothers and grandparents say goodbye to their loved ones who are going over to Iraq, including a mother who has three sons that are now over there, and another mother who saw her son off and her husband had just left the week before.

So it is very disconcerting when you find that the only people that we have asked to make a sacrifice in the war on terror have become the men and women who serve in the front lines and their families who are left behind.

Our hearts go out to all of them. And what they deserve, more than anything else, is a Nation that will level with them, that will provide them with a plan, that will tell these troops, especially in the case of the National Guard and the reservists who have been deployed, redeployed, deployed again, their stays more so than at any other point in the history of this country, and they do so with a salute and they follow orders. How grateful a Nation we should be.

And yet here at home we hear, just in the previous hour, discussions that center on a tax cut and how important a tax cut is. I have never met anyone that didn't favor tax cuts. But it is disconcerting when you look out at these families and you see that this Congress focuses on tax cuts for the Nation's wealthiest 1 percent, making sure that we ladle on more tax cuts to those already impoverished oil companies who are experiencing unprecedented profits.

Yet I look out into that audience in Connecticut, in the State armory and see these families, many who will struggle during this time, many whose gas prices will rise during the time of this 18-month deployment.

So you say to yourself, well, where is the plan? What is the exit strategy? What do we owe these individuals? Do we not at least owe them the truth?

So there was a debate enjoined on this floor 2 weeks ago, a nonbinding resolution, in essence, a conversation, a conversation where 99 percent of the people on the other side of the aisle said, stay the course, while the Nation and while this side of the aisle clamors for a new direction for America.

When I looked out into the eyes of the audience of those families and I saw their concern and need, they want a new direction for the country, especially as it relates to Iraq.

Isn't it amazing that they can get a plan from the Iraqi government, that they can get several plans from Democrats, whether it be JACK MURTHA's bold plan that, well, seemingly the Iraqi government agrees with, or whether it be CARL LEVIN's plan, well, that seemingly now General Casey agrees with?

So we find the Pentagon and the Iraqi government, JACK MURTHA, CARL LEVIN, and several other Democrats offering thoughtful plans, and the Republicans saying stay the course and a President still unable to level with the American people and unwilling still to meet with parents who have lost their kids, who line the highway on the way to Crawford, Texas, or wait patiently outside The White House for an audience.

It amazes me that, while the Iraqis can say that they have a position and they know that they have to take on responsibility, that we will somehow let the Iraqis determine the faith of our brave men and women, so much so that there has even been talk of amnesty, amnesty for those who have killed, maimed or kidnapped American soldiers or citizens. There can be no amnesty for that. There is no honor in the great sacrifice that our men and women have provided. No matter what the Iraqi government might say, we, as the United States Congress, have an obligation to our men and women and the citizens that are in Iraq working on behalf of this country to make sure that that cannot stand.

And what do we get from our erstwhile colleagues on the other side of the aisle and why was this debate conducted in the manner that it was?

Well, let me tell you why. Because Karl Rove hatched a plan in New Hampshire. You see, he went there and laid out this strategy; and the strategy was a very simple one. It is one that they used before. They just dusted off the playbook and said, you know, it works when we attack Democrats. We attack them for their patriotism.

It worked successfully against Max Cleland. We were able to take that man, who gave three of his limbs for this country, to make him appear to be unpatriotic and go after him personally.

It worked against JOHN KERRY. We were able to swift boat him during the Presidential campaign, to tarnish his service and the medals he earned.

And it is working against JACK MURTHA, they think. So that we can turn around and tarnish him as well.

And Karl Rove launches his strategy, and then JOHN BOEHNER rolls out the talking points for the caucus, and then the debate is neatly sandwiched in between the time allotted, with no Democratic alternative being allotted, and the White House picnic, just in time for the President to take a surprise trip to Iraq for a photo-op and to return home.

The Nation deserves better than that. If the Iraqi security advisors can provide us with a plan, why can't Donald Rumsfeld provide us with a plan?

No wonder, in the Washington Post today and the New York Times over the weekend, people are wild over the fact that, if all that debate and discussion was truly about a course for this Nation, how is it that General Casey's plan sounds identical to CARL LEVIN's plan? And how is it that the Iraqis can acknowledge what Mr. MURTHA acknowledged last November?

On this side of the aisle, we have come to know what it is all about. It is about the continued hypocrisy as it relates to leveling with the American people and, more importantly, leveling with our troops, with the National Guard and reservists and their families and the kind of sacrifice that we have asked them to do, and we have prevailed upon them, and they have done

with honor. And yet we can't level with them?

We find ourselves right now with the congressional Republicans that have no plan for Iraq, a flawed plan for going in, a failed plan to win, and no plan to get out. Stay the course is the slogan. And that is all it is, a slogan, not a solution. It is a prescription for an endless occupation of Iraq.

The Democrats are united on the need for a new direction in Iraq. 2006 must be a year of significant transition. Iraqis must take control of their security and begin a responsible redeployment of U.S. troops.

There has been no person who has addressed that issue more eloquently on this floor and back home in her native California in the city of the Angels than the gentlewoman from California, who has led a task force here in this Congress that focuses on a meaningful plan for an exit strategy from Iraq.

At this time, I would like to yield to the distinguished lady from California, MAXINE WATERS.

Ms. WATERS. I thank the gentleman, Mr. JOHN LARSON, for yielding me time and for organizing this special order.

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It is so important that we continue daily to help the American people understand exactly what is going on in this Congress. Time out for tricks. Time out for maneuvering. Time out for all of that. And I am so pleased that JOHN LARSON organized this Special Order tonight so that we can clarify what is going on here in America.

I rise as the Chair of the Out of Iraq Caucus. The caucus has 72 members, who for more than a year have been fighting to conclude the war in Iraq and reunite our troops with their families.

Over the weekend the New York Times reported that General Casey met with President Bush to discuss redeploying U.S. troops from Iraq. According to the New York Times, the number of U.S. troops in Iraq will decline by two brigades by not replacing two brigades that are currently scheduled to leave Iraq this year. Further reductions in U.S. personnel will occur next year. The number of brigades in Iraq is expected to drop from 14 to about five by the end of 2007. The Casey plan also provides for a brigade to be kept on alert in Kuwait ''in case American commanders need to augment their forces to deal with a crisis. Another brigade will be kept on a lesser state of alert elsewhere but still prepared to deploy quickly.'' According to the Times, carrying out the terms of this plan depends on developments on the ground in Iraq.

Now, why don't we just tell it like it is? This is basically the Murtha plan. This plan is so similar to a plan that the Out of Iraq Caucus has been pushing since late last year, the Murtha plan, H.J. Res. 73.

Under Congressman MURTHA's plan, no additional U.S. troops will be sent to Iraq and the U.S. troops now deployed in Iraq will be redeployed out of Iraq at a point determined by U.S. generals in Iraq, which is very similar to the plan outlined by General Casey. The Murtha resolution also calls for a contingent of marines to remain in the Middle East to respond to threats that threaten to destablize our allies in the region or the national security of the United States, again mirroring the Casey plan.

Finally, the resolution calls for the United States to pursue security and stability in Iraq through diplomacy. Again, the Times reports that the General Casey plan is to engage the Iraqi Government to develop a plan to turn security over to the Iraqis.

With nearly identical parameters, it appears that the administration proposes to carry out a plan that has already been introduced, debated, pushed by Mr. MURTHA himself and by the Out of Iraq Caucus and many members of this Democratic caucus. It is confusing to understand why then there was such outrage from the Republicans during the debate of H. Res. 861 two weeks ago during which members of the Out of Iraq Caucus called for all Members of Congress to support the Murtha plan. The only conclusion is that the Republicans are again playing politics with the safety of our Nation.

Instead of holding a free and open debate on Iraq, they crafted a resolution, H. Res. 861, to intentionally mislead the American people and seize an opportunity to attack Democrats who want accountability for those who led the march to war in Iraq. Democrats are also demanding that the President provide a clear plan that will allow for the redeployment of U.S. troops and permit them to return home to their loved ones.

The Out of Iraq Caucus can support the proposed Casey plan. It is our plan. It is the Murtha plan. It is the plan that we have been pushing all along. Their plan we do not disagree with. We just wanted them to have some leadership. They had made so many mistakes, so many mishaps, as Condoleezza Rice called it, that we kept urging them to come up with a plan. We are glad they have adopted the Murtha plan.

According to news reports, the implementation of this plan will begin just prior to the November elections. The next step will be completed as the 2008 Presidential elections are heating up, providing the President an opportunity to claim progress despite more than 3 years of mismanagement and incompetence.

Mr. Speaker, this war was mismanaged by this administration. The men and women in uniform have paid for that mismanagement, more than 2,500 with their own lives. It is long past time to bring our troops home, and I will not rest until our service men and women are able to return home to their loved ones.

Be clear. We are glad that Mr. Casey and the President have come up with what we have been advocating. We are glad that they have seen the light of day. We are pleased that they understand that the American people want real leadership and they want an end to this war, they want the troops home. So while we know that it may be calculated in a political way to time with the November elections and all that, we still support it. I do, and the Out of Iraq Caucus will certainly embrace it because, again, it is our plan.

When Mr. MURTHA talked about over the horizon, that is exactly what he was talking about, the same thing the Casey plan has come up with: keep some soldiers in the region just in case they are needed in a crisis.

So thank you, Mr. Casey and Mr. President, for finally embracing the Democrat plan by Mr. MURTHA that calls for redeployment. It has been misinterpreted, misidentified. Even the press got it wrong, and they tried to say that the Murtha plan was demanding that our troops get out immediately. It has never been that.

Now I want to see how the press will interpret the Casey plan, if the press will understand and report that it is the Murtha plan.

I will say it over and over again. I am pleased and proud that the President and Mr. Casey at least have come to the point, for whatever reasons, whatever their motivations are, to embrace something that will work, the Murtha plan.

Mr. LARSON of Connecticut. Mr. Speaker, reclaiming my time, I thank the gentlewoman; and I just want to buttress her point here. In The Washington Post, first, CARL LEVIN, our distinguished Senator and brother of SANDER LEVIN here in the House, one of the sponsors of the resolution, said that ''probably the worst kept secret in town is that this administration intends to pull out troops before the midterm elections in November. It shouldn't be a political decision, but it's going to be with this administration. It is as clear as the nose on my face,'' he said, ''that it is all about November and this election.'' And as the gentlewoman pointed out, it shouldn't be.

JACK MURTHA has said over and over again only the Iraqis can solve the problems in Iraq. They are fighting with each other, and our troops are caught in between.

And no one less than Iraq's National Security Advisor said, ''Iraq has to go out of the shadow of the United States and the coalition, take responsibility for its own decisions, learn from its mistakes, and find Iraqi solutions to Iraqi problems.'' Repeating again exactly what Mr. MURTHA has been advocating.

I want to now also turn to the gentleman from Washington State (Mr. INSLEE), who has been part of the Iraq Watch and from the very outset of this war has come to this floor almost on a regular basis to talk about the concerns that so many Americans in this

country care deeply about, most notably the men and women who serve this country.

I yield to Mr. INSLEE.

Mr. INSLEE. Mr. Speaker, I appreciate Mr. LARSON's leadership on this.

I wanted to talk about three hard realities in Iraq. It is very easy, tempting when we are in the middle of a struggle, as our Armed Forces are, to forget harsh realities and to become emboldened by the rhetoric that is associated with war. But I think it is very important for us, when our sons and daughters and husbands and wives are there, to just take a very cold, harsh, realistic look at what is really going on in Iraq. This is not a moment for rose-colored glasses. It is a moment for reality. And I want to talk about the three realities in Iraq today, because basically the debate over Iraq is really twofold.

One side says that we should just keep doing what we are doing. We will just trust the President to make the decisions as he has made them in Iraq. We won't question them. We won't ask to accelerate them. We won't question the strategy. Congress will just sit back and let George Bush decide what to do in Iraq.

Others of us take a different approach that says the status quo is inadequate, that we cannot expect to keep doing the same thing in Iraq and expect a different result. So we believe we need some changes in Iraq. And I want to talk about some three realities about why we need a change, why the status quo is unacceptable, unacceptable in Iraq.

Number one, the security situation. The reality in Iraq is that the current strategy proposed by the Bush administration is resulting in things not only not staying the same but getting worse. If you take a look at the Brookings Institution, you can go online and take a look at the Brookings Institution's Web site. Anybody can Google that to find Brookings. You will find the statistics that I want to talk about tonight.

Fatalities in Iraq of Armed Forces are not only going down; they are going up. Compared to May 2003 and May 2005, we are now experiencing greater loss of our sons and daughters in Iraq than we were 2 years ago, 3 years ago. Those are going up, regrettably. The Bush plan is not working when it comes to protecting our men and women in uniform.

When you looked at the wounded in the Brookings Institution report, regrettably, they are not going down; they are going up, compared to 2½ years ago. When you look at Iraqi fatalities compared to the same time in February, March, May 2005, they are going up. When you look at the number of car bombs in May 2004, to May 2006, they are going up. When you look at Iraqi civilians killed, in fact, the number of Iraqi civilians killed compared to the same period about 3 years ago, they are three times higher per month. And I think we rightfully care about Iraqi civilian fatalities from a sense of humanity and from a sense of the American spirit.

When you look at the number of multiple fatality bombings, they are up by a factor of 50 times higher than they were 3 years ago, a 50 times increase in multiple fatality bombings that the Iraqis are experiencing. When you look at crime-related deaths, they are up 50 times what they were over 2 years ago. When you look at the number of daily attacks, they are up compared to May 2004. When you look at weekly attacks on our service personnel, 2 years ago they went from 185 to 620 now. Up substantially, unfortunately.

So the security situation under the George Bush plan for security in Iraq, all of the indicators are going in the wrong direction. The status quo is not adequate. We cannot just trust the President with making decisions in Iraq.

So I want to turn now to sort of the life-style, if you call it that, in economic conditions in Iraq. We were told, when we were briefed on this war by Paul Wolfowitz and others of the President's men and women, that oil would be quickly restored in Iraq and that, indeed, the Iraqis would pay for this war by themselves. In fact, the production of oil today has still not reached prewar levels under that tyrannical, abysmal dictator Saddam Hussein. We still have not achieved oil and gas production records on one of the largest pools of oil on Earth; they are still at 2.18 million barrels compared to 2.5 in the prewar level. We still are not back up to those levels. And we are paying hundreds of billions of dollars today for Iraq.

In electricity we, at best, are back to prewar levels after 3 years and untold tens of millions of dollars squandered, American taxpayer dollars. And, in fact, in Baghdad today I read they are having a heat wave in Baghdad and they still only have 3 to 4 hours a day of electricity. You can imagine, after 3 years of sitting under a foreign army's occupation, with 3 hours of electricity for your air conditioner. I read these Iraqis said that, We basically sit and look at each other. I read this comment by a middle-class Iraqi who said, We are going crazy doing that. And I can understand that.

The economic condition is not making substantial improvement in Iraq under the harsh realities.

So now we turn to the political situation and ask ourselves if the George Bush plan is adequate on Iraq. And, yes, we have had elections and we were all thrilled by elections. All of us would like to see a democratic Iraq. But there is a very harsh reality that we think demands a change of plans in Iraq.

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That is, until the Shiia community and the Sunni community and the Kurd community can strike the hard bargains it takes to make a democracy in Iraq, and particularly over access to the oil resource, which they still have not done after 3 years. It doesn't matter what an outside force will do. The current plan is not a plan for success.

Frankly, our continued presence in Iraq is now acting as a security blanket to allow the politicians in Iraq to refuse to move forward with hard compromises about oil revenues, which is dooming our military to be there for decades. That is why we need to send a message to the Iraqi politicians that we are not going to be there for decades and they must make the compromises necessary about oil revenues, because they are shortly going to have responsibility for their own country.

I am not the only one to think that. There are some people with some skin in this fight besides Americans, and that is the Iraqis. We went there to help the Iraqis. It was based on false information and deceit, but, nonetheless, Americans had I think the right intentions. So I think it pays some heed to see what the Iraqis think about this.

What the Iraqis think about this, when a poll was done January 31, 2006, by the World Public Opinion Poll, and that is not a group that has any particular dog in this fight, they went out and asked the Iraqi people, do you approve the government endorsing a timeline for U.S. withdrawal?

These are the people whose lives are most dependent on obtaining a secure, safe Iraq. They are not sitting thousands of miles away like we are, like the President is. They are sitting in these rooms with no electricity and 120 degrees temperature and bombs going off next door where they can't send their kids out to play. They may be considered perhaps the experts on this issue. What do the Iraqis say about that issue?

What they say is 87 percent of Iraqis would approve of the government endorsing a timeline for U.S. redeployment. That is something we ought to think about. I think there is a reason for that. I think there is a reason that 87 percent of the Iraqis who are living in such squalor and danger today believe that it makes sense for us to tell Iraqis that the time is shortly coming where the country will be theirs. I think the reason is they recognize that their politicians aren't going to get around to disposing of really coming up with an agreement on oil reserves until they know that the day is coming that the United States security blanket will be removed. The Iraqis have figured this out. We should figure it out.

So we are here today saying it is not enough just to trust President Bush with decisions in Iraq. Security is not getting better, the economy is not getting better, the political situation still really has not come to terms with the necessary compromise, and it is time for us to send a message to the Iraqi government that they need to get serious about resolving issues and redeploying our troops.

This is a strategy for success. The Bush plan is a strategy for long-term failure. It is time that we come to terms, take off the rose-colored glasses and make hard decisions.

I want to thank Mr. LARSON for allowing me to participate.

Mr. LARSON of Connecticut. Mr. Speaker, I want to thank the gentleman from Washington State again for his insightful comments and pointing out the new direction that this country needs to forge and that certainly that the people of this country desire and, as you so eloquently pointed out, as importantly, the people of Iraq.

But I would also add that this is something that the generals of this country who have come forward and spoken out with great clarity also feel strongly about.

Lieutenant General Greg Newbold: ''What we are living with now is the consequences of successive policy failures.''

Major General Paul Eaton: ''Secretary of Defense Donald Rumsfeld is not competent to lead our Armed Forces. His failure to build coalitions with our allies has imposed far greater demands and risks on our soldiers in Iraq than necessary. He has shown himself to be incompetent strategically, operationally and tactically.''

Lieutenant General John Riggs: ''They only need the military advice when it satisfies their agenda,'' speaking on National Public Radio about the Bush administration. ''They only need the military advice when it satisfies their own agenda.''

General Wesley Clark: ''They pressed for open warfare before diplomacy was finished. It was a tragic mistake. It's a strategic blunder.''

General Anthony Zinni: ''We are paying the price for the lack of credible planning, or the lack of a plan. Ten years worth of planning were thrown away, troop levels dismissed out of hand. These were strategic mistakes, mistakes of policy made back here by this administration.''

Mr. INSLEE. Will the gentleman yield for a moment? I want to add an additional mistake, if I can briefly, that I think is very important for us to talk about, and that is the mistake to not send the message that the Iraqis are going to have a country that is free at some point of United States forces.

This poll that I talked about, when they asked Iraqis, do you think the U.S. Government plans to have permanent military bases in Iraq, 80 percent of the people answered that they thought we were going to do that.

When asked, do you believe that we will at some point remove our military once Iraq is stabilized, 80 percent of Iraqis believe we will not remove our forces even after Iraq is stabilized.

There is a reason for them to believe that. Because on this floor, when we tried to put a provision in a defense bill that says we won't have any Iraq permanent bases in Iraq, which we actually succeeded in doing on the floor, the first thing that happened, in the dead of night in one of these conference committees, the Republican Party stripped it out.

The message we are sending to Iraq is we are going to stay there as long as we want and perhaps permanently. That is the wrong message. We need to send a different message. That is why we are here tonight.

Mr. LARSON of Connecticut. Someone who has sent that message consistently also hails from Washington State, the senior member of the delegation, JIM MCDERMOTT, a distinguished member of the Ways and Means Committee.

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

Mr. MCDERMOTT. Mr. Speaker, I thank Mr. LARSON for yielding. I want to thank him for organizing this event this evening to give us a chance to spend a little extra time talking about what is going on.

I think the American people, as they look at this situation, have every reason to be very confused about what is going on in Iraq; and I want to try to help them understand it.

The first thing you have to understand is that everything that is happening on this floor and in the other body has to do with the 7th of November, the election. Don't ever lose sight that what is being done here is to influence the American people to keep the Republicans in power in the next election.

Now, the confusion you feel is being created by the very people who want to retain power. If you ask yourself where are we today, well, on Saturday in the morning they announced in the London Times that Prime Minister Maliki wanted reconciliation. He wanted to have a reconciliation plan coming out, and he wanted to meet with the Sunnis and try to defuse the situation.

You would think that would be in everybody's interest. Did you hear one word from the White House about the Iraqis standing up and trying to defuse the situation? Did you hear any support? None. Because the basic underlying fact that my colleague from Washington has pointed out is we have no intention of leaving Iraq. We intend to be there with 50,000 troops and permanent bases for an extended period of time. But we won't say that. We say exactly the opposite.

What we are saying to the Iraqis is, now, look, this is what we mean. We mean we are not going to stay here. But the Iraqis open their eyes and they see this permanent stuff, and they say to themselves, it doesn't make any sense. They are not here on a temporary basis.

An Arab friend of mine in Jordan told me that one of the things that Americans do not understand is what it means to an Arab when you occupy his land, and as long as we occupy their land, they will fight. He said, you can do all the talk you want, but until the United States indicates clearly that they are pulling their troops out, you will never get any peace in the area.

That was on Saturday morning. Then we come to the New York Times the next day, Sunday, quoting General Casey. Now this is the President that says, stay the course, stay the course; and the New York Times leaks a story saying that they have drafted a plan for withdrawing troops by September.

This is a leak. Did the President jump up and down and say, send out the FBI to find out who leaked that plan? No. Because they want to send that out to one part of the population. They want part of the United States to think we are actually going to pull the troops out, when in fact there is no real evidence that they are going to take them out.

The American people have got to stay awake. Ronald Reagan said you should trust, but verify. The President says stuff, but when you try to verify it, you can't find it. He is against leaks, as long as it is an official leak of something he wants to get out there. Karl Rove really wants to get it out there.

Mr. LARSON of Connecticut. Reclaiming my time, in my opening remarks, this is confusing to American citizens, because Karl Rove, the Sunday prior to the debate that started here in this House, was in New Hampshire; and he laid out the strategic vision for the Republican Party. It was a political gathering, but he laid out that strategic vision. I can understand why the public gets confused, because he said very publicly that what we have to do is ''stay the course,'' and then it was the Democrats who wanted, to use one of their slogans, ''cut and run.'' But they were going to stay the course.

Then that was followed by the majority leader's talking points that were disseminated on the floor here which, of course, was again discrediting Democrats, and most notably Mr. MURTHA, about cutting and running.

Then it becomes even more confounding, because the debate that ensued was, as you point out, I think uplifting in some circumstances, because it was trying to define where people stand. Ninety-nine percent of them felt very strongly that we ought to stay the course, while 78 percent on this side felt there ought to be a new direction. So people became somewhat confused. And that was all sandwiched in between the President's flight and photo-op to Iraq and the White House picnic.

Then, lo and behold, last week, the debate in the Senate, where it even reaches a feverish pitch, and we have had more plans hatched and looked at by the Democrats, including the Murtha proposal, as MAXINE discussed, and the Levin plan in the Senate, as well as IKE SKELTON's proposal and DAVID PRICE's proposal down here. It goes on and on. So people can get confused.

Then, as you are chronicling these events, all of a sudden the Iraqi security adviser says they have a plan; and their plan includes, as Mr. INSLEE pointed out, that the Iraqi people want us out of there. Eight-seven percent want us out of there. Eighty-seven percent believe that they are better off taking control of their own destiny. And now you are telling the American people, though, that, look, this really doesn't have anything to do with all of that. This is about an election. Not their election.

Mr. MCDERMOTT. Our election. One of the fascinating things about it is, I don't know how many times the President has said, we will stand down when the Iraqis stand up. Well, that makes sense to people. People say, yes, that is right. As soon as they are ready to take over their country, we will back out and we will leave. So we think he really means it.

Then we have Maliki, the new prime minister, stand up and say, I have got a reconciliation plan, and I would like to talk with you guys about a timetable for you to leave.

Have you heard the President say one thing about the prime minister standing up? Of course not. They have ignored the fact that the Iraqis that they maneuvered into charge of the place are actually standing up and saying, yes, we are going to have to talk to the Sunnis, because we are Shiia and they are Sunnis, and they feel like they are left out; and, secondly, we have to do something about all this fighting that is going on.

Mr. LARSON of Connecticut. Briefly reclaiming my time, could it be that one of the reasons they are not speaking out as forthrightly as they should, and I am just surmising this, is because part of this reconciliation that has been discussed is the granting of amnesty to Iraqis who have murdered or kidnapped American soldiers or civilians?

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We have put forward a resolution here. It was debated during our discussion here, but not a nonbinding resolution. We put forward a resolution that will actually bind the Congress to instruct the President to send a message to the Iraqi Government that that cannot stand; that we, this Congress, and the American public will not stand by and let them recuse people who have taken American lives, who have kidnapped and tortured and mutilated Americans.

We will never stand by and let that happen. Could that be part of the reason?

Mr. MCDERMOTT. Mr. Speaker, well, one of the questions you have to ask yourself is, Did Mr. Maliki and the Iraqi Government sit down and come up with this reconciliation package all by themselves? Does anybody think that the American Government was not, in the form of the ambassador, involved in those discussions, or that talked to the military? Of course they did.

So what you have got is our own government talking out of both sides of its mouth. The Iraqis, all they know is we are staying there. We have got a $500 million embassy, the largest embassy in the world. It is really Fortress America. We have got military installations which are very permanent, and we are saying we are leaving tomorrow or sometime, whenever you are ready to run your own country.

The fact is that we have shown nothing to suppose that we really mean that we will one day say, you guys are doing such a great job, we are going home. See you later. That is not what we are up to. We are trying to control the natural resources of the area and trying to give ourself a platform to operate some place in the Middle East, and we simply are going to have this fight continue unless, and I could not help thinking, I was sitting over thinking about what I was going to say today.

I remember during the Vietnam War, back in 1968, coming up to an election. What was Mr. Nixon saying at that point? I have a secret plan to end the war. Ha. A secret plan to end the war. After he was reelected, we went on for 4 more years. This issue, if the President is serious, then he ought to explain to us why he let his commanding general go out there talking about setting a deadline and bringing troops home.

Does he mean to do that, or is that just to throw smoke up in the air and get people confused? I think it is the latter. I do not think he intends to bring any troops home if he is going to give the impression that they are leaving Iraq. And that is why we have to continue to get out here and talk about what is in the newspapers.

I mean, you do not have to read very far. The London Times, the New York Times, the Los Angeles Times, a few papers, and you can see it if you put it all together in one place. And that is why it is important for us as a body to have these hours when we do this.

Mr. LARSON of Connecticut. One gentleman who has been doing that consistently is the distinguished gentleman from Massachusetts, who, along with Mr. INSLEE, headed up the Iraq Watch from the inception of this war, and who always provides us with insightful observations.

I am sure he is intrigued, as both Mr. INSLEE and Mr. MCDERMOTT are, with the developments of this past weekend with General Casey's proposal, et cetera. I would yield to him at this time.

Mr. DELAHUNT. Mr. Speaker, I thank my friend for yielding. What I find interesting is ever since, well ever since before the invasion the administration has not been forthcoming, has not played it straight with us and with the American people.

And I just got in from Boston, my plane was late, I am sure that many of you encountered those kinds of difficulties. But I had an opportunity to listen to my friend, Mr. INSLEE from Washington. And he talked about the Iraqi people not wanting us to stay, if you can accept the results of that poll, which presumably are valid.

And you make a point about the prime minister talking about a timetable. And yet during the course of, I do not want to call it a debate, but during the course of the speeches that were given here last week regarding Iraq, we heard a term like ''cut and run,'' you know, cut and run.

Well, I find what is interesting is that now there is some cutting, or there appears to be some cutting. But you know what was unsaid during the entire conversation that was held on this floor? It is not just the Iraqi people that want us to leave, or at least to provide a timetable, but maybe President Bush was not hearing what the prime minister and the vice president and the president of Iraq had to say when he made his visit there a week or 10 days ago.

Because flying back on Air Force One with the media, this is what he had to say, ''There are concerns about our commitment and keeping our troops there. They are worried, almost to a person, that we will leave before they are capable of defending themselves. And I assured them they did not need to worry.''

But I guess when he says ''almost to a person,'' he is not referring to the vice president and the president of Iraq. Because it was reported in the Associated Press last week that the Iraqi vice president had asked President Bush for a timeline for withdrawal of foreign troops from Iraq.

And that was confirmed by President Talabani, and in addition, President Talabani agreed with that request. So it was not just Democrats and others that were interested in a timeline for when we are getting out of there, but it was the Iraqi president and the Iraqi vice president.

And yet we hear terms like cut and run. Cut and run. The only thing we are cutting here are taxes for the super-rich and running up a deficit. That is what we are cutting and running here in this institution. Everyone recognizes there is a responsibility, but we did not get into this mess. Should we trust this administration?

We were told by the Vice President that we were going to be greeted as liberators. False. The Secretary of Defense said the war would not last more than 6 months. False. His deputy, Paul Wolfowitz, said that Iraq could pay for its own reconstruction from oil revenues. False.

We heard from the Vice President and everyone else that there were links between al Qaeda and Saddam Hussein. False. False. False. And now we are told that, well, we cannot put out a timeline or a timetable to withdraw.

The Iraqi people want it. I dare say the American people need to know

about it. It is in the best interests of our national security, because what we are doing there is we are creating terrorists. We are eroding the efforts against terrorism worldwide the longer we stay there. We are viewed by the world as occupiers. All you have to do is take a look at the recent polling data, the most recent one being from a very reputable foundation, the Pew Foundation, 33 out of 35 countries have a negative image of the United States. Our own Government Accountability Office that my friends on both sides of the aisle know is a nonpartisan agency of the U.S. Congress has said this: anti-American sentiment is broadening and deepening and is a threat to our national security and will hurt our efforts against terrorism.

And, of course, there is a possibility and a real potential that it will hurt us in other areas, and furthermore it could very well erode and hurt our commercial interests.

Mr. LARSON of Connecticut. One of the reasons that we come to the floor this evening, and Mr. MCDERMOTT alluded to it, is making sure that we do not sit idle to miss the so-called debate that Mr. DELAHUNT suggested took place both here in this Chamber, a nonbinding discussion, if you will, and in the Senate.

Because in the past, charges have been made and leveled, slogans tossed out, and they have not been responded to. We are not going to stand by, because the American public desires a new direction, and more importantly desires people who are willing to speak truth to power.

That is why JACK MURTHA is so celebrated across this country. It is not so much for the particulars of his plan, but for the fact that he had the temerity to speak truth to power. And so we will not stand idle, and we will come to this floor on successive evenings to drive home the point to the American people.

Mr. DELAHUNT, you articulated so clearly the need to level with the American public. And I started this evening talking about saying goodbye to the Reservists and National Guard of the 1048th Truckers Division from the State of Connecticut, a very painful thing.

And most important is the need to level with our own troops and the families, who, as you point out, are the only ones who have had to make a sacrifice since September 11. The only people that our government has requested sacrifice of are the men and women who wear the uniform and their families.

Mr. DELAHUNT. And the American taxpayer.

Mr. INSLEE. Mr. Speaker, I want to pose this question here about who is driving the bus when it comes to Iraq policy. And this is an important question I know all of us feel. Yesterday, two of our finest from the State of Washington were killed in Iraq, young men.

The day before that, a young man from Port Orchard, Washington, who had been fighting for life for 3 months died in one of our hospitals in Texas. We need somebody to drive the bus of Iraqi policy that is trustworthy, accurate, and has a full understanding of what is going on in Iraq.

And when you ask yourself, does the President meet those criteria for that policy, does his policy meet that criteria; was he right on weapons of mass destruction? No. Was he right on association with 9/11? No. Was he right on the number of troops we needed? No.

Was he right on flac jackets for the troops? No. Was he right on armored Humvees? No. Is he right on the issue of who is actually doing the fighting now? He still wants to make it sound like it is just part of an international conspiracy, not a sectarian conflict that is going on when Shiites and Sunnis are killing themselves in the streets? No.

He still is wrong about the basic nature of the conflict, and yet some people in Congress want to let him just drive the bus after he has crashed it 52 different times, and we have lost over 2,500 of our finest as a result.

□ 2100

It is time for someone else to start driving the bus, and that is Congress; to start asking these hard questions and demand a different strategy

Mr. DELAHUNT. Well, I would conclude by asking a question, which is that, ultimately, what has occurred because of our invasion of Iraq? Let us project 2 years, 5 years, 10 years.

We hear so much talk about bringing democracy to the Middle East. Well, you know what I see, I see an emerging relationship between Iraq and Iran. I already have noted that there is a bilateral military cooperation agreement between Iran and Iraq. In my memory, please help me, wasn't Iran one of the original members of the access of evil club?

And just recently, I noticed where the prime minister suggested that the international community ought to leave Iran alone and drop its demand, drop its demand that Iran prove that it is not developing nuclear technology for purposes of a weapon.

Now, what is happening here? Are we going to end up with the legacy of this loss of American lives and American taxpayer dollars with a more influential Iran? I mean, please, has anybody even talked about this or considered it? Do we hear this as part of the debate and the discourse even among think tanks, even among the popular media outlets?

Mr. LARSON of Connecticut. Well, if the gentleman will yield, I think Graham Ellison has stated it most eloquently. He said ''Americans are no safer from nuclear terrorist attack today than we were on September 10, 2001.'' He said, ''A central reason for that can be summed up in one word: Iraq. The invasion and occupation have diverted essential resources from the fight against al Qaeda, allowed the Taliban to regroup in Afghanistan, fostered neglect of the Iranian nuclear threat, undermined alliances critical to preventing terrorism, devastated America's standing with the public in every country in Europe, and destroyed it in the Muslim world.''

That about sums it up, where we were and why we need a new direction.

Mr. Speaker, I thank the gentlemen for joining me this evening.

FOREIGN AND DOMESTIC POLICY

The SPEAKER pro tempore (Mr. MCCAUL of Texas). 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 address you this evening, and I appreciate the fact that my message to you echoes across America in this technology that we have today.

As I awaited my opportunity to address the Chair, I also reflected upon many of the remarks that were made by my colleagues in the preceding segment, and I would like to start out first by stating that there were some remarks that I do agree with. I know that may seem a bit unusual, but the objection to the proposed policy by the newly sovereign nation of Iraq to the rejection of the proposed amnesty is something that we stand together on, as I heard my friend Mr. LARSON say; and I thank him for raising that issue tonight.

As I think about what that means, to offer amnesty to someone for killing Americans or killing coalition troops but not amnesty if they happen to attack Iraqis, whatever stripe they might happen to be, and the same administration will be making demands on us to prosecute to the fullest extent of the law and punish American soldiers that may or may not, but certainly today we know are accused of those kinds of activities.

Mr. LARSON of Connecticut. If the gentleman will yield.

Mr. KING of Iowa. I would be happy to yield to the gentleman from Connecticut.

Mr. LARSON of Connecticut. I profusely thank you and hope you will join us in signing H.J. Resolution 90 that we have put on the floor and we hope to bring to a vote before the 4th of July so that we send a very specific message.

I think that is something that everyone in this Chamber will agree with.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman; and I will take a good look at the text of that. I know that philosophically we do agree, and I will give it serious consideration, and that is the spirit that we should operate in in this Chamber. I appreciate the gentleman's work on this cause.

I do also, though, have an obligation to lay out a disagreement, and that disagreement is with the language we

heard with regard to permanent bases. We know that a year ago there was language that was inserted into the Department of Defense appropriation bill, and this was language that I understood a year ago was introduced by the gentleman from Pennsylvania (Mr. MURTHA). This language prohibited any of the funds from being used to negotiate for or to establish any bases in Iraq.

Now that language was taken out in conference. It passed through this Chamber, and no one caught it, evidently, and it was taken out in conference, I understand, at the request of the White House, because the President is the Commander-in-Chief. That is something, Mr. Speaker, we didn't hear over here in the last hour, about who it is that conducts foreign policy in America. Constitutionally, the President of the United States has the duty to conduct foreign policy, and he is the Commander-in-Chief of our Armed Forces.

The rest of this verbiage and rhetoric that comes out is an effort to try to fence him in, limit his options, and sometimes make him look bad across the globe. But the President is the one who conducts our foreign policy, and he is the Commander-in-Chief. But the Murtha language a year ago would have tied the hands of the President, would have tied the hands of the Iraqis and prohibited them from even negotiating for a temporary base, no matter how essential for the entire nation of Iraq.

Well, that language was stripped out in conference, thankfully so; and the bill went to the President without the Murtha language. This time, the bill came to the floor with the same language back in it again. The language, they argue, prohibits permanent bases. But there is nothing in that language that says permanent. It just says no money will be used to either negotiate for or establish bases in Iraq. All bases, no matter how temporary. Not even to talk about it.

Now we have a sovereign Iraq, with a new prime minister, Prime Minister Maliki, and we have a new minister of defense and a new minister of the interior, and now that they are finally standing on their own two feet, within a matter of weeks. We are tying their hands as well as the hands of the Commander-in-Chief, the President of the United States, the conductor of foreign policy by Constitution, with language in the DOD appropriation bill that says that not $1 of those funds can be used to even negotiate for a temporary base, no matter how desperately it might be needed by the newly sovereign Iraq.

Now, that is a shortsighted policy. That is a foolish policy, Mr. Speaker. It is a policy that if we had followed that policy in each one of the other conflicts we had been in, for example, we wouldn't have bases to operate out of in Kuwait. We wouldn't still be in Germany, a pretty handy place to have. We utilize those bases considerably in Germany. We wouldn't be in places across the Pacific.

And, in fact, that place we finally found out was the horizon. When the gentleman from Pennsylvania (Mr. MURTHA) said that we should immediately redeploy back to the horizon, we couldn't get him to define what the horizon was for months. Finally, he has defined horizon. Out on the horizon from Iraq, so you can quickly deploy in case there is a crisis, and I don't know why you would want to let it get to a crisis stage, but that was the strategy, and now he has said that horizon is Okinawa. We should redeploy to Okinawa. From there, we could mount air raids into Iraq, perhaps with some B–52s and do some carpet bombing to teach them a lesson, I guess.

But when you are taking on a terrorist entity, you have to beat them on the ground where they are. You can't pull out and let things brew and then come back in with overwhelming force. The gentleman from Pennsylvania knows that. He knows that if we ever pull out of Iraq, they will do everything they can to make sure we don't go back for any reason whatsoever, no matter what the consequences.

And I can tell you, Mr. Speaker, the consequences would be cataclysmic if we pull out of there, let things fall apart, and then the terrorists will have the very thing they were seeking to establish in Iraq in the first place.

So the Murtha language in the Department of Defense appropriation bill did make it through this floor in the House of Representatives. We could have made some better decisions on that, but it will go over to the Senate, where hopefully it will get pulled out, but I am just confident, if that is not the case, that it will be pulled out by the White House at their request in conference.

No president should have their hands tied behind their back and then be drubbed here every night on the floor of the House of Representatives and prevented from conducting his foreign policy. That is what happened at the end of the Vietnam War, and the end of that cost three million or more lives in Southeast Asia because this Congress tried to tie the hands, and effectively did tie the hands, of the Commander-in-Chief.

Now, we also hear that they are quite offended by the term ''cut and run.'' And you can describe it a lot of ways, but I can't describe it any better than cut and run. That is what I heard they want to do. Why can't they simply wait for the new government of Iraq to get their feet on the ground and establish themselves and do what they are doing, which is taking on this enemy? They are taking out the enemy, going into Baghdad, in some of the neighborhoods in Baghdad and cleaning those areas out.

Now, war is never pretty. It is always ugly, and it is always costly, and you can never measure the progress of a war by the minute or the hour or the day. It has to be looked at incrementally. And sometimes a battle that is lost might end up being the war that is won, and vice versa.

We know that the writings that came from General Giap and other commanders of the Vietnam military, they were desperate. They were nearly ready to give up. But what gave them hope and what kept them in that war and kept them from giving up and surrendering was the rhetoric on the part of the left wing United States Senators and House Members.

In fact, that is something that is in Bud Day's book. Colonel Bud Day, who is the highest decorated living American war hero, writes in his book that the first years of his incarceration as a prisoner of war at the Hanoi Hilton, as a prisoner of the North Vietnamese, after being shot down over there, the first years they had to write propaganda. But after a few years, all they had to do was quote people like Senator KENNEDY and Senator Fulbright and Jane Fonda, and, he said, pick your House Member, that we quote as well.

That is going on in this conflict as well, Mr. Speaker, in the same way these 30-some years later. The results are going to be different, because the American people are not going to fall for this same rhetoric again. They are advocating cut and run. If they would like to describe it some other way, honestly, I would be happy to pick that language up, too. I like to use a lot of adjectives. Cut and run is the short term for it.

They say that 80 percent of the Iraqis want us out of there. I would like to know more about that poll. I would like to read the question. I would like to know who they asked. I think you could get a higher number than that. I think you could get 99 percent of the Iraqis to want us out of there, the same way they wanted us out of there 3 years ago. They said so. They said, we are happy to be liberated, and we want the Americans to go home, some day.

But not any time soon, Mr. Speaker. Not before the Iraqi people have control of the security of their country, not before the political solution at least gets some roots down and gets to operate. And the President has made this clear.

But the people on the other side of the aisle would not let the President move troops out of Iraq at a rate that he sees fit. They always want to be a little ahead of him.

If the President says we have 150,000 troops there, and they are thinking, well, maybe he will pull 10,000 out next month, they might hear a rumor coming from the Pentagon, and that isn't an air-tight operation over there either, Mr. Speaker, they might hear a rumor from the Pentagon that we are going to move 10,000 troops back to the United States. So people on the other side of the aisle jump to the floor, run down here and say, I demand the President remove 10,000 troops and bring

them back to the United States. And they will pound on the podium and make that demand in the hopes it actually happens. Because then they can stand up and say, he finally listened. He wouldn't listen for a long time, but, finally, he listened. They want to get ahead of things so they can declare they were the cause of those decisions.

And that just makes it harder for a Commander-in-Chief to make the right decisions. In fact, running out front and trying to get in front of an issue reminds me of Robespierre, who was one of the leaders in France during the revolution, about the 1789 time period. He looked out his window, and he said, the people are marching in the streets; I better get in front of them and see where they are going, for I am their leader. A few months later, Robespierre was a head shorter. I don't know if he ever learned the lesson that you can't lead from the rear. You actually have to have some vision of your own.

You can't get up every morning and try to decide who am I going to attack today; who am I going to make look bad. Surely if I can pull some people down the ladder on either side of me, I will look better, if I can drag them down the ladder. That is the mentality that motivates a lot of the people on the other side of the aisle.

They said that, according to the Pew Foundation, I didn't hear the percentage, but a significant percentage had a negative image of the United States, a negative image of the United States. Do you suppose some of those people listen to the rhetoric on the floor of the United States House of Representatives on a regular basis? What do they think, the kind of message they are sending? What do they think of the United States?

I wonder if they answered to the Pew Foundation's poll, I wonder what the gentleman that made this argument would say if they asked, do you have a positive or negative view of the United States?

□ 2115

I am going to say I would expect they would have said we have a negative view, because that is all I hear is a negative view from that side of the aisle. I don't hear solutions. I hear negative attacks on the White House, negative attacks on the Republicans and Congress.

Somehow they will learn how to spell Republican with four letters so we can truly be a four-letter word, instead of this optimistic, progressive operation that is looking for ways beyond the horizon to make the world a better place. Then the question was from the gentleman from Washington, Who was driving the bus when it comes to the Iraq policy?

When you swear allegiance to uphold the Constitution, you are supposed to understand what is in there. I need to inform the gentleman, the person driving the bus, when it comes to Iraq policy, is the person driving the bus when it comes to foreign policy, and the person driving the bus when it comes to being Commander in Chief of our Armed Forces, in Iraq, its President Bush by Constitution.

So I hope that has cleared up some of the issues here. There are no negotiations going on for permanent bases. There would be no negotiations going on for permanent bases. We have no permanent bases anywhere around the globe.

We have no permanent bases here in the United States. They are all temporary bases. They are all established for a period of time, a term that can be agreed to by the parties involved. Sometimes it is a short term, sometimes it is a longer term; but none are permanent. If anyone thinks that here in the United States we have permanent bases like Fort Hood, for example, or Fort Campbell would be another, the answer to that is, no, they aren't permanent either. All bases in the United States are all subject to the BRAC approach.

We voted on that, and we are closing some bases, and we are downsizing some bases and shifting some materials around. That ought to convince anybody in this Congress if they had ever been through a BRAC vote and a BRAC negotiation, that there is no such thing as a permanent base, no matter how badly Members of Congress would love to have permanent bases in their districts, even these Members, there is not any such thing takes a permanent base in the United States or overseas. We are not inclined to negotiate for them, but we are inclined to negotiate for temporary bases where they make sense and where we can reach an agreement with the people who are the sovereign government of each individual nation in question, including Iraq.

I would point out also that we have a neighbor to Iraq called Iran, and this neighbor is developing nuclear capability, not just the ability to build a bomb and detonate a bomb, but the ability to deliver that bomb to a target site. They have said that Israel has no right to exist, and they want to wipe it off the map.

They have named us as one of their number one enemies. So sitting next door to Iran, with a couple of large military bases, one would think that it would be a pretty good idea not to foreclose an option to be able to maybe mount an operation from the very bases that we have invested so many dollars into.

We have billions of dollars invested in Iraq. We have a tremendous amount of blood and treasure invested there, and that investment should return something back on it. It already has. It has returned freedom to the Iraqi people.

If we play our cards right, and we are able to negotiate with them, we might one day look at that and say it was a very good thing that we stripped out the Murtha language and saved the options and the authority of the President of the United States, who is Commander in Chief, and who by Constitution conducts our foreign policy.

I would be happy to yield to my friend from Tennessee, Mr. WAMP.

Mr. WAMP. I thank the gentleman. I am very grateful that he has come to the floor tonight to discuss these matters that are so important and even to respond to some of what has already been said here tonight. I think it is important for us, Mr. Speaker, to come and talk about what sacrifices are made on the other side of the world on our behalf.

British philosopher and historian John Stuart Mill once wrote this about war: he said war is an ugly thing, but it is not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. A person who has nothing for which they are willing to fight, nothing they care more about than their own personal safety, is a miserable creature who has no chance of ever being free unless those very freedoms are made and kept by better persons than himself.

Mr. Speaker, those persons are the men and women in the uniform of our Armed Forces. One thing I know, because I respect my friends on both sides of the aisle, is that the lessons of history, including the Vietnam lesson, taught America to support the troops, the men and women in uniform, regardless of how you feel about the mission, regardless of the decisions made by the Commander in Chief who is charged, as the gentleman from Iowa said, with making these critical decisions, duly elected, even re-elected, in the midst of this conflict.

Supported by a majority of the American people, and making these decisions with an all volunteer force, every man and woman in uniform, today, volunteered to serve. I have been with our President, with tears rolling down his face, talking about the sacrifices that these mostly young men and women are willing to make on our behalf, knowing that this call is a difficult call, knowing that the sacrifices are extraordinary, and, yes, we have lost over 2,500; many, many more have been injured.

But I have got to tell you, freedom is never free, and every time it has been handed from one generation to the next, it has been handed by the men and women in the uniform, and they are there making that sacrifice for us. I want them to look back in this interactive world we live in and see us standing behind them, not talking about leaving early, never retreating, always finishing what we start.

Let me tell you, I saw a Democratic Senator on television this weekend talking about what is happening in northern Africa, specifically Somalia. You and I were in Africa together a year and a half ago, talking about Sunni extremism that has spread around the globe and influenced the east coast of Africa. This is not because of what has happened in Iraq; it

is happening if we are not in Iraq. It is happening, and it manifested itself on September 11, 2001, no, 1993 is when they wanted to bring down the World Trade Center, but they didn't. Their engineering didn't work.

Did we pay enough attention then, or the other 30 times that our ships and our interests in hotels that we own around the world were bombed by terrorist extremist, from radical Islam? No, we didn't pay enough attention. We even retreated from human intelligence. We cut the budget.

Mr. Speaker, if we are not on the offensive today, freedom is at risk again for this generation. Man, I am glad that these men and women will stand in harm's way on our behalf and stand in the gap. Absolutely we hail them.

Iraq is difficult, but it is a decision that was made. Over half the Democrats in the United States Senate voted to use force to remove Saddam Hussein, and almost half the Democrats in this House voted to use force to remove Saddam Hussein. They thought it was important to remove this genocidal mass murderer, terrorist, and they said with weapons of mass destruction.

Now, sarin gas was found again. We know he used it on hundreds of thousands of people. We know he is a genocidal mass murderer, just like Slobodan Milosevic was, and President Clinton chose to remove him from Eastern Europe. But here we are today, frankly, second guessing, instead of standing together.

I have got to tell you, I believe deep in my gut, Mr. Speaker, that it is a matter of time till we are hit again. We cannot sleep. We cannot rest. We must be vigilant, and the Senator was right. Now, in northern Africa, what they are looking for is a vacuum, Mr. Speaker. They are looking for a sovereign nation from which to operate.

You cannot convince me Iraq was not right to be a sovereign nation from which to operate. You cannot convince me, and I am on the Homeland Security appropriations subcommittee, been there since we created the Department of Homeland Security. Briefed at a very high level, you can't convince me that there were not connections with al Qaeda operatives and Saddam Hussein.

Now all you hear about this rhetoric here is this November. It is not about what has happened or what is happening. It is about them retaking the majority in the Congress. So let us just call it what it is. While I am on my feet, let me say, Mr. Speaker, that we are blocking and tackling and trying to do the people's business in this House as the majority. I am encouraged.

Our economic policies are working, amazingly durable economy today. I am amazed at that growth that is taking place out there in America. I am amazed that unemployment is this low, virtual full employment. I am amazed that everything we have been through from Katrina and Rita to terrorism all around, that we are still this strong, and it is because we have enacted sound, economic policies.

Legislative line item veto passed the House last week. It is a compromise that we know the Supreme Court, or, we believe, will uphold this time. The President can eliminate unnecessary spending, something the people back home continue to want from this Congress.

We also came up with a compromise for the death tax, because you really shouldn't be taxed again when you die. Within 6 months, the IRS shows up. This is a compromise.

We are reasonable people, but we are going to continue to press the fundamentals of blocking and tackling and doing the people's business. I am encouraged that there is some momentum in this House again. I am encouraged by the leadership of this House.

I tell you what, I know this is the silly season. Next 4½ months you will hear all kind of rhetoric and all kind of talk. But America is too great to dumb it down to election-year rhetoric.

I have come to the House floor tonight to just try to rise above it. I rarely do this. I have tremendous friends on both sides of the aisle here, and I respect this institution so much. What a privilege it has been for me to be here for 12 years.

But I have to tell you, Mr. Speaker. When the going gets tough, the tough get going, and it is tough, if we left Iraq tomorrow with Sunni extremism, al Qaeda, Hezbollah.

Hamas was elected in Palestine, a terrorist organization was elected to the government, and now more people are being elected terrorists in Somalia. Terrorism is on the rise. We are on the offensive, or we are in retreat. Take your pick. Take your pick. You can't have it both ways.

I am glad this President has been strong and tough and consistent. The other people around the world are paying attention. Don't tell me Moammar Gadhafi turned over his nuclear weapons because we weren't strong. He turned them over because we were strong and consistent. He did not want to be on the list of countries that we were watching closely and concerned were aiding and abetting terrorist networks with weapons of mass destruction. So he turned them over.

This is a strong President, exerting leadership during very difficult times, extraordinarily difficult times. Because this war doesn't really have a front line, and there is no one to sign a truce or a treaty with at the end, because global terrorism now is spreading around the world through the Sunni extremism, this makes this the toughest of all fights.

It is the easiest to cast doubt about. It is the easiest to throw rocks at. There will be some rocks thrown in the next 4½ months. I think it is time for some people to come to this floor and speak out about what is at stake. Number one, the main thing that people expect of a President or this Congress is to protect them from threats.

If you don't think that Sunni extremism and radical terrorism is a threat, it is why we are working so hard in the House to secure our southern border, not come up with some notion of how to encourage other people to come here illegally, like we got out of the other body, but securing the other border, stopping the inflow of people into this country that can bring damage to us and bring harm to our people. Security is the main thing.

I tell you, in the wake of September 11, I know mistakes have been made, but I would rather be on the offensive, fighting them on our terms and their land rather than on their terms and our land. It really does boil down to that.

Again, I respect everyone who comes up with their open plan, and I believe the debate ought to come to this House for it, and we ought to do it in a civil way. But I tell you, I believe that those people that understand this threat and know historically what has been necessary to deal with these threats should come down here and defend, not only the men and women that are carrying it out, but the principle that says sometimes freedom comes with a price.

We have got to promote our way of life around the world, not be policemen around the world, but to promote freedom. Free countries do not war with one another. I believe in that. I think that is a Bush doctrine, and I believe in that. Twenty-two Arab League countries, none of them really have our form of government.

□ 2130

None of them really freely elect their leaders. None of them really respect the dignity of an individual. None of them really give women full rights and privileges. None of them really have freedom of the press, freedom of religion, freedom of thought. Those are the kind of freedoms that will contain and eliminate terrorism over time.

This is a bold proposition. It is a world-changing proposition. I actually believe it is the right thing to do.

Mr. KING of Iowa. I thank the gentleman from Tennessee, and I wish to associate myself with every remark made here in this spontaneous demonstration of Mr. WAMP's heart and head and involvement in this big effort that we have. I don't think it can be overemphasized, and I am going to make it a point to go back and look at the CONGRESSIONAL RECORD and read through those words again. Sometimes there is a gem that shows up here on the floor; and this is something that happened tonight, Mr. Speaker. I do greatly appreciate it.

I want to emphasize that I believe that our United States military that is involved in this conflict, this global war on terror, it is the very highest quality military ever sent off to war. And I don't say that to diminish the contribution on the part of anybody, especially the greatest generation or those wars that came behind. I say this

to build on top of that reputation, not diminish it.

But some of the reasons we heard from Mr. WAMP were, first of all, they are an all-volunteer service. And not only that, they are people that have all volunteered for this conflict, because this conflict has gone on long enough that everyone had a chance to re up. So everybody that is in uniform got to consider the current state of conflict globally, and they signed back up again in numbers far larger than ever anticipated.

They said, I am going back for a second tour, I will go back for a third tour, I will put my life on the line, and I will certainly put it on hold for a year or more to give the Iraqi people a chance at freedom. Because they believe, as Zach Wamp and I believe and as President Bush believes, that we never go to war against another free people. Free people resolve their differences at the ballot box, not on the battlefield. That demonstration of that has been true throughout history, and it can be true in the Middle East as well.

I continually point out this example, and that is on 9 November, 1989, when the Berlin Wall went down, when people climbed over the top of it and chiseled pieces of it out and broke champagne bottles on it and families were reunited, the story in the mainstream media was all about how families were reunited, and they seemed to think it was all a personal thing, that now they didn't have to write letters across the wall or maybe wave through the Brandenburg Gate at each other or go to Checkpoint Charlie and figure out how they might get through.

No, it wasn't about that. It wasn't about that at all. It was about the end of the Cold War. It was about the Iron Curtain crashing down November 9, 1989, not predicted until you look back at Ronald Reagan when he said, Mr. Gorbachev, tear down this wall. And the people tore down the wall out of a desire for freedom.

That desire for freedom, once that wall went down, November 9, 1989, within about 2 to 3 short years, freedom echoed across eastern Europe, almost bloodlessly. And I will say virtually bloodlessly in the single most significant historical event of my lifetime, the end of the Cold War, Mr. Speaker. That freedom that echoed across eastern Europe for hundreds of millions of people can be the same freedom echoing across the Arab world for hundreds of millions of people. And that is a formula for a final victory in the global war on terror.

But not until then. Because there is a habitat that breeds terrorists. There is religious fanatical beliefs that their path to salvation is in killing people who are not like them. And we are some of their preferred targets. Wherever we are, they will attack us until that ideology is defeated. You have got to do it boots on the ground there, and you have got to give people freedom and hope, and that is what we have been doing ever since September 11, 2001. The American people have voted on that issue. They have elected their Commander-in-Chief.

I heard these Presidential debates in Iowa. First in the Nation caucuses and continually eight or nine and sometimes ten candidates for the White House would get up every morning and decide what can I say to tear down President Bush. And they would have advisory teams out there trying to find soft spots that they could attack the President on. They didn't stand up and debate the differences between them as candidates, to determine who would be the nominee for the presidency. They decided that they would line up and take shots at the President. Whoever could be the most aggressive criticizer of the President presumably would be the one who then won the nomination and went on to run for the presidency and perhaps the White House.

That is when Howard Dean melted down, JOHN KERRY emerged. The JOHN KERRY who stood there and said over and over again, wrong war, wrong place, wrong time. First I voted for it before I voted against it. That example of leadership, that gift that kept on giving, and probably the biggest reason why we have this fine leader in the White House today is that that gift that kept on giving kept reminding the people that there was a stronger leader that had a clearer vision; and that has been true in spite of relentless, relentless attacks.

My friend from Tennessee also talked about how important it is for us to be a sovereign Nation that secures our borders; and I wish to pick up on that subject matter, Mr. Speaker.

Because, as I watch this situation, and we knew that when we were attacked by enemies from within, most of whom had violated our immigration laws in one form or another, faulty paperwork or let their visas expire, entered into the United States by a method that may or may not have been legal, but certainly the majority of them were not legal at the time that they attacked the United States, the 19 hijackers from September 11, tell us that if they want to come here to do us ill, then we needed to secure our borders.

So we got busy and spent a lot of money and set up a lot of new standards; and we have things now that are halfway in place, like US VISIT, where we have a computer database now that tracks everybody that comes into America, that is not quite yet tracking everybody that goes out of America, so we don't have a balance sheet list of who is here. We just have a list of who came. If they come back again, then we can presume that they left and went home again and then came back again. But, other than that, we have not caught up with US VISIT.

We set up the security in our airports where it is locked down tight. Yes, they make mistakes and sometimes things get through. But for a while there, you couldn't get a nail clipper onto an airplane without them breaking off the file that you might use to clean your nails and file them with. That is how tight it has gotten. And our matches and cigarette lighters, things like that have been shut off of our airplanes. So we have done a lot. We have done a lot to create a TSA that is there protecting our airports.

And we are doing a better job at our ports. In fact, the job that is being done at our ports is far better than the critics would have you believe, because it has got a random and statistical selection process of these containers that are sealed containers, and it is more important than opening every one and looking through them to use our resources to pick which ones to open, which ones to x-ray, which ones to look through.

In fact, I have been the witness to some of that success as they have gone through sealed containers in our ports and uncovered contraband material that is in there.

But our most porous and most open vulnerability that we have, Mr. Speaker, is the vulnerability in the 2000-mile border between us and Mexico. Down there, when you have that kind of travel of people flowing across the border, and I sit on the Immigration Subcommittee, and for now 3½ years, I have heard continual testimony, nearly every week, that deals with how many people are coming across our border. And that number, the most consistent number that I come up with as I listen to this testimony from border patrol officers, high-ranking officials, it is their job to know this, and they will say that, well, that number is perhaps four million a year coming across our southern border. Four million. And they will testify that they stop 25 to 33 percent, a fourth to a third of those that seek to come across our borders, which means you have a positive opportunity, a chance, the odds are better that if you want to come into the United States illegally across the southern border, it is better that you make it that you don't.

We stopped, out of that four million that come across the border a year ago, we had stopped 1,159,000. That was for 2004. For 2005, we stopped 1,188,000 of those. Most of those were put on a bus, turned around and taken down to the port of entry, and they got off the bus, and they watched them walk through. Some of them got picked up within 24 hours when they came back in again.

We have a catch and release program that will stop them seven to 14 times before we adjudicate them and punish them, rather than just take them back.

But I would be happy again to yield to my friend from Tennessee at any time.

Mr. WAMP. I think, Mr. Speaker, in all fairness, we should point to some successes by the Department of Homeland Security since last September in

changing the policy from catch and release to catch and return. As I tell people back home in Tennessee, that the policy really was, going back to 1986, that you would actually release people coming across the southern border that were apprehended, you know, pending a court date. And there is always a chuckle in the audience because they know that that illegal immigrant would not show up for court. And so effectively the policy allowed them to come into this country and disappear.

But I have just got to say, the folks that I represent, and this is really where we need to stay focused, the people back home, they know that we have a system in this country that people who are sick can walk into the emergency room of safety net hospitals and receive free health care, regardless of their ability to pay, regardless of their socioeconomic condition or even whether they are a citizen of this country. And as long as we have that system, then that system is very much at risk if we allow the continued increase of illegal immigration into this country.

Now, they also say all we really care about, you people in Washington need to know is that you secure the southern border and slow and hopefully stop the influx of illegal immigration across the southern border.

I had a person ask me this past Saturday, at home at a meeting, what about the Canadian border? Well, it is important, too, but that is not where the influx of illegal immigration is coming across. It is the southern border.

So you have got to go, you know, the hunters go where the ducks are. You know, if you are trying to stop the flow of illegal immigration, you go where it is happening. And the lawless environment on our southern border demands action.

People say, well, you can't build the Great Wall of China on the southern border. You don't have to. In this day and age, you can put a protective fence around your yard of your home to keep your animals from leaving that you can't see. If you can do that, you can have the technology with a protective barrier. Some of it is going to be a fence, literally. Some of it is going to be the latest in technology.

But, listen, and I know the gentleman who is sitting in the Chair tonight knows from his extraordinary service in Homeland Security, we have not deployed the technology that we have available to us in the area of homeland security. You talk about US VISIT. It is going fast now. But through biometrics and the latest in technology, we are actually going to be able to keep track of people from all around the world. We really are.

We are almost at 300 million people in this country. But in terms of our intellectual capability and the advancement of technology, we are so close to being able to keep track of these people coming across the border and also deploy systems, technologically, to detect people coming across the border, all across the southern border.

So job one is secure that border. The other thing my people are concerned about are illegal immigrants tapping into Social Security, which we already know is under great stress and duress, and Medicare. The greatest government expenses now are Social Security and Medicare. These are guarantees to people that reach a certain age in the work force or 65 for health care, and we cannot allow a system that invites people into that system that haven't paid into that system.

And I have got to tell you, the legislation we see coming out of the other body, it is a recipe for more Social Security deficits in this country, because it will invite illegal immigrants into the Social Security system. We cannot tolerate that. So if anybody thinks we are heartless, we are protecting, honest to goodness, we are protecting seniors by securing the border and not going for an amnesty plan to blanket people into this country.

Listen, I had a young lady come up to me a few years ago, not more than three, in Cleveland, Tennessee. She was from eastern Europe. She came up to me; and she, too, had a teary eyed, choking voice and said, Congressman, it took me over 5 years to become a United States citizen. I worked an hourly job, and it cost me several thousand dollars for a long period of time to become a U.S. citizen. And the day that I received my citizenship, she had a real strong eastern European accent, she said, it was the happiest day of my life. And her eyes gleamed, and she said, please do not dishonor my commitment by granting citizenship to people who came here illegally.

Let me tell you, that is something that is lost in this debate. What about the people who did go through the effort to do it right? What about the people who we, you know, we embrace immigration. The history of this country is embracing immigration. We want people to immigrate here; and, frankly, we want people to come here and work.

I have got to tell you, a lot of people that are coming across the southern border are hard-working people. No question about it. But just because they are hard-working people and just because they are providing a benefit to us doesn't mean we have to say, okay, we are going to stamp you as a citizen because you came here illegally.

□ 2145

No. That doesn't mean that. As a matter of fact, that means we are throwing the rule of law out the window. We are watering it down. Let me tell you, once you go down that slippery slope of not honoring the rule of law all the time, that is one of the things that on this floor is debated and frankly in strong support for making sure that everyone is held accountable under the rule of law and that no one is exempt from the rule of law. No one. No Member of Congress is exempt from the law. No one is. So why would we embrace this notion that illegal immigration is okay and that those folks too will become citizens? No. There is a process that you go through, and we want to honor that process and honor the commitments made by those who came here legally.

Another tough issue, no question, and we face many. I think the fundamentals are as challenging as they have been in 30 years right now in this country. But as I said earlier, when the going gets tough, the tough get going. It is time for us to step up. Every generation sooner or later is called on to meet these great challenges, and our generation is meeting those great challenges.

I have to say that I think the Greatest Generation, the World War II generation, from September 11 forward is looking at our generation saying, I will be darned, they do have what it takes. They have stepped up. I know that a lot of people say we are the ''me'' generation and that we are selfish. No. I see people giving back. I see a lot of our sons and daughters, every parent of a person in our military today, they are giving back. Our sons and daughters are giving back. They are stepping up to meet our generation's challenge. So we have got to pull together, Mr. Speaker.

And I thank the gentleman from Iowa for letting me weigh in.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I thank the gentleman and appreciate his delivery here on the floor.

I would point out for his edification that at that town where you met that lady in Cleveland, Tennessee, is where I believe this suit was made. You will be glad to know that I look around to find American-made suits, and I buy them off the rack in Denison, Iowa, and I am proud to do it.

I appreciate that contribution to this succession here tonight as well. And I point out also, Mr. Speaker, that it isn't just Americans that believe this way. It isn't just Americans that concur with the statements of Mr. WAMP and myself, but I have a survey in front of me. That survey is of the Hispanics in America, and some of these polls are this: that opposing increasing overall levels of immigration, overall immigrations of immigration, legal or illegal, 56 percent of Hispanics oppose it, and 31 percent say let us go ahead and increase the levels of immigration. But 56 percent, a significant majority, are opposed to increasing those levels of immigration.

Benefits for illegal aliens, 60 percent of Hispanics oppose; 20 percent support benefits for illegal aliens. And then even a guest worker program is kind of split. It leans a little bit in favor of a guest worker program, but it is not decidedly in favor of that.

A pathway to citizenship, Hispanics in America oppose that for people who are in this country illegally today, 52 to 38 percent.

So this is not something that alienates Hispanics in America when you stand up for the rule of law. It is one of the reasons they came here. And they followed the law. They jumped through the hoops, and they respect this. And they want us to honor their citizenship and support this rule of law and also defend our border.

And the time I spent on the border, and there have been a number of times that I have gone down and invested my time there, I sit down had and, of course, I meet with the highest ranking people that are there, and I see the display of all the equipment that they have and the technology they use and the tactics that they use, and the effectiveness that comes with that gives me a nice warm feeling.

Then I go back down there, and I sit alongside the border, and I talk with the rank-and-file people that are the boots on the ground, Mr. Speaker, and I listen to what they have to say. I listen to the Texas border sheriffs, what they have to say, and the local law enforcement along through Arizona as well, and I come up with a little bit different picture. And that picture is, as I said earlier, 4 million people pouring across our southern border every year; and yet if we appropriate the funds requested by the President, it will be $8 billion to protect our sovereign border, 8 billion. And yet the numbers of illegal crossings are going up, not going down. The dollars' worth of illegal drugs coming across the border are going up, not going down.

So one would think if money were the answer, if we just threw more money at it, and we had more Border Patrol officers and we had the National Guard down there that the border crossings would go down. Well, they will in some areas until they retool and do their end-run and go through the areas that are vulnerable. And the President has said that we simply cannot stop people at the border that want to come here for a better life. If they want jobs to provide for their families, they are going to come. That has kind of been his answer and it is almost the same tone. As he contends that we cannot stop people that want to come here for jobs, I would argue that we can. In fact, of the forces pushing on our southern border, the easiest force to stop is the one of the honest hard-working people that just want to have a job and a better way of life. Those are the easier ones to stop. And if we cannot stop them, then we sure in the world are not going to be able to stop the criminals, the terrorists, those that want to come here to do us ill, those that are carrying $65 billion worth of illegal drugs across our border.

That is a tremendous amount of force, $65 billion pushing against our border and the drugs that come through there. Ninety percent of the illegal drugs in the United States come across the border from Mexico. Has anyone heard the Commander in Chief speak about that subject matter? Has that been uttered in a press conference? Is it anything that seems to be part of the lexicon or the rhetoric that comes from the White House? And I think no. But I think that needs to be a very big part of this debate. If we want to take a position that we cannot stop honest people from coming into the United States, why do we think we can stop the dishonest ones that want to come into the United States?

And that is why I contend that the time that I spent on the border, the time that I sat down there in the dark and listened to the illegals unload from their vehicles that drive up near the border, get out, pick up their backpacks and infiltrate into the United States, those that I have seen that are crossing illegally, the things that you see in the streets, 500,000 marching in the streets of Los Angeles with Mexican flags, that ought to give us an image to go by. They are feeling so confident, so self-assured, so strong that they go to the streets to demonstrate against us, thinking that they will scare us into granting them amnesty.

I mean, the threat of can you imagine a lawn that wasn't neatly trimmed or can you imagine having to cook your own steaks? Some of those things are arguments that have been made, Mr. Speaker. So I think the American people did get a message from that. I think they understand that there is a growing force here in the United States, and it is growing faster than 450,000 or so a year illegals coming in, growing faster than most realize.

Because if 4 million come in and we stop a little over 1 million and take those physically back to the border and watch them go back through the turnstile, some are back the next day. Some are not going back to the border because the Mexican consulate has all of the credentials for them to have access to our stations everywhere along the border, and they decide which ones go back and which ones do not. Now, why do we let the Mexican Government decide that? That is the same mentality of one who would write into a bill that we have to go consult with Mexico before we could build a fence on our southern border.

Now, I do not disagree with the gentleman from Tennessee. There is a lot of technology that we ought to be using. But I am a little bit more of a fellow that says I know what does work. We do not know that the technology works. I hope it does, but I know what does work. And as I sat down there on that border and I watched them catching drug dealers and pulling 180 pounds of marijuana out from underneath the bed of a truck and then hauling a Mexican across the border from Mexico that had been stabbed in the liver in a knife fight that just happened while I was there, those incidents come along so often that it is just part of the daily life down there. And the only way that you can shut that off with that force is to build a fence and a wall.

And I do not submit that we do all 2,000 miles all at once. I submit that we do so where the highest pressure is, and then when they start going around the end, extend the fence and extend the wall. But I would put a 10-foot high chain link fence on that border. And I would put that fence all the way. We need to define the border, and ''virtually'' does not define the border. So I would put a 10-foot high wall. I would put razor wire on top. I would put a sign on the south side about every 200 feet in Spanish that says: Here is the Web page you can check with your wireless laptop, how to get in connection with the U.S. consulate and how you come to the United States legally. Go apply here. Do not be knocking on the gate on this fence because it is not open unless you have the credentials to come here legally.

Every nation has to do that. And as they begin to tear down that 10-foot high chain link fence and cut holes through it and do it like I saw them down there south of Lukeville where they had cut through the chain link fence and chained it back up again and put a hinge in there and a gate through our chain link fence with a double padlock on it and a great big guard dog on the Mexican side, that is their passage into the United States, Mr. Speaker, and it has got to be shut off. Those are people who mean us ill will.

So I am going to submit this: this box, before I cut the notch in it, this represents, let us say, the New Mexico, the Arizona, and the Texas part of the border, maybe part of California. Now, just plain old desert. We go in here to build this wall and we dig a trench through here. This is, Mr. Speaker, the trench that one would dig. And as we dig this trench, we build some machines up in Iowa that do a good job. They are the kind of machines that you pull this trencher along here, and as you do that, you pull the slipformer in behind it, and you pour a slipformer of about a 5-foot-deep tongue down in here. And it has got a slot in it, a notch in it. And you move along with that trencher and that slipformer, pouring a footing for this concrete wall that goes across the desert. A 5-foot-deep slot in it with a foundation so that it holds the vertical wall up and it is rigid.

And then you get a footing that looks something like this. It won't quite be above the ground, Mr. Speaker, because this area right here would be flush with the ground. But, nonetheless, one gets the image here that we are working with.

And then you bring in truckloads of these precast concrete panels. These panels would be 10 feet wide, about 12½ feet tall, tongue and groove, reinforced with steel, and you would just pick them up with a crane. They weigh about 188 pounds, and you drop them in the slot one at a time. The first one would go in like that. Then you pick up the second one and you put it in like

this. And pretty soon we end up with a wall here that will keep illegals out. It will keep the illegals out, and it will also keep out the drug runners, the smugglers, the terrorists.

And this is a pretty quick operation. It is not hard to do at all. Our little construction company, which I sold to my oldest son, could do about a mile of this a day. Now, we are not going to be in the business of bidding this. I want to tell you that in the beginning. That is not my interest. I am just taking my background, Mr. Speaker, and using it to demonstrate how simple it is to put together a design that they are not going to get across.

Now, it doesn't mean that they are not going to have some kind of human catapult and launch people across it or that they will not design and build some kind of a 12-foot-high ladder. Yes, they will. But it is not going to be that easy because we are going to put some of this wire right on top of there called concertina wire, or razor wire. I only put on one roll, but you could put on two or three, set that the concrete. We can then put cameras on the backside, if we choose, or on the front side. This would be about 100 feet inside the chain link fence. So there would be 100 feet of no man's land that one could patrol. So they would have to come through our 10 feet high chain link fence on the south side with the razor wire on top of that. And they will try to do that.

When they get to this wall, they would probably carry their 12-foot ladder through the fence. They would put it up on top and they would try to get over here on this side. They do not know what is over here. They cannot see the sensors, the cameras, the vibration sensors, the infrared, whatever is there that would trigger our warning, and that will let the Border Patrol converge on that area.

We can shut this traffic off going across our southern border at least 90 percent and maybe even a number approaching 100 percent if we make a commitment to the manpower to patrol a wall like this. And it will take far less manpower. We are spending $8 billion on our southern border, $8 billion. That is $4 million a mile. And I would say this: if you would pay me $4 million and say, Steve, you protect that mile, I am going to protect that mile. There will not be a species of anything getting across that mile if that is what my contract says.

So I will submit that the easiest way to do that with the least amount of manpower is build a fence, build a wall. This can be constructed for about $1.3 million a mile. One point three, when we are spending $4 million for that mile, every mile, to wear out Humvees and have our Border Patrol park on the X and watch people come through, sometimes a border that is not even marked, let alone fenced. And if it is fenced, it is not even a barrier for human beings.

We are talking about building a lot of fences along the border that are vehicle barriers so semi-trucks full of marijuana cannot get through and straight trucks full of marijuana cannot get through and pickup trucks that have drugs in them, it is harder for them to get through.

But, still, what they do is they just create burreros, pack horses, human pack horses. So they will bring the drugs up to the border, and if there is a vehicle barrier there, they will throw their marijuana through, their drugs through, go through and load their backpacks up with that, and each one of them carries 50 pounds of drugs, 25 miles across the desert, up to a predetermined location point where they will then take their packs and toss them in the back of the semi or the straight truck.

□ 2200

Some of those people then, the illegals that are carrying drugs in that pack train, the burreros in the pack train, climb in the truck and they go on into the United States. Some of them are continuing drug dealers. Some are criminals, some want just an honest day's work. And some turn around and walk 25 miles back down in the desert and pick up another load and come back again.

When they tell us that maybe 4 million people came into the United States, but a lot of them went back home again, some of them are going back to get another load of illegal drugs.

That is how $65 billion worth of illegal drugs comes into the United States, and we can't stop that if we are simply going to sit down there and think that we are going to do this by a virtual approach to the border. We have to do it physically. We have to stop it.

$20 billion gets wired back to Mexico out of the wages and labor that is there. Another $20 million gets wired to the Caribbean and Central America from the labor of the United States of people that are here. So there is $40 billion that goes south of the board that comes off of the labor. Out of the $75 billion worth of labor at the hands of illegal people in the United States, most of it comes out of there. It is $40 billion going south. Additionally, there is another $65 billion paying for the drugs that comfort north.

So we have got altogether over $100 billion being used for drugs and the economic incentive for Vicente Fox. Over $100 billion. And what is the next highest economic factor in the Nation of Mexico? Oil. $28 billion worth of oil. But this overall drug and human package for just Mexico is $85 billion, nearly 3 times the value of the oil in Mexico.

So we must stop this. We must do it with a human barrier. We can do it with this wall. We can build this for $1.3 million a mile. I will stand with it. We will design the machines to do it. We will build it, Mr. Speaker, and we need to stand together as a country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HIGGINS (at the request of Ms. PELOSI) for June 27 before 4:00 p.m.

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. MEEK of Florida) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, June 28 and 29.

Mr. OSBORNE, for 5 minutes, June 27 and 28.

Mr. BURTON of Indiana, for 5 minutes, today and June 27, 28, 29, and 30.

Mr. BILIRAKIS, for 5 minutes, today and June 27 and 28.

Mr. GOHMERT, for 5 minutes, today and June 27 and 28.

Mr. MCHENRY, for 5 minutes, June 27, 28, 29, and 30.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, June 27, 2006, at 9 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8253. A letter from the Secretary, Department of Agriculture, transmitting a draft bill entitled, ''Commodity Credit Corporation (CCC) Budget proposals''; to the Committee on Agriculture.

8254. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Prohibition of Property Flipping in HUD's Single Family Mortgage Insurance Programs; Additional Exceptions to Time Restriction on Sales [Docket No. FR-4911-F-02] (RIN: 2502-AI18) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8255. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — Office of Special Education Programs—State Personnel Development Grants Program — received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8256. A letter from the Deputy Assistant for Export Administration, Department of Commerce, transmitting the Department's final rule — General Order Concerning

Mayrow General Trading and Related Entities [Docket No. 060531141-6141-01] (RIN: 0694-AD76) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8257. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8258. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8259. A letter from the Inspector General, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8260. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period September 30, 2005 through April 1, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8261. A letter from the Chairman, Broadcasting Board of Governors, transmitting a copy of the Broadcasting Board of Governors' 2005 Annual Report, pursuant to Section 305(a)(9) of the U.S. International Broadcasting Act of 1994, Pub. L. 103–236; to the Committee on Government Reform.

8262. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2005 to March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8263. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8264. A letter from the Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for October 1, 2005 through March 31, 2006, and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8265. A letter from the Attorney, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8266. A letter from the Special Assistant to the Secretary, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8267. A letter from the Director, Environmental Protection Agency, transmitting the Agency's 2005 report on the Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002 for the period of October 1, 2004 through September 30, 2005; to the Committee on Government Reform.

8268. A letter from the Director, Environmental Protection Agency, transmitting the Agency's 2005 report on the Notification and Federal Amployee Anti-Discrimination and Retaliation Act of 2002 for the period October 1, 2004 through September 30, 2005; to the Committee on Government Reform.

8269. A letter from the President, Ford Foundation, transmitting the Foundation's 2005 Annual Report; to the Committee on Government Reform.

8270. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — NARA Facility Locations and Hours [NARA-06-0004] (RIN: 3095-AB50) received June 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8271. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, ''To make technical corrections to the process for certification of Federal agencies' performance appraisal systems, and for other purposes''; to the Committee on Government Reform.

8272. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the Management Decisions and Final Action on the Office of the Inspector General's Audit Recommendations for the period of October 1, 2005 to March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8273. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the Institution's audited financial statement for fiscal year 2005, pursuant to 20 U.S.C. 57; to the Committee on Government Reform.

8274. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2005, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

8275. A letter from the Director, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule — Electronic Signature and Storage of Form I-9, Employment Eligibility Verification [BICE 2345-05; DHS-2005-0046] (RIN: 1653-AA47) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8276. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of the General Services Administration's Fiscal Year 2007 Capital Investment and Leasing Program report, pursuant to 19 U.S.C. 2213(b); to the Committee on Transportation and Infrastructure.

8277. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2006-31) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8278. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2006-55] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8279. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Pacific Gas and Electric Company v. United States, 417 F.3d 1375 (Fed. Cir. 2005), rev'd 55 Fed. Cl. 271 (2003) — received June 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8280. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability (Rev. Proc. 2006-32) received June 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8281. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information Returns Required with Respect to Certain Foreign Corporations and Certain Foreign-Owned Domestic Corporations [TD 9268] (RIN: 1545-BF49) received June 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8282. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Amounts Paid Pursuant to a Leave-Sharing Plan to Assist Employees Affected by a Major Disaster Declared by the President of the United States [Notice 2006-59] received June 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8283. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability (Rev. Proc. 2006-28) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8284. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 7874 Regarding Expatriated Entities and their Foreign Parents [TD 9265] (RIN: 1545-BF48) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8285. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Communications Excise Tax; Toll Telephone Service [Notice 2006-50] received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8286. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Definition of Regulated Investment Company (Rev. Rul. 2006-31) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8287. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rules for Certain Reserves (Rev. Rul. 2006-25) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8288. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Clarification of Notice 2006-26 [Notice 2006-53] received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8289. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2006 Prevailing State Assumed Interest Rates; Correction (Announcement 2006-35) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8290. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deduction for Energy Efficient Commercial Buildings [Notice 2006-52] received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8291. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Credit for New Qualified Alternative Motor Vehicles [Notice 2006-54] Receive June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on June 23, 2006]

Mr. HYDE: Committee on International Relations. House Resolution 946. Resolution requesting the President and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to strategies and plans either designed to cause regime change in or

for the use of military force against Iran; adversely (Rep. 109–526). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 819. Resolution requesting the President and directing the Attorney General to submit to the House of Representatives all documents in the possession of the President and the Attorney General relating to requests made by the National Security Agency and other Federal agencies to telephone service providers requesting access to telephone communications records of persons in the United States and communications originating and terminating within the United States without a warrant (Rept. 109–527). Referred to the House Calendar.

[Submitted June 26, 2006]

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 845. Resolution requesting the President and directing the Secretary of Defense and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution, documents relating tot he termination of the Department of Justice's Office of Professional Responsibility's investigation of the involvement of Department of Justice personnel in the creation and administration of the National Security Agency's warrantless surveillance program, including documents relating to Office of Professional Responsibility's request for and denial of security clearances; adversely (Rept. 109–528). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 890. Resolution providing for consideration of the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–529). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 891. Resolution providing for consideration of the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes (Rept. 109–530). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 4761. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; with an amendment (Rept. 109–531). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR) (both by request):

H.R. 5678. A bill to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and 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 Mr. BOEHLERT:

H.R. 5679. A bill to establish a grant program to fund eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes; to the Committee on Science.

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. WOLF, Mr. LANTOS, Mr. TANCREDO, Mr. TOWNS, Mr. RANGEL, Mr. LEACH, Mr. ROHRABACHER, Mr. MORAN of Virginia, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. SABO, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, and Ms. MCKINNEY):

H.R. 5680. A bill to encourage and facilitate the consolidation of security, human rights, democracy, and economic freedom in Ethiopia; to the Committee on International Relations.

By Mr. YOUNG of Alaska (for himself and Mr. LOBIONDO):

H.R. 5681. A bill to authorize appropriations for the Coast Guard for fiscal year 2007, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HYDE (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. FALEOMAVAEGA, Mr. ENGEL, Mr. CROWLEY, and Mr. ETHERIDGE):

H.R. 5682. A bill to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India; to the Committee on International Relations, and in addition to the Committee on Rules, 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. HUNTER (for himself, Mr. BILBRAY, and Mr. ISSA):

H.R. 5683. A bill to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; to the Committee on Resources, 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. BOEHNER (for himself and Mr. MORAN of Virginia) (both by request):

H.R. 5684. A bill to implement the United States-Oman Free Trade Agreement; to the Committee on Ways and Means.

By Mrs. KELLY (for herself, Mr. BOEHLERT, Mrs. MCCARTHY, Mr. MCHUGH, Mr. FOSSELLA, Mr. KING of New York, Mrs. MALONEY, Mrs. LOWEY, and Mr. ACKERMAN):

H.R. 5685. A bill to designate the facility of the United States Postal Service located at 19 Front Street in Patterson, New York, as the ''D. Mallory Stephens Post Office''; to the Committee on Government Reform.

By Ms. NORTON:

H.R. 5686. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain men screened and found to have prostate cancer under a Federally funded screening program; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 5687. A bill to require the Secretary of Veterans Affairs to establish and operate a community-based outpatient clinic in Alpena, Michigan; to the Committee on Veterans' Affairs.

By Mr. ACKERMAN (for himself, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. BURTON of Indiana, Mr. BERMAN, Mr. KING of New York, Mr. WAXMAN, Mr. PENCE, Mr. ENGEL, Mr. MCCOTTER, Mrs. LOWEY, Ms. HARRIS, Mr. WEXLER, Ms. SCHAKOWSKY, Mr. ROTHMAN, Mr. SCHIFF, Mr. SHERMAN, Mr. GRIJALVA, Ms. BERKLEY, Mr. HASTINGS of Florida, Mrs. MALONEY, Ms. MATSUI, Mr. CROWLEY, Mr. HOLT, Mr. HONDA, Ms. WASSERMAN SCHULTZ, Mr. BROWN of Ohio, Mr. HIGGINS, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Mrs. DAVIS of California, Mr. PALLONE, Mrs. MCCARTHY, Mr. ETHERIDGE, Mr. KIRK, Mr. CARDIN, and Mr. SCOTT of Georgia):

H. Con. Res. 435. Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement, and for other purposes; to the Committee on International Relations.

By Mr. MELANCON (for himself, Mr. BOEHLERT, Mr. GORDON, Mr. CALVERT, and Mr. UDALL of Colorado):

H. Res. 892. A resolution recognizing the dedication of the employees at the National Aeronautics and Space Administration's Michoud Assembly Facility, the ''Michoud Hurricane Ride-Out Team'', who risked their lives during Hurricane Katrina's assault on southeast Louisiana, and kept the generators and pumps running to protect the facilities and flight hardware, and whose dedication kept the Michoud Assembly Facility an island of dry land, which made it possible to resume External Tank production less than 5 weeks after the storm passed; to the Committee on Science.

By Mr. TOWNS:

H. Res. 893. A resolution expressing the sense of the House of Representatives that any reauthorization of the Ryan White CARE Act of 1990 should not impose catastrophic losses in funding for States with the highest prevalence of HIV/AIDS, and for other purposes; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mrs. BLACKBURN.
H.R. 406: Ms. ZOE LOFGREN of California.
H.R. 503: Mr. BAIRD, Mr. HYDE, and Mr. SHUSTER.
H.R. 515: Mr. ENGEL.
H.R. 517: Mrs. BONO, Mr. KIND, Mr. THOMPSON of Mississippi, and Mr. COSTELLO.
H.R. 752: Mr. MILLER of North Carolina.
H.R. 865: Mr. GIBBONS.
H.R. 952: Mrs. NAPOLITANO.
H.R. 955: Mr. SCHIFF.
H.R. 1100: Mr. WHITFIELD.
H.R. 1243: Mr. SHADEGG.
H.R. 1366: Mr. BROWN of Ohio and Mr. DAVIS of Kentucky.
H.R. 1376: Mr. REICHERT.
H.R. 1384: Mr. HALL.
H.R. 1554: Mrs. NAPOLITANO.
H.R. 1671: Mr. RANGEL.
H.R. 1792: Mr. SMITH of New Jersey.
H.R. 1898: Mr. BURGESS and Mr. MURPHY.
H.R. 2103: Ms. BORDALLO.
H.R. 2178: Mr. DELAHUNT, Mr. BROWN of Ohio, and Mr. BLUMENAUER.
H.R. 2646: Mr. PEARCE.
H.R. 2679: Mr. HUNTER, Mr. AKIN, Mr. PICKERING, and Mr. BLUNT.
H.R. 2793: Mr. KIND.
H.R. 2822: Mr. ROTHMAN.
H.R. 2869: Mr. SMITH of New Jersey, Mr. DAVIS of Tennessee, Mr. WYNN, and Mr. HINCHEY.
H.R. 2945: Ms. BORDALLO and Mr. WEXLER.
H.R. 2989: Mrs. WILSON of New Mexico.
H.R. 3476: Mr. LOBIONDO.
H.R. 3547: Mr. CUMMINGS.
H.R. 3576: Mr. KENNEDY of Rhode Island.
H.R. 3753: Mr. BOOZMAN.

H.R. 3949: Mr. MCHENRY.
H.R. 4188: Mr. SCHWARZ of Michigan and Mr. SIMMONS.
H.R. 4315: Mr. REHBERG.
H.R. 4366: Mr. WELDON of Florida.
H.R. 4416: Mrs. BIGGERT.
H.R. 4517: Mrs. LOWEY and Mr. SCHWARZ of Michigan.
H.R. 4547: Mr. MURPHY.
H.R. 4562: Mr. ISSA, Mr. CARDOZA, Mr. CANTOR, Mr. CALVERT, Mr. ANDREWS, Mr. DANIEL E. LUNGREN of California, Mr. DOYLE, Mr. SODREL, Mr. BERRY, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. FATTAH, Mr. GUTIERREZ, Ms. HOOLEY, Mr. KENNEDY of Rhode Island, Mr. LARSON of Connecticut, Mr. LIPINSKI, Mr. ROGERS of Michigan, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. GARRETT of New Jersey, Mrs. LOWEY, Mr. KNOLLENBERG, Mr. YOUNG of Alaska, Mr. JACKSON of Illinois, Mr. MURPHY, Mr. RUSH, Mrs. BIGGERT, Mrs. WILSON of New Mexico, Ms. BORDALLO, Mr. FORTUÑO, Mr. TANNER, Mrs. EMERSON, Mr. ROSS, Mr. BOUSTANY, and Mr. DAVIS of Alabama.
H.R. 4597: Mr. COOPER and Mr. SKELTON.
H.R. 4761: Mr. MURPHY and Mr. GRAVES.
H.R. 4794: Mr. DOYLE, Ms. MCCOLLUM of Minnesota, and Mr. CARDOZA.
H.R. 4844: Mr. WILSON of South Carolina.
H.R. 5005: Mrs. BLACKBURN and Mr. PENCE.
H.R. 5149: Mrs. CAPPS.
H.R. 5150: Mr. MCGOVERN.
H.R. 5200: Mr. MCINTYRE, Mr. PORTER, Mrs. MYRICK, Mr. MATHESON, Mrs. EMERSON, and Mr. BISHOP of Utah.
H.R. 5204: Mr. FARR.
H.R. 5218: Mr. HINCHEY, Mr. GRIJALVA, and Mr. STARK.
H.R. 5229: Mr. THOMPSON of California, Mr. MILLER of North Carolina, Mr. WEXLER, and Mr. GALLEGLY.
H.R. 5247: Mr. KUCINICH.
H.R. 5249: Mr. EHLERS and Mr. MARIO DIAZ-BALART of Florida.
H.R. 5291: Mr. SCHWARZ of Michigan and Mr. CAMPBELL of California.
H.R. 5319: Mr. SCHWARZ of Michigan.
H.R. 5361: Mr. FEENEY and Mr. FERGUSON.
H.R. 5372: Mr. WYNN and Mr. LARSEN of Washington.
H.R. 5382: Mr. SOUDER.
H.R. 5444: Ms. HARRIS and Mr. WELDON of Florida.
H.R. 5468: Mr. MEEKS of New York and Mr. CROWLEY.
H.R. 5473: Mr. GONZALEZ.
H.R. 5476: Mr. KING of Iowa.
H.R. 5484: Mr. ENGLISH of Pennsylvania, Mr. BURTON of Indiana, Ms. FOXX, and Mr. MILLER of Florida.
H.R. 5493: Mrs. EMERSON.
H.R. 5499: Mr. SHAYS, Mr. HOBSON, Ms. HART, and Mr. BROWN of Ohio.
H.R. 5513: Mr. FORD, Ms. MATSUI, and Mr. PORTER.
H.R. 5520: Mrs. BONO and Mrs. DAVIS of California.
H.R. 5538: Mrs. WILSON of New Mexico.
H.R. 5555: Ms. CORRINE BROWN of Florida.
H.R. 5556: Mr. COSTELLO.
H.R. 5557: Ms. LEE.
H.R. 5562: Mr. MCCOTTER and Mr. CONYERS.
H.R. 5587: Mr. PICKERING.
H.R. 5600: Mr. GONZALEZ and Mr. SCOTT of Virginia.
H.R. 5601: Ms. DELAURO, Mr. GONZALEZ, Mr. SCOTT of Virginia, and Ms. MCKINNEY.
H.R. 5615: Mr. RANGEL.
H.R. 5637: Mr. MCHENRY.
H.R. 5677: Mr. PLATTS.
H.J. Res. 86: Mr. FRANK of Massachusetts.
H.J. Res. 90: Mr. MEEKS of New York, Ms. BORDALLO, Mr. SCOTT of Virginia, Mr. ROTHMAN, and Mr. TAYLOR of Mississippi.
H. Con. Res. 318: Mrs. CAPPS.
H. Con. Res. 340: Mr. KUHL of New York.
H. Con. Res. 390: Mr. DOYLE.
H. Con. Res. 396: Mr. MCNULTY and Mr. BURTON of Indiana.
H. Res. 79: Mr. LEWIS of Georgia, Mr. CLAY, and Mr. KILDEE.
H. Res. 350: Mr. ENGEL, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mrs. NAPOLITANO, Ms. MCCOLLUM of Minnesota, and Mr. SCHWARZ of Michigan.
H. Res. 415: Ms. HARRIS.
H. Res. 526: Mr. ENGEL.
H. Res. 533: Ms. BORDALLO.
H. Res. 723: Mr. BACHUS, Mr. INGLIS of South Carolina, Mr. LARSEN of Washington, and Mr. KING of New York.
H. Res. 759: Ms. SOLIS and Mrs. LOWEY.
H. Res. 760: Ms. LORETTA SANCHEZ of California.
H. Res. 800: Mr. SCHIFF and Mrs. MYRICK.
H. Res. 848: Mr. CROWLEY, Mr. ACKERMAN, Mr. KIRK, Mr. ROTHMAN, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. GERLACH, Mr. MCNULTY, and Ms. SCHAKOWSKY.
H. Res. 854: Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. UDALL of Colorado, and Mr. MANZULLO.
H. Res. 858: Ms. WASSERMAN SCHULTZ.
H. Res. 860: Mr. ABERCROMBIE, Mr. PAYNE, Mr. HOEKSTRA, Mr. LANTOS, and Ms. MILLENDER-MCDONALD.
H. Res. 874: Mr. BISHOP of Georgia, Mr. REHBERG, and Mr. PAUL.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4973

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 1: Page 29, after line 2, insert the following new section:

SEC. 17. NOTIFICATION AND APPEAL OF MAP CHANGES; NOTIFICATION OF ESTABLISHMENT OF FLOOD ELEVATIONS.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by striking the section designation and all that follows through the end of subsection (a) and inserting the following:

''SEC. 1363. (a) In establishing projected flood elevations for land use purposes with respect to any community pursuant to section 1361, the Director shall first propose such determinations—

''(1) by providing the chief executive officer of each community affected by the proposed elevations, by certified mail, with a return receipt requested, notice of the elevations, including a copy of the maps for the elevations for such community and a statement explaining the process under this section to appeal for changes in such elevations;

''(2) by causing notice of such elevations to be published in the Federal Register, which notice shall include information sufficient to identify the elevation determinations and the communities affected, information explaining how to obtain copies of the elevations, and a statement explaining the process under this section to appeal for changes in the elevations;

''(3) by publishing the elevations in a prominent local newspaper; and

''(4) by providing written notification, by first class mail, to each owner of real property affected by the proposed elevations of—

''(A) the status of such property, both prior to and after the effective date of the proposed determination, with respect to flood zone and flood insurance requirements under this Act and the Flood Disaster Protection Act of 1973;

''(B) the process under this section to appeal a flood elevation determination; and

''(C) the mailing address and phone number of a person the owner may contact for more information or to initiate an appeal.''.

H.R. 4973

OFFERED BY: MR. JINDAL

AMENDMENT NO. 2: At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 20. ELIGIBILITY OF PROPERTY DEMOLITION AND REBUILDING FOR MITIGATION ASSISTANCE PROGRAM.

Section 1366(e)(5)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)(B)) is amended by inserting after ''flood risk'' the following: '', or the demolition and rebuilding of structures located in such areas to at least Base Flood elevation or any greater elevation required by any local ordinance''.

H.R. 5672

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 1: At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. For ''OFFICE OF JUSTICE PROGRAMS—JUSTICE ASSISTANCE'' for the Drug Endangered Children grant program, as authorized by section 755 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177), and the amounts otherwise provided by this Act for ''BUREAU OF THE CENSUS—SALARIES AND EXPENSES'' (reduced by $10,000,000) and for ''OTHER—SALARIES AND EXPENSES, DEPARTMENTAL MANGAGEMENT'' (reduced by $10,000,000) are hereby reduced by, $20,000,000.

H.R. 5672

OFFERED BY: MR. CHOCOLA

AMENDMENT NO. 2: Page 110, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available by this Act may be used by the National Aeronautics and Space Administration for travel policies and practices in contravention of Office of Management and Budget circular No. A–126.

H.R. 5672

OFFERED BY: MR. CHOCOLA

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for business class or first class airline travel by employees of the Department of State in contravention of 41 CFR 301–10.122 through 301–10.124.

H.R. 5672

OFFERED BY: MS. DEGETTE

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by increasing the amount made available for ''OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE'' (consisting of an additional $5,000,000 for Internet Crimes Against children Task Forces, as authorized by Public Law 105–119) and reducing the amount made available under title I for ''DEPARTMENT OF JUSTICE GENERAL ADMINISTRATION SALARIES AND EXPENSES'', by $5,000,000.

H.R. 5672

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 5: Page 110, after line 8, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to send or otherwise

pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

H.R. 5672

OFFERED BY: MR. GINGREY

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in title IV of the Act may be used for negotiating the participation of additional countries under the visa waiver program described in section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

H.R. 5672

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 7. At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Total appropriations made in this Act are hereby reduced by $598,390,000.

H.R. 5672

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 8. At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''DEPARTMENT OF STATE AND RELATED AGENCY—ADMINISTRATION OF FOREIGN AFFAIRS—EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS'', and increasing the amount made available for ''OFFICE OF JUSTICE PROGRAMS—JUVENILE JUSTICE PROGRAMS'', by $9,872,000.

H.R. 5672

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 9: At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. For ''OFFICE OF JUSTICE PROGRAMS—JUVENILE JUSTICE PROGRAMS'' for the Juvenile Delinquency Prevention Block Grant program, as authorized by Part C of the Juvenile Justice and Delinquency Prevention Act of 1974, and the amount otherwise provided by this Act for ''BROADCASTING BOARD OF GOVERNORS—INTERNATIONAL BROADCASTING OPERATIONS'' is hereby reduced by, $33,452,000.

H.R. 5672

OFFERED BY: MR. LYNCH

AMENDMENT NO. 10: Page 26, line 6, after the dollar amount, insert the following: ''(increased by $30,000,000)''.

Page 26, line 16, after the dollar amount, insert the following: ''(increased by $30,000,000)''.

Page 39, line 21, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

Page 39, line 25, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

Page 40, line 2, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

H.R. 5672

OFFERED BY: MR. MICA

AMENDMENT NO. 11: Page 36, line 8, after the dollar amount, insert the following ''(increased by $15,000,000)''.

Page 62, line 12, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

Page 62, line 19, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

H.R. 5672

OFFERED BY: MR. MICA

AMENDMENT NO. 12: Page 36, line 8, after the first dollar amount, insert the following: ''(increased by $131,900,000)''.

Page 36, line 16, after the dollar amount, insert the following: ''(increased by $131,900,000)''.

Page 62, line 12, after the dollar amount, insert the following: ''(reduced by $131,900,000)''.

H.R. 5672

OFFERED BY: MR. MICA

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

H.R. 5672

OFFERED BY: MR. MICA

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the United States and Foreign Commercial Service (USFCS) to close any USFCS office in a foreign country unless the Government of the United States has withdrawn all personnel from the United States Embassy, missions, and other United States Government offices in such foreign country.

H.R. 5672

OFFERED BY: MR. MICA

AMENDMENT NO. 15: Page 36, line 8, after the dollar amount, insert the following ''(increased by $3,000,000)''.

Page 36, line 16, after the dollar amount, insert the following ''(increased by $3,000,000)''.

Page 62, line 12, after the dollar amount, insert the following: ''(reduced by $3,000,000)''.

Page 62, line 22, after the dollar amount, insert the following: ''(reduced by $3,000,000)''.

H.R. 5672

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to carry out section 924(p) of title 18, United States Code.

H.R. 5672

OFFERED BY: MR. PALLONE

AMENDMENT NO. 17: Page 50, line 21, insert ''(decreased by $1,000,000) (increased by $1,000,000)'' after ''$52,760,000''.

H.R. 5672

OFFERED BY: MR. POE

AMENDMENT NO. 18: At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Secretary of State to implement a plan under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) that permits travel into the United States from foreign countries using any document other than a passport to denote citizenship and identity.

H.R. 5672

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 19: Page 39, line 21, after the first dollar amount insert ''(reduced by $4,700,000)''.

Page 39, line 25, after the dollar amount insert ''(reduced by $4,600,000)''.

Page 40, line 10, after the dollar amount insert ''(reduced by $4,700,000)''.

Page 45, line 16, after the dollar amount insert ''(increased by $14,000,000)''.

H.R. 5672

OFFERED BY: MR. STEARNS

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States.

H.R. 5672

OFFERED BY: MR. STEARNS

AMENDMENT NO. 21: At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to carry out any provision of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a).

H.R. 5672

OFFERED BY: MR. STEARNS

AMENDMENT NO. 22: Page 16, line 14, after the dollar amount, insert ''(increased by $500,000)''.

Page 67, line 14, after the dollar amount, insert ''(reduced by $500,000)''.

H.R. 5672

OFFERED BY: MR. STEARNS

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the International Boundary and Water Commission, United States and Mexico for new projects located solely in Mexico until Mexico enforces its northern border.

H.R. 5672

OFFERED BY: MR. STEARNS

AMENDMENT NO. 24: Page 27, line 3, after the dollar amount, insert the following: ''(increased by $2,000,000)'' and conform the aggregate amount set forth on page 26, line 6, accordingly.

Page 86, line 17, after the second dollar amount, insert the following: ''(reduced by $3,000,000)'' and conform the aggregate amount set forth on page 86, line 17, accordingly.

H.R. 5672

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to enforce any of the provisions in the Memorandum to all Department and Agency Executive Secretaries dated, February 2, 2001, and entitled ''Guidelines on Relations With Taiwan''.

H.R. 5672

OFFERED BY: MR. TERRY

AMENDMENT NO. 26: Page 23, line 4, after the dollar amount insert ''(increased by $50,000,000)''.

Page 23, line 9, after the dollar amount insert ''(increased by $50,000,000)''.

Page 55, line 21, after the dollar amount insert ''(reduced by $50,000,000)''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, MONDAY, JUNE 26, 2006 No. 84

Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

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

Let us pray:

O God, who unites us with Your love, order our steps. May no passing irritation rob us of our appreciation for others. Keep us patient regarding human failings; permit us to see Your image in our world.

Use our Senators to accomplish Your purposes. Give them wisdom to avoid majoring in minors or minoring in majors. As they offer You their best, give them Your abundant blessings. Give us all generous hearts and use us to bless Your world.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today, we will be in morning business with time equally divided until 4 p.m. At 4, we will begin consideration of the resolution to prevent flag desecration. Chairman SPECTER will be here this afternoon for a period of debate only on that resolution.

As previously announced, there won't be any votes during today's session. But Senators are encouraged to come to the floor and speak if they would like.

The next rollcall vote will occur tomorrow, and we will notify Senators when the vote is scheduled.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 4 p.m., with the time equally divided between the two leaders or their designees.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. REID. Mr. President, it is my understanding that leader time is reserved; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

IRAQ RECONCILIATION PLAN

Mr. REID. Mr. President, here is the lead sentence from an article in this day's New York Times. This headline also appeared in other newspapers around the country. It ran under the headline of ''U.S. General in Iraq Outlines Troop Cuts.''

Mr. President, I think this first paragraph says most of it:

The top American commander in Iraq has drafted a plan that projects sharp reductions in the United States military presence there by the end of 2007, with the first cuts coming this September, American officials say.

This, of course, we have learned came from General Casey. This announcement from our military was one piece of good news for those of us who believe we need a new course in Iraq. But it was not the only good news we received this weekend regarding Iraq.

Another encouraging sign came from Baghdad itself where the Prime Minister believes it is also the time to start thinking about the withdrawal of United States troops. Together, these reports—one from General Casey, the one on the chart, and the other from Prime Minister Maliki—provided a glimmer of hope for those of us who have been demanding a new direction in the war in Iraq, a change of course.

This afternoon, I want to note the similarity between General Casey's apparent plan to withdraw U.S. forces and the plan put forth by Senate Democrats on this floor last week with the Defense authorization bill. Our plan, designed by Senators LEVIN and REED, is very much like this program shown on the chart. That is by our commanding general in Iraq. It said much the same thing as our military leaders are saying all over the country, specifically through General Casey, specifically, that it is time for the Iraqis to take responsibility for their

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

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own security and government so that the phased redeployment of U.S. forces from Iraq can begin by year's end.

As we all know, I think the Republican majority rejected the Levin-Reed proposal on a straight party-line vote. One courageous Republican voted with us. The rest were all no votes. Even though it represents our best chance at making sure our troops succeed in Iraq, and Iraq as a country succeeds, and, secondly, even though it is consistent with the plan of our top military commander in Iraq, on a straight party-line on the floor last week the Republicans voted against the Levin-Reed proposal, even though it was very much like General Casey's proposal.

By rejecting this amendment—the Democratic amendment—the Republicans made clear that they were content to stay the course and to stay forever in Iraq. I wonder how the majority feels today now that General Casey's plan is in the open, now that it is clear that the congressional Republicans stand alone in opposition to troop redeployment, apart from the American people, even though their stand is contrary, I repeat, to the American people, even though the Republican stand is contrary to the military commanders, those who are in the battlefield in Iraq, and even though the Republican majority vote last week was contrary to the Iraqi Government.

Did they disagree with General Casey? Do they disagree that we need to begin ending the open-ended commitment in Iraq? Do they, the Republican Senators, believe a plan for reducing our troop levels, as they said last week with the Levin-Reed proposal—do they believe that what General Casey suggests is defeatist and that he is unpatriotic? Do they have a plan now of their own—the Republican majority—or do they still want to stay the course?

These are questions the American people are going to demand that the Republican majority answer.

The open-ended commitment the majority advocates is simply not sustainable, as seen through the eyes of General Casey, as seen through the eyes of the Iraqi Prime Minister. We must transform the United States mission in Iraq and begin the responsible redeployment of U.S. forces this year. That is what the Levin-Reed amendment said last week that the Republicans defeated.

The war is now costing the American people about $2.5 billion each week. Our military has been stretched thin, with every available combat unit in the Army and Marine Corps serving multiple tours in Iraq, and our equipment needing $50 billion or $60 billion to be in the shape it was when we went to war in Iraq. We have lost more than 2,500 American lives, 15 just last week. We have seen more than 18,000 wounded and a third to a half of them grievously wounded. Iraq, according to a new report in Sunday's L.A. Times, has lost at least 50,000 of its citizens since 2003.

We cannot continue to pay these costs, nor can we continue to try to engage growing threats such as North Korea, Iran, and Somalia with engagements in Iraq tying one hand behind us.

The phased redeployment this year will put Iraqis in charge of their own security and allow many of our troops to be redeployed. Some will come home and some will be available to deal with other crises, such as Afghanistan, where the resurgent Taliban threat must be eliminated, and where those responsible for attacks on this Nation still roam free basically.

It is time for a new direction. General Casey realizes this. The American people realize this. The Iraqi Government realizes this. And it is time for the Republican majority in the Congress to realize this as well.

We don't need a September or October surprise with the President and Republicans proclaiming victory and announcing troop redeployment just in time for the mid-term elections. We need a nonpartisan approach that provides Iraqis and our troops with the best chance for success now, in June, 2006.

We are in the fourth year of this war. It is time that the direction is changed. It is time to end this game of partisan politics, of blindly rubber-stamping the White House, and of publicly rejecting ideas that are being embraced in private, and now in public, by our military leaders. Our troops in Iraq are too important to fall victim to these political games.

This leads me to another important subject the Senate must consider, which has also fallen victim to partisan politics—amnesty for terrorists who have killed our troops.

I have come to the floor many times in recent weeks to discuss Iraq granting amnesty to terrorists. Rumors are no longer valid. These are not rumors. The Prime Minister himself has submitted an amnesty plan. So it has turned into fact. But I still have very serious concerns.

According to the news reports out of Baghdad over the weekend, the Prime Minister will pardon those who engaged in legitimate acts of resistance. Against who, Mr. President? What does that mean? Does it mean that these are legitimate acts of resistance when we have soldiers trying to free someone who is being detained by a kidnapper? What are legitimate acts of resistance? Against a Nation that liberated that nation from a brutal dictator? Is it a sniper who shoots at a soldier who is trying to restore power and electricity to a Baghdad neighborhood? Is it placing a roadside bomb next to a convoy that was trying to repair a road in the Sunni triangle or fix a school? Is it detonating an improvised explosive device against a team of U.S. soldiers who are attempting to build a hospital in Iraq? I think not.

Just who is this resistance? What are they resisting? Are they resisting freedom or democracy? Why should they be given immunity for acts that have been perpetrated against the United States and against coalition forces? Why? The concept, I believe, is outrageous and an insult to all of the brave American soldiers who serve with distinction every day.

President Bush needs to forcibly tell the Iraqi Prime Minister that his amnesty plan, as reported, is not welcome. The Senate had the chance to send this message last week. The majority strenuously resisted the attempt of us Democrats to send a clear message to Iraq. In spite of the attempts to minimize our amendment, it passed. We carried the day.

I hope Republicans will revisit their opposition in light of the latest developments, and I hope President Bush will stand up for our troops by demanding the Iraqis drop any intentions they may have to let the terrorists go.

I support reconciliation in Iraq; however, not at the expense of our American troops, those who have sacrificed and those who are there now. They have sacrificed too much to see their service dishonored or their safety put at risk.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

VISIT TO THE SENATE BY MEMBERS OF THE CANADIAN SENATE

Mr. STEVENS. Mr. President, I have the honor of presenting the Speaker of the Canadian Senate, Noel Kinsella, and Canadian Senator Colin Kenny and Senator Donald Oliver who are visiting us today.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a moment of recess so we may be able to introduce the Senators and the Speaker to our distinguished leaders.

There being no objection, the Senate, at 2:15 p.m., recessed until 2:21 p.m. and reassembled when called to order by the Acting President pro tempore (Mr. BURR).

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

ENERGY AND HEALTH CARE

Mr. WYDEN. Mr. President, with the Senate heading for the break for the Fourth of July recess, obviously, there will not be many more days left in this year's schedule. I am going to spend

some time on the floor in the days ahead focusing on those areas where there is significant bipartisan support for making a real difference for the American people, especially on those key domestic issues of energy and health care, two areas I know the Presiding Officer, the distinguished Senator from North Carolina, cares a great deal about.

For example, on the energy front, today, I and Senator KYL and Senator SNOWE and Senator LIEBERMAN sent a letter to the distinguished majority leader, Senator FRIST, asking that we have an opportunity to debate how the Government can save between $20 billion and $80 billion on an energy program that is totally out of control. It involves the Federal Government's oil and natural gas royalty program.

It is a program that began at a time when oil was somewhere in the vicinity of $20 a barrel. It has been a bipartisan concern of Senators that it makes no sense to spend billions and billions of dollars subsidizing the price of oil when it is at record levels.

I spent, as you know, Mr. President, about 5 hours on the floor of the U.S. Senate discussing this issue a few weeks ago, and I certainly have no intention of duplicating that this afternoon. But I do think it is important to zero in on those issues that have bipartisan support, and I want to describe what has happened in the Senate and in the other body since I and Senator KYL talked about this program a number of weeks ago.

After we discussed it for those many hours on the floor of the U.S. Senate, on May 17 the House of Representatives voted on a measure that was virtually identical to the final Wyden-Kyl amendment. Two-hundred and fifty Members of the House of Representatives, with regard to this issue, after a lengthy debate, voted to address a mistake that has been pointed out by Senators of both political parties here on this floor.

So my hope is—and this is the point of our bipartisan letter to Senator FRIST today—we can get an opportunity for a real debate on this issue on the floor of the U.S. Senate before the Senate breaks for the August recess.

It is one thing to talk about subsidies at a time, for example, when the price of oil is low, when the oil sector is hurting, when they are having difficulty getting the adequate dollars together for the investments that are needed in this vital part of our economy. But certainly that is not the case today. Today we are talking about record profits, we are talking about record prices, and we certainly do not need record subsidies.

I and Senator KYL would like a chance to put this issue before the entire U.S. Senate. On our letter today to the majority leader, Senator SNOWE and Senator LIEBERMAN—two Members who have been very involved in these issues for a number of years as well—are joining us.

I also point out the mistakes in this program are bipartisan. Certainly, there were mistakes made during the Clinton administration when there was a failure to address what is called the threshold issue to ensure you do not subsidize these oil companies at a time when profits are extremely high and you do not need these incentives. So the Clinton administration mangled the job before President Bush and his team took over. But certainly the problem was compounded by Gale Norton, who was then Secretary of the Interior, who insisted on raising the subsidies even more administratively.

And then, as I talked about on the floor of the Senate when the Congress passed the energy bill as part of this session, the deal was sweetened even more. Again, virtually no independent expert thought the subsidies were needed. When I asked the oil company executives, who came before the Energy Committee, on which the Presiding Officer, the distinguished Senator from North Carolina, and I both serve, the executives, to a person, said: We do not need these subsidies at a time of record prices and record profits.

So the Congress is behind the American people. Frankly, the Congress is lagging behind even what the oil executives have said they could live with. At a time when the House of Representatives—more than 250 in number—has voted to cut these subsidies, the Senate should not be dawdling on this issue any longer.

We are talking about substantial sums of money. The General Accounting Office has said it is in the vicinity of $20 billion. There is litigation underway now. If the litigation is successful, the bill to the Government could be in the vicinity of $80 billion. That is a substantial amount of money to be frittering away now when there are all these pressing needs here at home and for our country.

So given that I am going to be talking in the days ahead about issues where there is significant bipartisan support, specifically focusing on these key domestic issues of health care and energy, I start today by making a unanimous consent request that the letter that I, Senator KYL, Senator LIEBERMAN, and Senator SNOWE have sent to Senator FRIST 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, June 26, 2006.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: Serious concerns have arisen regarding the implementation of the federal government's oil and natural gas royalty program. Recent news reports and the administration's own statements suggest that the government may be unable to collect billions in royalties from certain leases of federal land and waters. With oil and gas prices at historic levels, there is no good reason for royalty relief incentives.

In an effort to promote the exploration and production of natural gas and crude oil in deep water, the Deep Water Royalty Relief Act of 1995 implemented a royalty-relief program that relieves eligible leases from paying royalties on defined amounts of deep-water production. This would be accomplished by allowing the Secretary of the Interior and the oil and gas companies to enter into leases with a defined volume suspension and price threshold. This incentive was intended to help companies that undertook these investments in particularly highcost, high-risk areas to be able to recover their capital investment before having to pay royalties on their gross revenues. It came at a time when oil and gas prices were low and the interest in deep water drilling was lacking. At that time, the program was needed to encourage production and it helped achieve that goal. The American Petroleum Institute estimates that since 1996, natural gas production is up 407 percent and oil 386 percent.

However, during 1998 and 1999, price thresholds were not included in terms of the leases, thereby allowing companies to recoup their capital investments long before the expiration of volume suspension. The absence of price thresholds in these leases allows companies to benefit both from both high market prices and volume suspensions. The Mineral Management Service has said the failure to include price thresholds was not intentional, but a costly mistake—and one that must be corrected with some help from Congress.

On May 17, the House of Representatives during consideration of the Fiscal Year 2007 Interior Appropriations Bill debated and voted 252–165 to address this mistake. We do not necessarily believe the House proposal is the answer, but we should have an opportunity in the Senate to take up the issue. We want to correct the error by requiring the federal government to add price thresholds to all leases including those issued in 1998 and 1999.

We ask that you schedule an up-or-down vote on the issue at the earliest opportunity and no later than the August recess. Thank you for your prompt consideration of our request.

Sincerely,

RON WYDEN.
JOSEPH I. LIEBERMAN.
JON KYL.
OLYMPIA SNOWE.

Mr. WYDEN. It is the hope of the bipartisan group of Senators that have followed this issue that this program, run by the Minerals Management Service, can be corrected. These are costly, costly mistakes involving billions of dollars. The Presiding Officer, the Senator from North Carolina, has been a great advocate of renewable energy.

For example, think what you could do if you took just a fraction of the money that is being wasted on royalty relief and moved it to the renewable energy field. You could help stimulate renewable energy production and reduce the deficit simultaneously. So that is what the bipartisan group of Senators want to do on this key issue.

Since I talked at some length about this a few weeks ago, I think I will move on to the other pocketbook issue. But I do hope, with hundreds of bills having been introduced in the Senate in both the energy and health care areas, that as we go into these last days of the session, the focus can be on those pieces of legislation that have

significant bipartisan support. That is true in the case of oil royalty relief and cutting those needless subsidies. It is also true with respect to prescription drugs, and I will wrap up with a few comments in that regard.

Mr. President, on the prescription drug issue, we saw, just a few days ago, two reports issued, one by AARP and the other by Families USA, indicating we have seen a very significant increase in the cost of prescription medicine since the beginning of this year. This comes, of course, at a time when Medicare Part D, the prescription drug program, is just kicking in. It comes at a time, of course, when we have seen the costs of this program skyrocket far beyond the original projections.

It would indicate to me that some of those who said competition in the private sector alone was going to do the job have not dealt with the consequences of what happens when the Government does not back up those private-sector kind of efforts. As you will recall, in the prescription drug debate, I was one of nine on this side of the aisle who voted for the legislation. I have got the welts on my back to show for it.

Senator SNOWE and I said then that we have to make sure the Government isn't the only part of the prescription drug arena where there is no opportunity to hold down the cost of medicine. Everybody else bargains today for the cost of medicine. That is true for any manufacturing in North Carolina. It is true in Oregon. It is true anywhere. Nobody ties their hands behind their back when it comes to trying to get the full value for their dollar in the health care sector. The only one who has their hands tied behind their back is the Federal Government when it comes to prescription medicine purchased under the Part D Medicare Program.

My sense is that this is another area where, with significant bipartisan support, Congress can move ahead. On the question of lifting the restriction so that Medicare can bargain to hold down the cost of medicine, Senator SNOWE and I got 54 votes for our bipartisan proposal to change the law. Once again, significant bipartisan support was given for a major change that will help taxpayers and consumers.

My sense is the price increases in prescription drugs we are seeing today is because there are few restraints on the prices that can be charged. There are what are called PBMs, pharmaceutical benefit managers. They have a role to play. It can be a useful one. But if we are really going to make sure we are using all the tools to hold down the cost of medicine, the Government ought to have authority to say, if the private sector isn't going to give a fair shake to seniors and taxpayers, there ought to be backup authority. The Government should be able to say: We are going to now make it clear that there is an opportunity to bargain and do what everybody else in America does to hold down the cost of medicine.

The price increases we have seen in the first 3 months of this year comprise the largest quarterly price increases in 6 years. It comes at a time when the Medicare prescription drug program is going into effect. The prices jumped something like four times the general inflation rate. We are seeing, right at a key time when the Medicare prescription drug program is getting off the ground, prices go up four times faster than the inflation rate. We are seeing the biggest quarterly price increases in 6 years. That makes the case for the Congress looking at a bipartisan way to beef up opportunities to contain the cost of prescription drug medicine.

In the Snowe-Wyden legislation which received 54 votes, we specifically state that there can be no price controls and no uniform formulary which would be, in effect, a backdoor Federal price control. I know the Senator from North Carolina has been interested in the question of what will happen to research, what will happen to innovation. I happen to share the view of the Senator from North Carolina that to come up with big price control regimes and Federal arbitrary standards for the formularies that make judgments about medicine would be a mistake. Under our legislation, we specifically say we will lift the restriction on bargaining power so the Government will not be the only part of the health care sector that is not trying to get value for the dollar. But our amendment said no price controls and no uniform, one-size-fits-all formulary that, for all practical purposes, would be a backdoor set of price controls.

These two studies from AARP and Families USA are extremely alarming because the theory behind the Medicare prescription drug program was that having a variety of plans in the private sector would produce competition, and competition would serve to hold down the cost of medicine. Now there is concrete proof that competition alone is not serving to be an adequate strategy for containing the cost of medicine. That is why the bipartisan amendment Senator SNOWE and I have been pursuing since the prescription drug program went into effect several years ago is much needed.

When you have these higher prescription drug prices, premiums seniors have to pay almost always bump up. Let's think about what happens if you bump up the premiums the seniors pay for Medicare Part D. One of the things I have seen in my years of working with older people—it goes back to my days when I was director of the Gray Panthers—is you jack up the premiums on seniors and, as sure as the night follows the day, you will get fewer seniors enrolling in the program.

We understand that if this program is going to be successful over the long term, you have to get more seniors signed up. You have to get more seniors enrolled. But what happens when you have higher drug prices as AARP and Families USA found, will be higher premiums next year for seniors in the Part D program. Then all of a sudden, with higher prices and higher premiums, what will happen is fewer seniors will sign up for the program. And without them enrolling in this program, Part D will not be the success we all would like to it to be, especially those of us who voted for it.

I wanted to take a few minutes today to talk about two issues: the question of needless oil company subsidies, an effort Senator KYL and I have spearheaded that has significant bipartisan support for saving taxpayers money, getting us on track for a fresh, new energy policy that can truly make us free of our dependence on foreign oil; and this question of prescription drug costs where, as well. There is significant bipartisan support to put bargaining power in Medicare. The Snowe-Wyden amendment received 54 votes the last time the Senate voted on it. There is a real role for the Senate to play at this key time now that it has been reported that drug prices jumped up in the first quarter of this year just as the Medicare Part D Program was going into effect.

Finally, we understand that on the Senate calendar there is not going to be a time for every possible issue to be considered. In the case of energy and health care, there are hundreds of bills in both areas, both energy and medical services, that have been introduced by Senators of both parties. My hope is that a handful of these issues can be moved to the head of the queue. The real measure for consideration ought to be significant bipartisan support.

In the areas I have talked about this afternoon, that test has been met. The other body has already passed efforts to reduce these needless oil subsidies, essentially passed the very thing I talked about on the floor of the Senate for 5 hours. A majority of Senators have voted for the effort Senator SNOWE and I have spearheaded to hold down the cost of medicine. There are opportunities, at a time when the country is looking at the partisanship coming from Washington, DC, to bring the Senate together around good and bipartisan legislation that addresses the pocketbook concerns of the American people. That is why I have come to the Chamber to talk about how we can make a difference working together for the public.

It is my intention to come back in the weeks ahead to talk about similar efforts that can actually be passed in the Senate before the session wraps up and constitute the kind of good government the American people expect from the Senate.

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

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

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

FLAG DESECRATION AMENDMENT

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 4 p.m. having arrived, the Senate will proceed to the immediate consideration of S.J. Res. 12, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (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.

The Senate proceeded to consider the joint resolution which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Omit the part struck through and insert the part printed in italic.]

S.J. RES. 12

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States ~~[~~within 7 years after the date of its submission by the Congress~~]~~ *within seven years after the date of its submission for ratification:*

''ARTICLE ____

''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Judiciary Committee, which I chair, has reported to the floor an amendment to the Constitution of the United States which would authorize legislation to prohibit burning of the American flag.

The Supreme Court of the United States, in Texas v. Johnson in 1989 and again in United States v. Eichman in 1990, in a 5-to-4 decision ruled that the first amendment to the U.S. Constitution relating to freedom of speech would be violated by legislation which prohibited flag burning.

At the outset of the debate on this amendment, it is vital to note that the pending amendment does not seek to alter the language of the first amendment. The first amendment of the U.S. Constitution protecting speech, religion, press, and assembly is inviolate, really sacrosanct. But that is not to say the decisions of the Supreme Court of the United States have that same status.

We have, since the adoption of the U.S. Constitution in 1787 and the Bill of Rights, the 10 amendments, in 1791, held freedom of speech as one of our highest values, along with freedom of religion, freedom of the press, the right to assemble, and the right to petition the Government. But decisions by the Supreme Court of the United States are, in a sense, transitory. They have the final word, and we respect their judgment, but our constitutional process allows for amendments in a complicated way. It has to pass both Houses of the Congress by two-thirds vote and then be ratified by three-fourths of the States. So it is a high bar to change what the Supreme Court of the United States says the Constitution means.

The five Justices who found the first amendment violated are Justice Brennan, Justice Marshall, Justice Blackmun, Justice Scalia, and Justice Kennedy. The four Justices in dissent were Chief Justice Rehnquist, Justice White, Justice O'Connor, and Justice Stevens. So had the Court been slightly differently constituted, we wouldn't be talking about a constitutional amendment.

It is important to focus on the basic fact that the text of the first amendment, the text of the Constitution, the text of the Bill of Rights, is not involved. It is the decision by the Supreme Court, it is the decision where any one of five made a majority. It is that difference of opinion that is at issue, and it is important to note that when decisions are rendered by the Supreme Court of the United States, they are the ''opinion'' of the Court. There is no verity, there is no absolutism, unlike what might be contended for the Constitution itself, especially the first amendment.

It is important to note that there have been many decisions by the Supreme Court of the United States which have limited freedom of speech under the first amendment. The first case which comes to mind is the famous opinion by Justice Oliver Wendell Holmes saying that an individual could not cry ''fire'' in a crowded theater. People have a right to speak, but there are limitations as to how people may exercise freedom of speech, and that is one limitation.

A Supreme Court decision in Chaplinsky v. New Hampshire in 1942 had special significance when the Court decided that fighting words were not protected by the constitutional protection of freedom of speech. The defendant in a criminal case had used condemnatory curse words, a fight resulted, and he was convicted. The Court said freedom of speech did not go that far and upheld his conviction.

The Court observed in that case a standard which is significant, and that is:

It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

I believe that standard applies to flag burning.

We have had other instances where the Supreme Court of the United States has limited freedom of speech. For example, on inciting unlawful conduct, you can say what you please, but you cannot incite others to unlawful conduct and then defend on the ground of freedom of speech.

Obscenity cases are another line of decisions, complex decisions, conduct which is gauged by contemporary community standards and the question of whether the speech has its dominant appeal to prurient interests. It is pretty hard to define what that means. That was a definition I wrestled with consistently when I was assistant attorney of Philadelphia to make a determination as to where freedom of expression and freedom of speech crossed the line.

On pornography, which is a lesser standard, you don't have to go to the level of obscenity on pornography if children are involved. There again, the first amendment protection for freedom of speech does not cover it.

An individual in our society does not have the constitutional right to make false statements of fact, but that individual may be taken to a court of law, sued, and damages collected for slander, verbal false statements of fact, or libel, written false statements of fact.

Similarly, the first amendment does not protect speech which constitutes threats of violence. And just last month in a widely noted case, the Supreme Court decided that governmental employees have limits on what their speech can contain.

The Chaplinsky decision, which I cited a few moments ago, sets a standard which, as a generalization, notes that there will not be protection for utterances which are no essential part of any exposition of ideas and therefore are of slight social value.

It is my opinion—and again, I denominate it as an opinion, just as the Supreme Court of the United States denominates its decisions as opinions. We all have our own opinions. We are all entitled to our own opinions. If there are enough opinions to the contrary of the five Supreme Court Justices—that is, the opinions of two-thirds of the Senate and two-thirds of the House of Representatives and three-fourths of the legislatures of the States—then we may make a modification of what the Supreme Court has said in declaring that flag burning is protected by freedom of speech.

It is my sense that under the Supreme Court decision in Chaplinsky, we are dealing with conduct which is not an essential part of an exposition of ideas and does not have social value as a step to the truth, and that whatever is derived from it is clearly outweighed by the social interest in order and tranquility. It is my view that flag burning is a form of expression which is spiteful or vengeful or designed to antagonize, designed to hurt. It is not designed to persuade.

Again referring to the opinion of perhaps America's greatest Jurist, Oliver

Wendell Holmes, on the Supreme Court in the case Abrams v. United States, decided in 1919, Justice Holmes noted that time has upset many fighting faiths. Time has upset many fighting faiths, and ideas and concepts and doctrines which men and women think are veritable truths may turn out not to be so. That opinion which I studied in law school a few years ago made the deepest impression on me of any which I have ever read. I think that is really the hallmark of freedom of speech, and that is in the context of seeking to persuade the marketplace of ideas. When Holmes said that time has upset many fighting faiths, he was extraordinarily prescient in that declaration.

In evaluating the speech issue and in evaluating what I believe is an appropriate resolution of the pending constitutional amendment, I think of the veterans in our society and I think of the veterans' expectation of the sanctity of the flag. I think of the flag as a symbol of what veterans fought for, what they sustained wounds for, what they sustained loss of limbs for, and what they sustained loss of life for.

In being the chairman of the Senate Veterans' Affairs Committee for some 6 years and a ranking member a number of years beyond, I had more duties than most would on veterans' issues. The veterans, with some substantial justification, repeatedly made the point at our hearings that they were not treated right for the sacrifices they had made; that when it came to compensation and disability, the Nation which has called upon them to fight wars and sustain wounds and sustain loss of limbs, comrades who have given their lives, the Nation was not very appreciative or grateful or didn't reciprocate with the kinds of benefits to which the veterans thought and think they are entitled to. It is a continuing battle, given the budget limitations.

The Congress of the United States is very much concerned about veterans' rights and veterans' benefits, and we make an effort, but in so many cases, it has been my judgment, reflected in my views and my votes and my chairmanship of the Veterans' Affairs Committee, that we are not sufficiently considerate, and not a matter of being generous but not sufficiently just with our veterans.

When it comes to the issue of flag burning, I have heard many veterans express deep concern about disrespect for the American flag, which they equate as disrespect for them, disrespect for the sacrifices they and their buddies have made.

I think of my brother's service in the U.S. Navy, and I think of Morton Specter, who served in the U.S. Navy in World War II. I think of the service of my brother-in-law, Arthur Morganstern, who served in the South Pacific for 31 months and came home to find a 2-year-old baby daughter from whom he had been separated for a protracted period of time, and fortunately came home in time.

My own service stateside during the Korean war was something I was proud to do. I did not face the rigors of combat, although when you are in the service, you respond to what the service tells you to do.

I also think of the service of my father, Harry Specter, an immigrant. It always makes me mindful of immigrants who have built this country. My mother, too, was an immigrant. She came at the age of 6 with her family from the Ukraine. I have had some comments about their contributions to this country in another context as we have talked about immigration reform, which is now pending before the conference committee of the House and Senate. My father came to this country at the age of 18, in 1911. The czar wanted to send him to Russia, and he wanted to go to Kansas.

As I say sometimes in jest, it was a close call, but he got to go to Kansas. But he didn't know that when he sailed steerage from Europe to the United States, he had a round-trip ticket to France—not to Paris and the dancing girls, but to the Argonne Forest. It took exactly 30 days for the U.S. Army to induct Harry Specter in Fairbrook, NE, and ship him overseas. He didn't have a whole lot of training, but he was ''cannon fodder,'' as they expressed. These Doughboys were meant for the enemy German cannons. They all had a bull's eye painted on their back. He went to war, and he was wounded in action. He was struck by shrapnel, and he carried shrapnel in his legs until the day he died.

When my father was in need of medical care, when he had a serious accident where a spindle bolt broke on a pickup truck when my sister was driving and rolled over and broke his arm, he was taken to the veterans hospital in Wichita, KS, where we lived. I was 7 at the time and would ride a bicycle out many miles from the residential section of town to where the veterans hospital was located. Now it is all built up. I had some exposure to the veterans there, and I have had exposure to veterans as I have traveled around Pennsylvania and on a trip I made in 1991 around the country to look at veterans' hospitals when I was on the Veterans' Affairs Committee to see if we had adequate care for the veterans who might come back injured from the gulf war. Fortunately, we did not have many casualties from the Gulf War in 1991.

I visited the veterans at Walter Reed, as so many of us have, to try to give them a morale uplift and to tell them how much we appreciate their service. It is very difficult for those who go to visit them, with their artificial limbs and their loss of arms and their metallic legs. It is obviously disquieting to see them and realize how difficult, how tragic it is for them. Their spirits, by and large, are remarkable. But I think of our veteran population when I think about this amendment. I don't want to dwell on it overly, but I do not think it is an irrelevancy when we consider this flag protection amendment and consider what the expectations are.

During the Memorial Day recess I had occasion to travel to Europe to visit veterans' cemeteries with the Veterans' Affairs Committee. Senator CRAIG, the chairman of the Veterans' Affairs Committee now, led a delegation with the distinguished Senator from North Carolina, Mr. BURR, who is presiding at the moment, and Senator JOHNNY ISAKSON from Georgia. I was along, and it was an enormously moving experience to see the rows of white crosses and the rows of Stars of David. We went to the cemeteries in the Netherlands. We went to the cemeteries in northern France not too far from the Argonne Forest where my father had fought. We went to the cemetery in Normandy and saw those steep cliffs and marveled at how our troops, on June 6, 1944, could scale those cliffs to lead to the invasion of Europe and free the world of the despotism of Nazi Germany and Hitler's annihilation of 6 million Jews and the treachery of Mussolini and the treachery of the war in the Pacific with the Japanese.

I made a report to the Senate—as I do on my foreign travel—a week ago today. I noted in that report that when my father, Harry Specter, was hit by shrapnel in the legs, the possibility—as I saw in viewing the World War I cemeteries—noted that in World War I, there were 126,000 deaths; in World War II, 407,300 deaths; and, of course, Harry Specter was not in one of the cemeteries. But had the shrapnel hit him a little higher, Harry Specter might have been in one of those cemeteries and he wouldn't have been my father and I wouldn't have been. Of all the sobering thoughts, none can compare to that one.

I have voted on the constitutional amendment in the past when, years ago, I voted in favor of the constitutional amendment to protect the flag, so these thoughts are not new to me or a change of heart. But it is my view that given the expectation of so many Americans, especially American veterans, and given the fact that the text of the first amendment is in no way altered by this amendment, but it is only a decision by the Supreme Court of the United States, the opinion of five that freedom of speech precludes flag burning, and the opinion of four Justices that freedom of speech should not preclude flag burning, it is my opinion that the opinions of the five Justices ought not to dominate, and the opinions of the four Justices ought to dominate, provided that their opinion is the opinion of two-thirds of this body, two-thirds of the House, and the opinion of three-quarters of the State legislatures, which provides the constitutional basis for a constitutional amendment.

I ask unanimous consent that the full text of my printed statement be printed in the RECORD.

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

2006 FLAG AMENDMENT

Mr. President, I seek recognition today to support Senate Joint Resolution 12, which proposes a constitutional amendment allowing Congress to prohibit the physical desecration of the American flag. I will vote in support of this resolution. I do not take this step lightly. Just three weeks ago, I voted against a proposed constitutional amendment to define marriage as the union of one man and one woman. I did so not because I do not support traditional marriage, but because I believe that we have not reached the point in time where the extraordinary measure of a constitutional amendment has become necessary. The states have shown that they are willing and able to preserve traditional marriage, and the Supreme Court has not stepped in to take that power away from them.

With regard to the protection of our most cherished national symbol, though, we have unfortunately reached the point where we cannot protect our flag by any means short of a constitutional amendment. In 1989, the Supreme Court's 5–4 decision in Texas v. Johnson stripped from the people the ability—through their elected representatives—to make laws to protect our flag. Prior to the Texas v. Johnson decision, 48 states had laws on the books prohibiting flag desecration. There was also a 1968 federal law in place to prohibit desecration of the flag. The 1968 law made it a crime to ''knowingly cast contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it.'' (Pub. L. 90–381.)

These state and federal laws existed because it appeared to be beyond question that we could act to protect the American flag. In addition to the law prohibiting flag desecration, Congress had prescribed detailed rules for the flag's design, the times and occasions for its display, and particular protocols for conduct during the raising, lowering, and passing of the flag. In 1907 in Halter v. Nebraska, the Supreme Court upheld the constitutionality of a Nebraska statute that prohibited the use of the flag for advertising purposes.

In later years, the Court continued to recognize the right of the people to protect our flag. In Spence v. Washington, the Court struck down a student's conviction for taping a peace symbol to a flag. But in striking down the conviction, the Court was careful to note that the defendant ''did not permanently disfigure the flag or destroy it.'' In the same year, in Smith v. Goguen, the Court held that a Massachusetts flag misuse statute was impermissibly vague, but explained that ''nothing prevents a legislature from defining with substantial certainty what constitutes forbidden treatment of United States flags.'' In his concurrence, Justice White went even further, stating that ''[t]he flag is a national property, and the Nation may regulate those who would make, imitate, sell, possess, or use it. I would not question those statutes which proscribe mutilation, defacement, or burning of the flag or which otherwise protect its physical integrity . . . .''

In Street v. New York in 1969, the Court struck down a protester's conviction for flag burning, but only because it was unclear whether he was arrested for his conduct in defacing the flag or for the statements he made as he did so. Dissenting from the 5–4 majority opinion, Chief Justice Earl Warren explained that ''the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace.'' Justice Hugo Black, the ardent exponent of First Amendment absolutism, stated in his dissent that, ''[i]t passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.''

And Justice Abe Fortas articulated ''the reasons why the States and the Federal Government have the power to protect the flag from acts of desecration committed in public.'' He explained that the flag is ''traditionally and universally subject to special rules and regulation,'' and that ownership of a flag is ''subject to special burdens and responsibilities.'' Although ''[a] flag may be property, in a sense,'' ''it is a property burdened with peculiar obligations and restrictions'' and ''these special conditions are not per se arbitrary or beyond governmental power under our Constitution.''

In light of these repeated statements of support for the flag from the Supreme Court, it was a surprise when a bare, five-justice majority of the Court in Texas v. Johnson struck down Texas's flag protection act and invalidated the laws of 48 states and the federal government.

Congress reacted swiftly to protect the flag by passing the Flag Protection Act of 1999, which made it a crime to knowingly mutilate, deface, physically defile, burn, keep on the ground or floor, or trample upon the United States flag. We tried to work within the confines of Texas v. Johnson to ensure that the Flag Protection Act would not target expressive conduct based on the content of its message. But the very next year, in United States v. Eichman, five justices of the Supreme Court the same five justices who struck down the Texas statute in Texas v. Johnson, held that Congress could not protect the flag through even a neutral desecration statute.

This amendment is an extremely narrow solution to correct those two opinions in the only way the American people can. For 198 years, from the ratification of the Bill of Rights in 1791 until the Texas v. Johnson decision in 1989, the states and the Congress were free to protect the flag from desecration and defilement. Can it be reasonably argued that, for those 198 years, Americans lacked the freedom of speech guaranteed by the First Amendment?

I question whether defilement of the flag should even be considered ''speech'' protected by the First Amendment. To quote Chief Justice Rehnquist, dissenting in Texas v. Johnson:

''[F]lag burning is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is more likely to be indulged in not to express any particular idea, but to antagonize others. . . . The Texas statute deprived Johnson of only one rather inarticulate form of protest—a form of protest that was profoundly offensive to many—and left him with a full panoply of other symbols and every conceivable form of verbal expression to express his deep disapproval of national policy.''

Flag burning is the equivalent of ''fighting words,'' those words ''which by their very utterance inflict injury or tend to incite an immediate breach of the peace.'' Chaplinsky v. New Hampshire. Fighting words are just one category of expression that the First Amendment has never protected, for the First Amendment has never been a blanket cover for every conceivable form of expression. We have long recognized numerous exceptions to the First Amendment's freedom of expression, including: incitement to unlawful conduct; libel and slander; obscenity; child pornography; and threats of physical harm.

In other instances, we have balanced an interest in legitimate speech against overarching societal interests. For example, Congress has passed copyright laws that limit a speaker's ability to use the words of another person. The Supreme Court has also held that government employees do not have an absolute right to free speech for statements made in the workplace.

Just because conduct may have some expressive element, it does not mean that it is entitled to First Amendment protection. None of us would question the government's power to prohibit vandalism of the Washington Monument, the Vietnam Wall, or this beautiful Capitol building, even if the vandal were expressing his outrage with government policies. Indeed, Justice White stated in 1974 that ''[t]here would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial. . . . The flag is itself a monument, subject to similar protection.'' Just as we do not allow criminals to deface the symbols of our Nation that stand throughout this city, we should not allow vandalization and desecration of our most precious and most recognizable national symbol.

We do not limit the expressive rights of those who wish to voice dissatisfaction with our government by declaring flag desecration off-limits any more than we do by prohibiting desecration of our national buildings and monuments. The avenues for expressing dissent are still wide open—''a full panoply of other symbols and every conceivable form of verbal expression.''

All this amendment seeks to do is restore to Congress the power it held for those 198 years before five justices took it away in Texas v. Johnson: the power to protect our flag. That's all. The amendment itself does not even prohibit flag burning or other forms of flag desecration. The text of the amendment is very simple: ''The Congress shall have power to prohibit the physical desecration of the flag of the United States.'' In other words, the amendment says, let's give the people of the United States, through their elected representatives, the right to offer protection to our most cherished national symbol.

There are those who claim that because our liberties are enshrined in the Constitution, the flag is not properly viewed as the symbol of our liberty. They claim that those of us who support restoring to the people the ability to protect the flag are not true defenders of the Constitution. Those critics are wrong. One of the most important aspects of our constitutional system is its recognition that we may, from time to time, need to amend our founding document to reflect the will of the people. Article 5 gives the people this most important right. It takes a supermajority of Americans to do so—two-thirds of the people's elected representatives here in Congress and three-fourths of the states—so we can rest assured that our Constitution is only amended when it is absolutely necessary. But when the opinion of five unelected judges overrides the voice of the people expressed through 48 state laws and a national flag protection law, how can we say an amendment is not necessary?

Chief Justice Rehnquist stated in Texas v. Johnson that: ''The cry of 'no taxation without representation' animated those who revolted against the English Crown to found our Nation—the idea that those who submitted to government should have some say as to what kind of laws would be passed. Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people whether it be murder, embezzlement, pollution, or flag-burning.''

Our Constitution lives by giving the American people a means to raise their voices over the words of five justices here in Washington. The American people have called on

the members of this body to protect our most cherished national symbol, and I agree with that sentiment.

Mr. LEAHY. Mr. President, it is my understanding we are now on the constitutional amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. I thank the Chair.

Mr. President, in 1791, the year that the Bill of Rights became part of our Constitution, the State of Vermont joined the Union, and then the State of Kentucky followed. Then Congress saw fit to change the design of the American flag to include 15 stars and 15 stripes, one for each State. In fact, it was this flag, the one recognizing the addition of Vermont and Kentucky to the United States, that flew over Fort McHenry in 1814 and that inspired Francis Scott Key to write the ''Star-Spangled Banner.''

Fifty years after that famous battle that inspired our National Anthem in Baltimore's harbor, President Abraham Lincoln visited that city as our country confronted its greatest test. It was a time in which this Nation faced grave peril from a civil war whose outcome could not yet be determined. Many flags flew over various parts of the United States, and our existence as a nation was in doubt. President Lincoln used the occasion to reflect on a basic feature of American democracy. President Lincoln observed:

> The world has never had a good definition of the word liberty. The American people just now are much in need of one. We all declare for liberty, but using the same word we do not mean the same thing.

I would hope that all of us in this Chamber champion liberty. If any of us were asked, we would say: Of course we do. But when I hear some talk about the desire to restrict our fundamental freedoms by cutting back on our first amendment rights for the first time in our history, you see why people wonder. The danger of this amendment is that it would strike at the values the flag represents and the rights that have made this Nation a vibrant democratic republic in which we have enjoyed freedom of religion, freedom of the press, freedom of expression, and freedom to think as individuals.

Along with Vermonters, I find the American flag inspirational in all its incarnations, whether it is the current flag with 50 stars that was carried in formation at Parris Island when my youngest son Mark became a proud member of the U.S. Marine Corps; whether it is the American flag with 48 stars under which Vermonters joined in fighting World War II, including members of my family; the flag commemorating Vermont's becoming a State; the Bennington flag that commemorated our Declaration of Independence; or the revolutionary flag with 13 stars in a circle said to be designed by George Washington and sewn by Betsy Ross.

Ultimately, the debate over this amendment turns on the scope we think proper to give to speech which deeply offends us. For two-thirds of the Senate to vote to amend the Bill of Rights to amend the U.S. Constitution because, as the Constitution requires, that we deem it ''necessary'' in 2006, strikes me as extraordinary. The Senate oath of office, which the people of Vermont have authorized me to take six times, requires that we ''support and defend the Constitution.'' And I believe that doing so means opposing this effort to cut back on Vermonters' constitutional rights and freedoms.

Regrettably, the Senate leadership is returning again and again to using constitutional amendments as election year rallying cries to excite the passion of voters. That is wrong. The Constitution is too important to be used for partisan political purposes—and so, in my view, is our American flag.

With the rights of Americans being threatened in so many ways today by this administration, this is most especially not the time for the Senate to vote to limit Americans' fundamental rights or to strike at the heart of the First Amendment.

The chairman has referred to Justice Oliver Wendell Holmes. It was Justice Holmes who wrote that the most imperative principle of our Constitution was it protects not just freedom for the thought and expression we agree with, but ''freedom for the thought that we hate.'' He also wrote that ''we should be eternally vigilant against attempts to check the expression of opinions that we loathe.''

We all know that the First Amendment never requires people to defend it when it is upholding popular speech. It needs defense when the speech is unpopular.

What is so distinctive about America is that our Government does not endorse religious or political orthodoxy. The price of our freedom of expression is our willingness to protect the expression of those with whom we disagree. America does not impose a state-designed dogma on its free people the way totalitarian regimes do. We value our freedom and we protect the freedom of others.

Justice Robert Jackson made this point with unsurpassed eloquence in a Supreme Court decision made during World War II. He did this in West Virginia State Board of Education v. Barnette. His decision for the Supreme Court upheld our fundamental tradition of tolerance, holding that State school boards may not compel teachers and students to salute the flag.

Remember, Justice Jackson was writing during World War II—during wartime. He wrote:

> [F]reedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein.

That was a powerful statement by Justice Jackson, at a time when certainly the attention of this country was focused on a real war effort, the effort of World War II. But he knew what unifies our country is the voluntary sharing of ideals and commitments. Americans are free, free to offend but also free to respond to crude insults with responsible action—the way many of us remember and applaud—when that crowd at Dodger Stadium responded by spontaneously singing ''God Bless America'' when a couple of miscreants attempted to burn the American flag in the outfield 30 years ago, shortly after the end of the Vietnam war.

When I am home in Vermont, our family home, I fly the flag—not because the law tells me to but because, as an American, I want to. I fly the flag out of pride. I remember my parents, still alive, when they used to look with pride to see that flag flying and they knew their son was home from Washington. It is the same sense of pride I felt when I saw my son march in uniform under that flag, our flag, our American flag. It is the same sense of pride I feel when I see that flag flying over this Capitol Building when I come to work each day, and I stop and look at it sometimes when the Senate leaves at 2 or 3 o'clock in the morning. I look at the dome and I see that flag illuminated and flying there.

One of my colleagues, former Senator Bob Kerrey, a man of great bravery, who received the Congressional Medal of Honor for his bravery in battle, said in a recent opinion piece in the Washington Post, ''Real patriotism cannot be coerced.'' It has to be a voluntary, unselfish, brave act to sacrifice for others.

I ask unanimous consent that a copy of his op-ed be printed in the RECORD.

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

[From the washingtonpost.com, June 15, 2006]

OUR FLAG AND OUR FREEDOM

(By Bob Kerrey)

With campaigns at full tilt and the Fourth of July just around the comer, the Senate's new priority is to debate and vote on yet another resolution to amend our remarkable Constitution. This time it's an amendment that would allow Congress to prohibit a form of protest that a large majority of Americans do not like: the burning or desecration of the American flag. Since 1989, when the Supreme Court decided unanimously and correctly that these rare, unpleasant demonstrations are expressions of speech and therefore protected by the First Amendment, there have been many such attempts. Fortunately, all have failed.

Unfortunately, enthusiasm for this amendment appears to have grown even as flag-burning incidents have vanished as a means of political protest. The last time I saw an image of the U.S. flag being desecrated in this way was nearly 20 years ago, when the court issued its decision. Thus this amendment—never appropriate in the oldest democracy on earth—has become even less necessary. But necessity is not always the mother of legislation.

In defense of speech I do not like, I recall a ceremony I have come to love: a military funeral. The finest of all is conducted at Arlington National Cemetery. At graveside, an honor guard holds the American flag while taps are played as a final farewell. The guards then fold the flag into a triangle and deliver it to the next of kin.

It is as if the flag becomes the fallen. In the hands of a widow or mother it is much more than a symbol of the nation. At that moment the American flag is a sacred object that holds the sweet memory of a life given to a higher cause. Or so it seems to me each time I am witness to these hallowed events.

To others the ceremony may mean something entirely different. I recall vividly one such situation: A mother of a friend who was killed in Vietnam recoiled when the flag was offered to her. She would not take it. In her heart the American flag had become a symbol of dishonor, treachery and betrayal. At the time, and perhaps to her dying day, she wanted nothing to do with it.

If our First Amendment is altered to permit laws to be passed prohibiting flag desecration, would we like to see our police powers used to arrest an angry mother who burns a flag? Or a brother in arms whose disillusionment leads him to defile this symbol of the nation? I hope the answer is no. I hope we are strong enough to tolerate such rare and wrenching moments. I hope our desire for calm and quiet does not make it a crime for any to demonstrate in such a fashion. In truth, if I know anything about the spirit of our compatriots, some Americans might even choose to burn their flag in protest of such a law.

No doubt the sponsors and advocates of this amendment mean well. They believe it is a reasonable and small sacrifice of our freedoms. They believe no serious consequence will come of this change.

No doubt, too, some of the increasing interest in limiting free speech is a response to the Sept. 11 attacks on the United States. It was a remarkable moment, when the hearts of most of us filled with a kind of pure patriotism we had never felt before. It was a patriotism that bound liberty to equality and fraternity. It was a patriotism that brought us together, friend and stranger alike. We discovered heroes who inspired us. No longer did we say, ''It's good to see you,'' and not mean it.

Most impressive to me was that the ''we'' included men and women of many nations, every religion and every ethnic group. The ''we'' was global. The patriotism we felt extended beyond our boundaries and beyond the cramped spaces of ritual nationalistic fervor. We understood that the vulnerability of our freedom bound us together more than any symbol or slogan can. Millions of Americans, then and now, proudly flew their flags because they wanted to, not because any law told them to.

All the more reason, then, for patriotism to turn aside the understandable impulse to protect our flag by degrading the constitutional freedoms for which it stands. Real patriotism cannot be coerced. Our freedom to speak was attacked—not our flag. The former, not the latter, needs the protection of our Constitution and our laws.

Mr. LEAHY. The French philosopher Voltaire once remarked that liberty is a guest who plants both of his elbows on the table. I think what Voltaire meant by that is that liberty is sometimes even an unmannerly, vulgar guest, yet liberty requires we tolerate rudeness even when admittedly it is hard to do so. That is what allows us, in turn, the individual freedoms that we cherish for ourselves.

Despicable, outrageous gestures like flag burning are hard to tolerate, but we do so because political expression is so central as to what makes America great and what protects the rights of each of us to speak, or to worship as we choose, and to petition our Government for redress. The flag is a symbol of the greatness that the American ideals of freedom and liberty have helped foster in this blessed land. The Constitution ultimately goes beyond symbols. The Constitution is the real bedrock of our rights.

In a letter to me expressing his opposition to the constitutional amendment, my friend General Colin Powell said it very well. Let me quote Colin Powell in this regard. He said:

We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration. . . .

I understand how strongly so many of my fellow veterans and citizens feel about the flag. . . . I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.

I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly, long after they have slunk away.

What powerful, powerful words from General Powell. I ask unanimous consent a copy of his letter be printed in the RECORD.

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

ALEXANDRIA, VA,
May 18, 1999.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Thank you for your recent letter asking my views on the proposed flag protection amendment.

I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.

Americans revere their flag as a symbol of the Nation. Indeed, it is because of that reverence that the amendment is under consideration. Few countries in the world would think of amending their Constitution for the purpose of protecting such a symbol.

We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.

If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.

I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.

I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.

Finally, I shudder to think of the legal morass we will create trying to implement the body of law that will emerge from such an amendment.

If I were a member of Congress, I would not vote for the proposed amendment and would fully understand and respect the views of those who would. For or against, we all love our flag with equal devotion.

Sincerely,

COLIN L. POWELL.

P.S. The attached 1989 article by a Vietnam POW gave me further inspiration for my position.

[From the Retired Officer, Sept. 1989]

THOUGHTS OF A FORMER POW: WHEN THEY BURNED THE FLAG BACK HOME

(By James H. Warner)

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark AB in the Philippines. As I stepped out of the aircraft I looked up and saw the flag. I caught my breath, then, as tears filled my eyes, I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.

Because the mere sight of the flag meant so much to me when I saw it for the first time after five and a half years, it hurts me to see other Americans willfully desecrate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise on freedom. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself.

Early in the imprisonment the Communists told us that we did not have to stay there. If we would only admit we were wrong, if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted, most did not. In our minds, early release under those conditions would amount to a betrayal of our comrades, of our country and of our flag.

Because we would not say the words they wanted us to say, they made our lives wretched. Most of use were tortured, and some of my comrades died. I was tortured for most of the summer of 1969. I developed beriberi from malnutrition. I had long bouts of dysentery. I was infested with intestinal parasites. I spent 13 months in solitary confinement. Was our cause worth all of this? Yes, it was worth all this and more.

Rose Wilder Lane, in her magnificent book The Discovery of Freedom, said there are two fundamental truths that men must know in order to be free. They must know that all men are brothers, and they must know that all men are born free. Once men accept these two ideas, they will never accept bondage. The power of these ideas explains why it was illegal to teach slaves to read.

One can teach these ideas, even in a Communist prison camp. Marxists believe that ideas are merely the product of material conditions; change those material conditions, and one will change the ideas they produce. They tried to ''re-educate'' us. If we could show them that we would not abandon our beliefs in fundamental principles, then

we could prove the falseness of their doctrine. We could subvert them by teaching them about freedom through our example. We could show them the power of ideas.

I did not appreciate this power before I was a prisoner of war. I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. ''There,'' the officer said. ''People in your country protest against your cause. That proves that you are wrong.''

''No,'' I said. ''That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us.'' The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

Aneurin Bevan, former official of the British Labor Party, was once asked by Nikita Khrushchev how the British definition of democracy differed from the Soviet view. Bevan responded, forcefully, that if Khrushchev really wanted to know the difference, he should read the funeral oration of Pericles.

In that speech, recorded in the Second Book of Thucydides' History of the Peloponnesian War,'' Pericles contrasted democratic Athens with totalitarian Sparta. Unlike the Spartans, he said, the Athenians did not fear freedom. Rather, they viewed freedom as the very source of their strength. As it was for Athens, so it is for America—our freedom is not to be feared, for our freedom is our strength.

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. The flag in Dallas was burned to protest the nomination of Ronald Reagan, and he told us how to spread the idea of freedom when he said that we should turn America into a ''city shining on a hill, a light to all nations.'' Don't be afraid of freedom—it is the best weapon we have.

Mr. LEAHY. Another American who honorably served our country, Gary May, Chairman of Veterans Defending the Bill of Rights, wrote in a letter:

This country is unique and special because the minority, the unpopular, the dissident also have a voice. The freedom of expression, even when it hurts the most, is the truest test of our dedication to the principles that our flag represents.

I ask unanimous consent a copy of his letter be printed in the RECORD.

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

VETERANS DEFENDING
THE BILL OF RIGHTS,
Newburgh, IN, May 4, 2006.

Re Oppose S.J. Res. 12, the Flag Desecration Constitutional Amendment.

DEAR SENATOR: My name is Gary May. I am writing to you today as the chair of a group called Veterans Defending the Bill of Rights to urge you to oppose S.J. Res. 12, the flag desecration constitutional amendment. I know you hear from some who say veterans support this amendment, but you should also know that there are many veterans that have faithfully served our nation who strongly believe that amending the Constitution to ban flag desecration is the antithesis of freedoms they fought to preserve.

I lost both my legs in combat while serving in the U.S. Marine Corps in Vietnam. I challenge anyone to find someone who loves this country, its people and what it stands for more than I do. It offends me when I see the flag burned or treated disrespectfully. But, as offensive and painful as this is, I still believe that dissenting voices need to be heard, even if their methods cause offense.

This country is unique and special because the minority, the unpopular, the dissident also have a voice. The freedom of expression, even when it hurts the most, is the truest test of our dedication to the principles that our flag represents.

In addition to my military combat experience, I have been involved in veterans' affairs as a clinical social worker, program manager, board member of numerous veterans organizations, and advocated on their behalf since 1974. Through all of my work in veterans' affairs, I have yet to hear a veteran say that his or her service and sacrifice was in pursuit of protecting the flag.

When confronted with the horrific demands of combat, the simple fact is that most of us fought to stay alive. The pride and honor we feel is not in the flag per se. It's in the principles for which it stands for and the people who have defended them.

I am grateful for the many heroes of our country. All the sacrifices of those who served before us would be for naught, if the Constitution were amended to cut back on our First Amendment rights for the first time in the history of our great nation. I write to you today to attest to the fact that many veterans do not wish to exchange fought-for freedoms for protecting a tangible object that represents these freedoms.

To illustrate my point, here is what some of the Veterans Defending the Bill of Rights have said about this amendment:

''During the fighting in Iraq, I saw friends of mine die in battle. Each of us suffered and sacrificed to provide freedom to the Iraqi people. With this in mind, I am profoundly disturbed by the apparent willingness of Congress to sacrifice our own freedoms here at home by amending the First Amendment for the first time ever. When the coalition forces entered Iraq, it was to topple a brutal and repressive dictatorship, one that did not hesitate to jail and torture its own citizens who protested against it. By amending the Constitution to ban a form of expression, Congress dishonors the legacy of servicemembers who fought and died in defense of freedom.''—Jeremy Broussard, Bowie, MD, a combat veteran of Operation Iraqi Freedom and a former Captain in the U.S. Army whose artillery unit was among the first to enter Iraq.

''The proposed constitutional amendment is in my eyes, and the eyes of countless other veterans, a slap in the face to our service in combat. We volunteered to go to war to protect the freedoms in this country, not watch them be taken away by politicians who have never been to the front lines. I consider myself an independent-minded conservative, and believe that creating unnecessary amendments to the U.S. Constitution is a betrayal of conservative principles.''—Specialist Eric G Eliason, Englewood, CO, a combat veteran who served as an Infantryman in the Army for three years, including one year overseas as part of Operation Iraqi Freedom.

''It is a bad thing to burn the flag, but it is a worse thing to damage the Constitution.''—James Pryde, Tuskegee Airman, combat veteran of the 477 Bomber Group in WWII.

''After devoting most of my career to working in military intelligence, I was appointed Army Deputy Chief of Staff for Intelligence in 1997. I served in that position until my retirement in 2000. I am well acquainted with the many threats facing the United States, and I must say that flag burning does not begin to rise to a level of threat justifying the attention of this distinguished body... I served in the United States Army, like my father before me, to defend fundamental American liberties. To begin the trend of amending the First Amendment each time a particular form of speech is found to be offensive sets a dangerous precedent, and undermines the very freedoms for which I and my fellow servicemembers served.''—Lt. General Claudia J. Kennedy (USA, Ret.). Highest ranking woman to ever serve in the U.S. Army.

''Like many of those who have served in the armed forces, I am deeply concerned about this proposed attempt to undermine free speech. While I do take offense at disrespect to the flag, I nonetheless believe it my duty to defend the constitutional right of protestors to use the flag in nonviolent speech.''—Richard Olek, Fargo, ND, Army veteran and past Commander of AMVETS Jon A. Greenley Memorial Post 7 in Fargo.

''Today the U.S. Senate is again debating an amendment to the Constitution to ban desecration of the flag. It's an issue on which I believe I can claim some authority. I laid my life on the line and fought under the flag of the United States during World War II. I watched some of my closest friends fall during eight grueling campaigns, I was awarded a Silver Star and Purple Heart. I'm a disabled veteran and long standing Republican since 1940, and nothing angers me more than the desecration of the U.S. flag. It is an abomination to me and to other veterans. That said, though, I believe the push to amend the Constitution to criminalize flag burning is misguided. Our forefathers would spin in their graves to think: that our government would turn the established principle of free speech on its end and consider persecuting people who disagree with its actions.''—James Bird, Lumberton, NJ, is a decorated veteran of World War II, where he survived eight campaigns in combat and was a liberator of the Dachau concentration camp.

''. . . to undertake to carve out an area of free speech and say that this or that is unpatriotic because it is offensive is a movement that will unravel our liberties and do grave damage to our nation's freedom. The ability to say by speech or dramatic acts what we feel or think is to be cherished not demeaned as unpatriotic ... I hope you will hear my plea. Please do not tinker with the First Amendment.''—Reverend Edgar Lockwood, Falmouth, Massachusetts, served as a naval officer engaged in more than ten combat campaigns in WWII.

''My military service was not about protecting the flag; it was about protecting the freedoms behind it. The flag amendment curtails free speech and expression in a way that should frighten us all.''—Brady Bustany, West Hollywood, California, served in the Air Force during the Gulf War.

''The first amendment to our constitution is the simplest and clearest official guarantee of freedom ever made by a sovereign people to itself. The so-called 'flag protection amendment' would be a bureaucratic hamstringing of a noble act. Let us reject in the name of liberty for which so many have sacrificed, the call to ban flag desecration. Let us, rather, allow the first amendment, untrammeled and unfettered by this proposed constitutional red tape, to continue be the same guarantor of our liberty for the next two centuries (at least) that is has been for the last two.''—State Delegate John Doyle, Hampshire County, West Virginia served as an infantry officer in Vietnam.

''As a twenty two year veteran, combat experience, shot up, shot down, hospitalized

more than a year, Purple Heart recipient, with all the proper medals and badges I take very strong exception to anyone who says that burning the flag isn't a way of expressing yourself. In my mind this is clearly covered in Amendment I to the Constitution—and should not be 'abridged'.''—Mr. Bob Cordes, Mason, Texas was an Air Force fighter pilot shot down in Vietnam. He served for 22 years from 1956 to 1978.

''Service to our country, not flag waving, is the best way to demonstrate patriotism.''—Mr. Jim Lubbock, St. Louis, Missouri, served with the Army in the Phillipines during WWII. His two sons fought in Vietnam, and members of his family have volunteered for every United States conflict from the American Revolution through Vietnam with the exception of Korea. His direct ancestor, Stephen Hopkins, signed the Declaration of Independence.

''The burning of our flag thoroughly disgusts me. But a law banning the burning of the flag plays right into the hands of the weirdoes who are doing the burning. . . . By banning the burning of the flag, we are empowering them by giving significance to their stupid act. Let them burn the flag and let us ignore them. Then their act carries no significance.''—Mr. William Ragsdale, Titusville, Florida, an engineer who worked in the space industry for over 30 years, retired from the US Naval Reserve in 1984 with the rank of Commander, having served in the Navy for over forty years including active duty in both WWII and the Korean War. He has two sons who served in Vietnam.

''I fought for freedom of expression not for a symbol. I fought for freedom of Speech. I did not fight for the flag, or motherhood, or apple pie. I fought so that my mortal enemy could declare at the top of his lungs that everything I held dear was utter drivel . . . I fought for unfettered expression of ideas. Mine and everybody else's.''—Mr. John Kelley, East Concord, Vermont, lost his leg to a Viet Cong hand grenade while on Operation Sierra with the Fox Company 2nd Battalion 7th Marines in 1967.

I hope you will join me and the Veterans Defending the Bill of Rights in opposing S.J. Res. 12, the flag desecration constitutional amendment. We must not allow this ''feel good'' measure to restrict freedoms for which so many veterans sacrificed so much. I look forward to working with you.

Sincerely,

GARY E. MAY.

Mr. LEAHY. I have been to countries, as have many of us, countries with dictators—countries like China and Cuba, the former Soviet Union. They require a law to protect their flags and their symbols. I have taken great pleasure in those countries to point out that America does not need the kind of laws they do. America protects our symbols. The American people honor our national flag out of respect, not out of fear that they may break a law. I point out to them what real freedom is, and it includes the freedom to dissent and to differ, even in ways that I would find obnoxious and offensive.

As the son of a printer, I was brought up to know how important the First Amendment is to maintaining our democracy. It allows us to practice any religion we want, or no religion if we want. It allows us to think as we choose and to express ourselves freely, even though others may disagree.

We do not have a state-imposed orthodoxy in this great and good country. Instead, we have freedom and diversity—diversity in religion, diversity in thought, diversity in speech, diversity that is guaranteed and protected by our Constitution, our Bill of Rights, and particularly the First Amendment. When you guarantee and protect diversity, then you guarantee and protect democracy. When you guarantee and protect diversity, by definition you are going to have a democracy. No real democracy exists without diversity. But when you exclude and stamp out diversity and freedom of thought and expression, you act to stamp out democracy.

We have seen this in history. In the former Soviet Union or other totalitarian governments of history, when they wanted to destroy democracy they started, sometimes in little ways at first, but ultimately to stamp out diversity in dissent.

American democracy has succeeded because we have fought to live with that unruly guest with his elbows on our table of which Voltaire spoke, and to tolerate speech and expressive conduct that probably virtually all of us here would find disrespectful and crude.

We protect dissent, not because we oppose liberty but because we love liberty.

Wendell Phillips, a great New England abolitionist, wrote:

> The community which dares not to protect its humblest and most hated member in the free utterance of his opinion, no matter how false and hateful, is only a gang of slaves.

Probably no person disagreed more vehemently with Wendell Phillips on the burning issues of their day than Senator John C. Calhoun of South Carolina. Yet Senator Calhoun came to much the same conclusion in a speech he gave on the Senate floor, our Senate floor, in 1848, more than 150 years ago. Senator Calhoun said:

> We have passed through so many difficulties and dangers without the loss of liberty that we have begun to think that we hold it by divine right from heaven itself. But it is harder to preserve than it is to obtain liberty. After years of prosperity the tenure by which it is held is too often forgotten; and I fear, Senators, that such is the case with us.

This is what Senator Calhoun said 150 years ago.

I am immensely proud to be given the privilege to be one of the two Senators who have the opportunity to represent the State of Vermont. Vermont has a proud tradition defending liberty and encouraging open debate. We are the State of the town meeting. If you want to experience open debate, I urge you to attend a Vermont town meeting. Everybody gets heard. Everybody gets heard about every disagreement, every differing view. A Vermont town meeting is as democratic as you can get. There is debate. There is expression. There is disagreement and agreement. There is freedom and democracy being lived.

In fact, Vermont for many years engaged in such a great and open debate on this very issue of how best to approach protection of our flag. For years the Vermont General Assembly remained the only State legislature not to have passed a resolution in favor of a constitutional amendment. In January 2002 the Vermont Legislature passed a resolution, but it was written, interestingly, in a manner that shows Vermont's respect for the Constitution. It concludes that the Congress should take steps to ''ensure that proper respect and treatment . . . always be afforded to the flag,'' but in ways consistent with the principles that the flag represents, foremost among these being, ''the protection of individual freedoms enumerated in the First Amendment to the United States Constitution, including free speech.''

Our Legislature stopped short of taking the easy way out and simply parroting a politically popular demand to amend the Constitution. Rather, Vermont remained true to its proud tradition of encouraging open debate and called on Congress to ''explore all avenues available'' to protect the flag from desecration. Vermont's actions are consistent with our strong tradition of independence and commitment to the Bill of Rights. Indeed, Vermont's own Constitution is based on our commitment to freedom and our belief it is best protected by open debate.

At one time, when we were afraid we might not have that chance for open debate, Vermont declared itself an independent republic. In fact, Vermont did not and would not become a State until 1791. That was the year the Bill of Rights was ratified. Following that tradition, this Vermonter is not going to vote to cut back on the First Amendment of the Bill of Rights for the first time since its adoption.

Vermont sent Matthew Lyon to Congress. He, incidentally, cast the decisive vote, Vermont's vote, for the election of Thomas Jefferson. That election was thrown into the House of Representatives. Had Matthew Lyon voted otherwise, Thomas Jefferson would not have become President. Matthew Lyon was the same House Member who was a target of a shameful prosecution under the Sedition Act in 1789. Why? For comments he made in a private letter. And the power of the U.S. Government, under that horrible act, came down on Matthew Lyon. He was locked up for daring to be so critical in a letter.

Vermonters showed what they thought of the Sedition Act and what they thought of trying to stifle free speech. While Matthew Lyon was in jail, Vermonters reelected him and sent him back to Congress. Along with our own lone Congressman, Congressman SANDERS, I am working on that commitment to having a post office named for Matthew Lyon in Vermont.

Vermont has stood up for the rights of free speech before and since. Vermont served the Nation during the dark days of McCarthyism. In one of the most remarkable and praise-worthy actions of any Senator from any

State, Vermont Senator Ralph Flanders stood up for democracy in opposition to the repressive tactics of Senator Joseph McCarthy. When so many others, both Republicans and Democrats, ran for cover, Senator Ralph Flanders of Vermont, a Republican, a conservative, a businessman, came to the Senate floor and said: Enough is enough. He asked for the censure of Senator McCarthy and allowed people once more in this country to speak freely.

Vermont has a great tradition we cherish. It is one I intend to uphold. I honor the Vermont tradition that includes Senator Flanders when I oppose cutting back the First Amendment and the Bill of Rights.

I know there is an impulse, a natural impulse, to restrict speech with which we disapprove. But America is strong because we do not fear freedom; we do not restrict freedom of speech. We should have confidence our institutions are stronger than a bunch of hooligans and that their ideas are better than those of cranks and crackpots.

We know the vast majority of the people in this great country are patriotic, especially thinking of September 11 the way the American people have demonstrated patriotism, as rarely in our history. I can never remember a time in our history when I have seen more people fly more flags, and proudly.

The crisis confronting America is not flag burning. Americans honor flags as a symbol of our country. Americans also know we face real challenges. The confidence of the American people and this Government and institutions is quite low. But even though confidence in the institutions of our Government may be low, Americans love their country. They respect the flag. It is the misuse of their Government for partisanship, the corruption of the Government and its processes, it is a lack of credibility and competence that they see in their Government that concerns Americans in the face of real threats and real problems.

Mark Twain said: Honor your country, question your Government. That is what is happening today.

I see respect for our flag in the actions and attitudes of the citizens of America. I see it in the dedication of Don Villemaire and his friends of Essex Junction, VT, who stood and proudly waved American flags every single night after the horrible tragedy of September 11, 2001, until the search for remains officially ended. That was a vigil every single night in Essex Junction, VT—longer than 8 months. That is showing respect.

I see in Montpelier, my birthplace, in their annual Independence Day parade, where flags are waved in support of our country and our soldiers. I see it in the memorial of American flags planted along the paths of funeral processions of Vermonters killed serving their country in Iraq and Afghanistan. Vermonters' respect for the flag is born from respect for this country and the values it protects. Our patriotism is felt, it is willful. It is not forced on us.

Instead of telling the American people, the people beyond the 100 who have the privilege of serving here, what they can and cannot do, maybe we should talk about what we 100 do and how we do it. We honor America when we in the Senate do our jobs, when and if we work on the matters that can improve the lives of ordinary Americans. Let the 100 Members of the Senate work to raise the minimum wage, lower gas prices, provide better health care and health insurance for more Americans. Let the 100 Senators act to fund the promise of stem cell research that could end the suffering of so many Americans.

The proposed amendment to the Constitution would do harm to the First Amendment protections that bind us all against oppression, especially the oppression of momentary majority thought. The amendment violates the precept laid down more than 200 years ago that ''he that would make his own liberty secure must guard even his enemy from oppression.''

It undercuts the principle that a free society is a society where it is safe to say and do the unpopular. Let us not give away our liberties in order to impose orthodoxy so others cannot offend.

Let me be clear, I am deeply offended when anyone defiles the American flag. I expect one thing that unites all 100 Senators is that every one of us is deeply offended when the flag is defiled. Two years ago, a flag incident occurred in Vermont outside St. Augustine's Church in Montpelier. Someone wrapped a statue of the Virgin Mary in the American flag and set it on fire. This is a church in which I have been baptized. When this act was first reported, I called it an act intended to outrage, an attack on the religious community, and a gross show of disrespect for the flag. We also know acts like these can and should be prosecuted under Vermont's law, as I suspect they should be under all of the laws of any of the 50 States. Laws prohibit such damage to property.

If someone seeks to do harm to the flag I proudly fly in my home when I am there, they, too, would be prosecuted under Vermont law. In fact, having been a prosecutor in Vermont, knowing what I know of Vermont juries, they would be convicted, but I can replace a flag of mine that was destroyed, and would. I can buy another flag. But if we act to diminish the Bill of Rights that protect our rights and freedoms of a quarter billion Americans and of generations to come, we cannot replace that. We cannot go to the store and buy a new Bill of Rights once it is diminished.

Ours is a powerful Constitution, all the more inspiring because of what it allows and because we protect each other's liberty. Let us be good stewards. Let us preserve and protect for our children and our children's children a Constitution with the freedoms we were bequeathed by the founding patriots and by the sacrifice of generation after generation of Americans.

I urge Senators to think about this vote. Do not diminish that pillar on which our democracy and our freedoms depend. Do not cut back on the First Amendment of our Bill of Rights for the first time in American history.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I will respond, but first I ask unanimous consent to allow the distinguished Senator from Alabama to speak, and then allow me to go next.

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

The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today to express my strong support for the antiflag desecration resolution that is before the Senate this afternoon.

Mr. President, 229 years ago this month, the Continental Congress adopted a resolution giving the United States a flag, the stars and stripes, the American flag that we know today. There is no greater symbol of our freedom and our liberty.

The stars and stripes epitomize the underpinnings of the United States, that which was envisioned and created by the Founders of this great Nation, solidified by the Framers of the Constitution, and represented at that first Continental Congress.

Old Glory was raised at Iwo Jima, was placed on the Moon, and drapes the coffin of every servicemember who has sacrificed his life for our Nation. Our flag is emblematic of liberty and democracy. It honors all those who have defended our Nation from enemies at home and abroad, and all those who carried it into battle and never returned.

Yet there are some throughout this country who have chosen to express their views and opinions by defacing and even burning the flag. They believe the flag is simply a piece of fabric upon which stars and stripes have been sewn. They refuse to respect and revere the flag as a true monument to the freedoms and ideals of our great Nation. These notions were bolstered by a 1989 Supreme Court decision that protected the desecration of the flag.

Throughout the history of our Nation, the flag has been protected by laws. In fact, before the Supreme Court decision in 1989, 48 States and the District of Columbia had laws regulating the physical misuse of the American flag. Even today, a majority of Americans continue to believe the flag should be protected, that the Court was basically wrong in their decision.

It is that strong support and my firm belief that we must protect the flag that has sent me here today to advocate for this resolution. While some

have argued we should simply accept court interpretations of first amendment issues as final, irreversible truths, I disagree. Our system of government is based upon checks and balances and allows for legislative reactions to judicial decisions.

While rarely invoked, amending the Constitution is a reasonable reaction to a controversial and clearly wrongheaded court decision. The American system of government provided for amendments, and there are some issues that deserve that attention. I believe protecting the flag is one.

In debating this issue, we must look beyond burning the flag and protecting one's freedom of expression. This issue must be considered in a broader context. We must remember that this issue is about respecting the single unifying symbol of this great democracy, the American flag.

Defacing the U.S. Capitol or the Washington Monument would never be considered legitimate acts of free speech. The flag should be entitled to the same considerations. The flag is a national treasure, a monument, even, and like other national treasures, it deserves to be protected and respected.

Our flag is a unique national symbol that represents common values, shared aspirations, and the sacrifices of millions of Americans. The argument is not about legitimate free speech, in my judgment, but, rather, the extent to which free people must tolerate offensive acts. While some will say that a constitutional amendment to ban flag burning unduly inhibits free speech, I respectfully disagree.

Let me be clear. It will not diminish the Bill of Rights, in my judgment, to allow Congress to define and enforce a law which protects the American flag much like other national treasures are protected. To desecrate the American flag, in my judgment, is to desecrate the memory of the hundreds of thousands of Americans who have sacrificed their lives to keep our flag flying. It is to destroy everything this country represents.

There are some things that just need to be treated with respect and reverence for no other reason than to honor all those who have served and died for this country.

When we look at our flag, I believe we should see more than a piece of fabric colored red, white, and blue. We should see our Nation and all that it symbolizes. Our Armed Forces put their lives on the line daily to defend what Old Glory represents. We have a duty and a responsibility to honor their sacrifices by giving the flag the constitutional protection it deserves.

At this time, before I yield the floor, I thank Senator HATCH for all of his work in this regard and also for yielding me time.

The PRESIDING OFFICER (Mr. BENNETT). Under the previous order, the Senator from Utah is recognized.

Mr. HATCH. Thank you, Mr. President.

Mr. President, this amendment is a bipartisan amendment. It is overwhelmingly bipartisan. We have always gotten over 60 votes. The House of Representatives passes it overwhelmingly and gets the requisite two-thirds vote every time. It has always been stopped here in the Senate.

Bringing it up at this time is certainly not an election-year ploy, as we have Democrats and Republicans who feel very deeply about this issue. It is bipartisan. The last time we brought it up was in the year 2000. If I had my way, we would have brought it up every one of those intervening years so the American people could really realize what is involved here.

So today we begin the debate on the flag protection amendment. This is an important debate. This is a constitutional amendment. It ought to be difficult to pass any constitutional amendment, and they truly make it difficult, requiring a two-thirds vote of both bodies. Assuming we get those votes and it passes both bodies, it has to be submitted to the States, and 38 States would have to ratify it, at least 38, in other words, three-quarters of the States.

I thank my colleagues on both sides of the aisle for supporting this effort. I especially thank my colleague, the chairman of the Judiciary Committee, Senator SPECTER, for working so hard to see this amendment through the committee. I thank my dear friend from Alabama who just spoke because, in his own cogent, very clear spoken way, he has made it very clear this is not some inconsequential, inconsiderate, partisan thing that is going on here. I also thank the majority leader, Senator FRIST, for bringing it to the floor.

Like I say, this is an important debate. A lot depends on this debate. In fact, I would say it is a critical debate. Should this amendment pass, we will restore—that is a very important word—the power of the people over their own Constitution. We will make it clear that in America it is the people, not the judges, who are sovereign.

This is a debate worth having. There has been a lot of misunderstanding about this amendment. I believe even the distinguished ranking member on the committee has misconstrued this amendment in his remarks here today. This is what the amendment says. It is simple. It has nothing to do with free speech. The amendment says:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

Let's read that again. It does not ban anything. It says:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

This body and the other body will have the power. The other body has already voted it out of that body by a two-thirds vote. Some say we are only one vote short of having 67 votes. Some want to make this a partisan debate. It is not. Some want to make it an election-year debate. It is not. This is a bipartisan debate over whether we are going to stand up and restore the Constitution to what it was before five unelected Justices on the U.S. Supreme Court—to four who totally disagreed with them—decided to change the Constitution. Those who argue that this is a change of the Bill of Rights have failed to recognize there are millions in this country—the vast majority—who differ with those five unelected Justices. And there were four with an opinion, written by arguably one of the most liberal Justices on the court, Justice Stevens, saying that desecrating the flag is not free speech but offensive conduct.

But even if you want to make that argument, it does not belong here in the context of this debate because what we are arguing is whether we can restore the Constitution to what it was before five unelected jurists, Justices, on the Supreme Court changed it.

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

I have heard Senators on this floor criticize the administration and other administrations on both sides of the aisle saying that they have usurped the powers of the Congress of the United States. Yet some of them who are voting against this amendment turn around and fail to stop the usurpation of powers by the Supreme Court of the United States in a 5 to 4 decision.

Well, don't miss the point here.

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

That is what this amendment says. It is a simple statement of the power of the people and of their Representatives in Congress. So all the high-flown talk about the Bill of Rights and this is going to be the first time the Bill of Rights will be overturned—come on, the Bill of Rights was overturned when five unelected jurists changed it and changed the Constitution. Now we will get it back to the people.

This amendment does not ban anything. It does not amend the first amendment. It does not prohibit speech. What it does is simple. It restores the power of the people's Representatives to protect the flag from acts of physical desecration. That is it. That is it. It is that simple.

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

In the United States, we have government by the people. The Declaration of Independence makes it clear that in this country—for that matter, in any just political community—the people are sovereign.

Sometimes we need to be reminded of this powerful truth. This is how Thomas Jefferson explained what he called ''the common sense of the matter.''

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain

unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men—

Now, get this last part:

deriving their just Powers from the Consent of the Governed.

It is the first principle of the American founding, and it is one that the American people still hold true today. Government exists because of the people, and it only exists with their consent, meaning our consent.

The Constitution affirmed this when it began with ''We the People.'' The people wrote the Constitution at the Convention. The people created the Congress and the courts. The people ratified the Constitution. They gave it life. And the people ratified the first amendment.

Yet, for too long, some unelected judges have mistakenly concluded that it is the courts that have exclusive dominion over the Constitution. This is a chance for us to say to the Supreme Court: We are not going to let you intermeddle in the affairs of the people themselves with regard to the flag of the United States.

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The Constitution began with ''We the People.'' The people wrote the Constitution at the Constitutional Convention. The people created the Congress and the courts. The people ratified the Constitution and gave it life. And the people ratified the first amendment.

Yet the courts seem to say they are the only ones who have authority over the Constitution. This was certainly the case in 1989, when a severely divided Court reversed 200 years of American jurisprudence and overturned the considered judgment of the American people in almost every State.

For generations, the American people provided protections for their beloved symbol, the flag.

On June 20, 1989, 48 States and the District of Columbia had statutes that protected the flag from physical desecration.

On June 21, 1989, all of those statutes suddenly became unconstitutional—all of the people's statutes, all of that work by all of these legislatures and the District of Columbia. All of them were ruled unconstitutional by five unelected Justices who were contested by four Justices on the Court.

Now, how did this come to pass? One vote on the Supreme Court switched, one vote. That is it. One vote and the will of the people in virtually every State in the Union was overturned—in nearly every State. One vote, one person—five people.

For many years, the Court well understood the obvious and compelling interest of political communities in protecting the American flag from desecration. In 1907, Justice Harlan wrote for the Supreme Court in Halter v. Nebraska. That decision reviewed a Nebraskan statute protecting the flag from physical misuse.

This was Justice Harlan's—one of the all-time greatest Justices on the Supreme Court—conclusion:

It is not remarkable that the American people, acting through the legislative branch of the Government, early in their history, prescribed a flag as symbolical of the existence and sovereignty of the Nation . . . [L]ove both of the common country and of the state will diminish in proportion as respect for the flag is weakened. Therefore, a state will be wanting in care for the well-being of its people if it ignores the fact that they regard the flag as a symbol of their country's power and prestige, and will be impatient if any disrespect is shown towards it.

In short, there was a clear interest in providing protection for the American flag, recognized by one of the greatest Justices in the history of the Supreme Court.

Now, following this holding in the Court, the National Conference of Commissioners on Uniform State Laws approved the Uniform Flag Act in 1917. Section 3 of that act provided that:

No person shall publicly mutilate, deface, defile, trample upon, or by any word or act cast contempt upon any such flag, standard, color, ensign, or shield.

Now, many States used this Federal statute as a model for their State statutes or to supplement existing statutes.

There is no doubt that desecrating a flag is meant to express something. But as the late Chief Justice Rehnquist understood, that expression is more akin to an ''inarticulate grunt'' than a serious public statement when they desecrate the flag. The States concurred when they did their own balancing of the interests of the political community in protecting the flag with the interest of the individual in expressing himself.

The Court agreed that not all expressive conduct could simply be labeled speech and given full first amendment protection. As the Supreme Court explained in United States v. O'Brien:

[W]e cannot accept the view that an apparently limitless variety of conduct can be labeled ''speech'' whenever the person engaging in the conduct intends to express an idea.

In instances where expressive conduct, not speech, is at issue, the Court must balance the interests of the community in prohibiting this conduct with the interests of the person who wishes to express himself or herself. With regard to flag burning, the Court's approach was measured. In Smith v. Goguen, the Court overturned a flag desecration conviction in Massachusetts, concluding that the statute which punished words and acts of desecration was void for vagrants. The Court added, however, that:

nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags.

This is the Supreme Court. The Court pointed to the Federal flag protection statute, one which prohibited only physical desecration rather than words, as an example of a constitutionally permissible statute. And so it was, until five unelected Jurists changed it—actually, until one vote changed it, one vote combined with the four who had always voted against the flag.

The Court and the people were in agreement. Not all expressive conduct can receive first amendment protection. The Government's interest in protecting the American flag from physical desecration was a real one. But be that as it may, we could argue right now about whether this is conduct or whether it is speech. The fact is, we are not talking about free speech. We are talking about restoring the Constitution to what it was before five unelected judges or Justices on the Supreme Court changed it. And it really came down to one changed vote on the Court because the Court had always upheld amendments that protected the flag from acts of physical desecration.

The flag is a unique symbol of our nationhood that demands protection. The American people do not share a common religion or common political beliefs. We do not share a common ethnic heritage. But there are a few public symbols we do share as people. The American flag is a unique representation of our remarkable union. Its 13 stripes represent our origins as a nation, and its 50 stars, separate but unified on a field of blue, represent what we have become. From a small outpost of the Colonies fighting for freedom, we have become a beacon of liberty to the whole world.

For years, interest in protecting this symbol was deemed strong and real enough to rebut serious constitutional challenges. What changed? Why do the American people no longer have the right to protect the flag from acts of physical desecration? Why can't the Congress do that? One vote switched and went with the other four, and all of these rights were gone. So to those who say this is a denigration of the first amendment, the first amendment was denigrated when five unelected Justices took the power away from the people.

Prior to 1989, 48 States protected the flag, and the other two basically stood for protecting the flag, and the District of Columbia. I am not making this up. On June 20, 1989, nearly every State had laws protecting the flag from physical desecration. All those States rights, all the people's rights, were wiped out when one person changed his vote on the Supreme Court. One day later, after June 20, 1989, all of these State laws were unconstitutional. All that changed is the Supreme Court determined that it would disregard the beliefs of the American people and their representatives in Congress and in the States.

When the Supreme Court had the opportunity to execute its balancing test in Texas v. Johnson, balancing the interests of the people and prohibiting certain conduct with the individual's

interest in expressing himself in a particular manner, the Justices put their finger on the scale. They rejected as insufficient the States' interests, all of these States and their interests, one supported by the people in protecting the flag. They did not do so through a unanimous opinion. The Justices were severely divided, issuing a 5-to-4 decision. The dissent of Justice John Paul Stevens, arguably one of the most liberal Justices in history, was compelling. He dissented from that five-person majority case. He spoke for the opinion that the Court had arbitrarily abandoned. Here is what Justice Stevens said:

> The Court . . . is quite wrong in blandly asserting that respondent ''was prosecuted for his expression of dissatisfaction with the policies of this country, expression situated at the core of our First Amendment values.'' Respondent was prosecuted because of the method he chose to express his dissatisfaction with those policies. Had he chosen to spray-paint—or perhaps convey with a motion picture projector—his message of dissatisfaction on the facade of the Lincoln Memorial, there would be no question about the power of the Government to prohibit his means of expression. The prohibition would be supported by the legitimate interest in preserving the quality of an important national asset. Though the asset at stake in this case is intangible, given its unique value, the same interest supports a prohibition on the desecration of the American flag.

That is Justice Stevens, who wrote the opinion for the Court and who many would arguably say may be the most liberal Justice on the Court. The American people agreed: the Court got this one wrong. They got it very wrong. So Congress acted immediately. We believed that Congress did have the power to protect the flag. For well over 100 years, the Court had upheld State and Federal protection measures.

On July 18, 1989, two separate measures were introduced in the Senate. Former Senators Robert Dole, Alan Dixon, Strom Thurmond, and Howell Heflin introduced S.J. Res. 180, which would restore the power to protect the flag to the States and affirm the existing power of Congress to do so. On the same day, Senators JOSEPH BIDEN, William Roth, and William Cohen introduced the Flag Protection Act.

While the amendment would have merely restored and confirmed the power of the people's representatives to protect the flag, as this resolution does, this statute which was filed by Senators BIDEN, Roth, and Cohen would have actually codified that legal protection.

Ultimately, the Senate acted on the bill authored by my colleague from Delaware, Senator BIDEN. As chairman of the Judiciary Committee, he was committed to resolving this issue. He held four hearings with 20 hours of testimony and 26 witnesses. I was there. After consulting with many experts, he was convinced that his bill would pass constitutional muster. It was a great bill, consistent with the desires of the American people. It provided extremely broad protection for our American flag. This is what became law. This is Senator BIDEN's language and others of us who supported it:

> [W]hoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground or tramples upon any flag of the United States shall be fined under this Title or imprisoned for not more than one year, or both.

This bill passed by an overwhelmingly bipartisan vote. There are not many things which go through the Senate on a vote of 91 to 9, but the determination to pass a constitutional statute to protect the flag from physical desecration was one of them. Going back and looking at that rollcall vote, we should be proud of our actions. Current Senators, including my colleagues on the Judiciary Committee, Senators BIDEN and HERB KOHL, supported the bill. So too did my colleague from Kentucky, Senator MCCONNELL, who has since been elected majority whip. A number of other Senators who are no longer here supported this as well, including former Democratic leader Tom Daschle. It was a good bill. But the Supreme Court had other ideas.

On June 11, 1990, the Supreme Court struck down this overwhelmingly congressionally approved statute in United States v. Eichman. Again, this Court was severely divided along familiar lines. So what now? What course of action is available to Congress? They have made it clear you can't do this by statute. They made it abundantly clear. The Court had given us its opinion. It said that statutory protection of the American flag was not content-neutral and therefore violated core constitutional rights to expressive conduct. An amendment really is the only way we can solve this problem. So Congress began to focus its attention on a constitutional amendment that would restore the power of the people to protect the flag from acts of physical desecration.

Those who supported this amendment believed that the Court got this one wrong, badly wrong, and it was up to the people to correct these decisions. A constitutional amendment is really the only way to do it. I am not the only one who has thought so. Some of the most compelling statements on behalf of an amendment have come from my colleague from North Dakota, Senator CONRAD. In the past, he argued forcefully for an amendment to fix this problem:

> Because I believe that the flag should have legal protection, I supported statutes last year and today to protect the American flag. But these attempts have failed. And now we are left with no other choice if we believe that the flag deserves protection.

Senator CONRAD went on to say:

> We should let the States decide this matter. If we fail to adopt an amendment today, we will deny the States the right to express their views on this matter.

That was a statement made in 1990.

> By approving the constitutional amendment before us, we will foster a healthy debate in this country about the Bill of Rights, the freedoms we enjoy, our constitutional guarantees, and how we can legally and legitimately protect the flag. It is for these reasons that I will support a constitutional amendment in this body and let the people decide this important matter.

I agree with that. That statement was made on June 26, 1990. He was right. This is the way to create a debate all over the country that would be a debate on virtue and values. I couldn't have said it better myself than the way Senator CONRAD said it in 1990. An amendment really is the only way.

In a recent letter on this subject, Stephen Presser, professor of legal history at Northwestern University School of Law, explained that an amendment was and remains our only option. He said:

> We were told by proponents of a statute to correct the Court's error in 1989 that they could draft one that would survive Constitutional challenge. I testified at a hearing before the Judiciary Committee at that time that it could not be done, and, sure enough, in 1990, the Supreme Court ruled in U.S. v. Eichman that the statute (which scholars such as Larry Tribe, for example, told us would be deemed constitutional) was unconstitutional. It is significant that Professor Tribe, along with his Harvard colleague Richard Parker have now clearly taken the position that no flag protection statute can pass Constitutional muster. They are correct: any statute would be deemed by the Court to be the government's unconstitutional favoring of one form of speech over another, and would thus be deemed to be unconstitutional content, discrimination with regard to speech.

A constitutional amendment is the only way. The alternative is to do nothing. Congress believed that it had the power to protect the flag; the Court disagreed.

I listen to many of my colleagues routinely complain that other branches are usurping the powers of Congress. I have heard that through my whole 30 years in the Congress. They are always complaining about the executive branch usurping the powers of Congress. The judicial branch is usurping the powers of Congress. Here we have a chance to restore those powers:

> The Congress shall have the power to prohibit the physical desecration of the flag of the United States.

What does that ban? It doesn't ban a thing. All it says is that we are going to restore the power the Congress had before five unelected Jurists said we didn't have the power.

When we passed the Flag Protection Act in 1989, we believed we had the power to pass that bill. The Court had different ideas. They overturned this overwhelmingly bipartisan legislation. We have an overwhelmingly bipartisan constitutional amendment here. It isn't partisan. It is bipartisan. We will have people come on the Senate floor and try to make this a partisan issue, which is all too frequent around here, and ignore the fact that a lot of colleagues on both sides of the floor, an overwhelming number, are in favor of this amendment.

If we want a statute to do this, we need to restore our constitutional authority to pass it—the alternative to

our constitutional amendment, a simple amendment, restoring the power to the Congress. That is all it does. If you listen to the media, they act like it is going to be a ban. It would not be a ban. If we can pass this amendment and have it ratified by 38 States, I have no doubt there will be a constitutional debate on the floor as to what language will protect our beloved flag. It would take at least 60 votes on the floor of the Senate to pass any language because of our filibuster rule, so it is going to take a supermajority no matter what. We are not about that right now. That has nothing to do with this amendment, except it would be inevitable. What has to do with it is restoring the power to the Congress which was taken by five unelected Justices on the Supreme Court. If we want this type of statute, it is important to restore our constitutional authority to pass it.

As I said, the alternative to this amendment is to do absolutely nothing and acquiesce in the usurpation of our institutional power by another branch of Government. By doing nothing, we accede, through our inaction, to a decision by five unelected Justices who took the power from an American people over an important cultural issue.

Abraham Lincoln addressed this issue before becoming President. What do you do when the Supreme Court gets it wrong? This is what Lincoln taught us:

> The candidate citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

Well, that is what Lincoln had to say. Are we going to just continue to allow five unelected Jurists to determine what the vast majority of the American people believe is right or are we going to continue to determine that they are taking away the power that the Congress has always had? We should restore that power? That is what this amendment does.

The answer in a democracy is that you let the people decide, especially on these sensitive, tough issues. I routinely hear some of my liberal colleagues who have recently re-minted themselves as progressives, complain that we don't listen to the people enough. They encourage direct democracy. They speak at blogging conventions. Let's see them put their money where their mouth is. There is nothing more discouraging to a democracy than a divided court abandoning its past precedent, overturning laws in 48 States, and overturning a duly passed Federal statute.

The reasonable reaction of many Americans might be: why bother? Why bother to write and e-mail and petition Congress? Why advocate on behalf of legislation? When it is all said and done, the Supreme Court will appear deus ex machina and declare those laws unconstitutional, even absent any real precedent, text, or tradition to support its decision.

Fortunately, that hasn't been the reaction among our Nation's civic groups. Everybody from the American Legion, to the Fraternal Order of Police, to the Knights of Columbus has urged Congress to support this amendment. They have been tireless in their efforts. They see this constitutional amendment for what it is. All this constitutional amendment does is restore power to the people's representatives in Congress. Read it again:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

All it does is restore it to where it was. It was the Court that changed the Constitution. It is not us changing it. We are trying to restore it to where it was and send a message to the Supreme Court that on these great social issues you have to let the elected representatives of the people make these decisions for the people, and you should quit playing around with issues for which you should not have responsibility but the people should.

This is not a perennial partisan issue. This has not just been brought up because we are in an election year. I would bring it up every year if we could. The last time it came up was in 2000. This is overwhelmingly bipartisan. Republicans and Democrats, liberals, moderates, and conservatives all support our efforts. In fact, it makes you wonder who would not support it in the Congress because all we are trying to do is give the power back to the Congress.

Quite the contrary. It is broadly supported on both sides of the aisle, and the groups supporting it are distinctly nonpartisan.

At the Judiciary Committee markup of this resolution a few weeks ago, Senator FEINSTEIN spoke eloquently on its behalf. She has been one of the amendment's strongest supporters. Last week, this is what she had to say in an editorial in USA Today:

> Throughout our Nation's history, the flag has been protected by law. In 1989, 48 of our 50 States had statutes restricting flag desecration. . . .But its protection ended in 1989, when the U.S. Supreme Court struck down a Texas law prohibiting flag desecration. Congress responded by passing the Flag Protection Act of 1989, but the Supreme Court struck down that law as well. The only way to restore protection to the flag is to amend the Constitution. Otherwise, any legislation passed by Congress would be struck down.
>
> The flag Protection Amendment would not prohibit flag burning. Rather, the amendment would simply return to Congress the ability to protect the flag as it has been protected throughout most of this Nation's history.

That is what she said. This is not a partisan issue. I am confident that all of this constitutional amendment's supporters would prefer to see it off the agenda. We want it passed and sent to the American people for ratification. We are getting very close. We have voted on this amendment in the Senate only twice before. The last time we voted on it was in 2000. Right now, we have 60 upfront cosponsors. Three of my colleagues who are not cosponsors voted for the amendment as Senators in 2000. Another three voted for it while members of the House of Representatives. These are people who are not among the 60.

In the case of Senator MENENDEZ, he is going to have the opportunity to vote for it twice in the same Congress—once as a Member of the House, where he did, and now as a Senator. That is pretty unique.

I have no doubt that if Members voted their consciences, we would be well above the required 67 votes. Unfortunately, radical special interest groups are strongly opposed to this amendment. It appears from some press accounts that they are prepared to bring down the hammer, unless some Members pull back their support with inspired and last-minute changes of heart.

I know many newspaper editorial boards oppose this amendment. They still think it is a banning amendment. They think we are banning flag desecration. No, we are not. Right now, this amendment says the Congress will have the power to prohibit the physical desecration of the flag of the United States. It doesn't ban anything. Many law professors—or some at least—oppose this amendment. The ACLU opposes this amendment. But the people support it. It is insulting to them to suggest that they want to amend the first amendment, as the talking points opposed to our effort put it. This proposal does not amend the first amendment; it restores the power of the people to the people.

Do over 60 colleagues oppose the first amendment? Bipartisan colleagues. Do the majority of Americans in every State oppose the first amendment? Do some of our Nation's finest civic organizations oppose the first amendment? Do four Justices on the Supreme Court of the United States oppose the first amendment? Of course not.

But they do think the Court got these decisions badly wrong. They think the people have the right to protect the flag, consistent with the first amendment. They think the opinion of five unelected Judges should not forever bind the American people.

We need to send this amendment to the States and let them determine whether they are going to ratify it. I guarantee you that it will create a debate on virtue, which has kept this country the greatest country in the world, and values, which our young people need to see more of. We will debate it in every State if we can pass this by 67 votes.

It is beyond time. I do not know what so many of my colleagues fear. They say this is not a major issue. Who is kidding whom? This is the American

flag. This is our national symbol. They say that flag burning is a rare occurrence. That is not that rare.

As this chart indicates—and I will put it up here—flag desecration is an ongoing offense against common decency. These are recent incidents of flag desecration: Montpelier, VT, June 19, 2004; Littleton, NH, September 9, 2004; Las Vegas, NV, September 11, 2004; Sarasota, FL, December 20, 2005; St. Clair Shores, MI, August 27, 2005; Beaumont, TX; Hurricane, UT, July 4, 2005, right on Independence Day; Maryville, TN, July 4, 2005; Murrieta, CA, July 2, 2005; Sarasota, FL, June 28, 2005. There are many more listed here; that is just mentioning some of these. We know there are a lot more than that, I am sure.

Look at this article that just happened a few days ago. A reward was offered Friday for information leading to the arrest of whoever burned seven American flags in the Marine Park section of Brooklyn this week. This is dated June 23, by the way, 2006, last week:

> The flags, including one that was hung by a couple after their son was killed in the September 11, 2001, terrorist attacks. They were burned in what police said was a case of criminal mischief. Residents of seven homes woke up Thursday morning to find their flags torched, police said. Investigators said they believe the flag burning occurred some time overnight. ''As we approach the celebration of our Nation's independence, this July 4, some vandal has defined our freedoms, rights, and liberties by setting fire to the American flag,'' said State Senator Martin Golden who offered a $1,000 reward. ''Flag burning is something we will not tolerate in our neighborhood''.

Regina Coyle said:

> I can't believe someone would actually invade our personal space. We lost so much. It is the flag.

Other residents said they found the vandalism equally upsetting.

All I can say is that you can go back in time and find hundreds, maybe even thousands of these incidents. We are not even talking about those we don't know about. For the American people, and for me, even one instance of flag burning is one too many. My brother died in the Second World War fighting for us. Another brother-in-law died in Vietnam. We buried our top sergeant marine brother-in-law in Arlington a year or so ago. I feel deeply about this.

The first amendment guarantees another right besides the freedom of speech. It gives the American people the right ''to petition the Government for a redress of grievances.'' I have to tell you, the American people are aggrieved, sick and tired of unelected judges taking the most important issues out of the hands of the people and their representatives and acting like junior legislators who will draft our social policies for us. This is bad for democracy, and it is inconsistent with the American Constitution. The American people have spoken in a historic event. All 50 States—every one of them—have petitioned the Congress to protect the American flag, every one of them. So if you hear some who are opposed to this constitutional amendment come on the Senate floor and say ''this is political, this is an election year,'' think about that.

All 50 States have petitioned us to do what this amendment will do: restore the Constitution to what it was before these five unelected Justices changed it.

As I said before, if we are to be responsive to our constituents, we only have one option: We must pass this amendment and send it to the States for ratification.

I understand some of my colleagues have some reservations about the amendment. Some are very sincere—not all but some are. I urge them to trust the people, to trust their instincts.

This amendment is not going away so long as I serve in the Senate. I will certainly fight for it. Should we pass this amendment, I think we would see perhaps the greatest public debate that we have witnessed in our lifetime. The debate over ratification in every State will be an ongoing history lesson for younger Americans. It will bring them in contact with our veterans to whom we owe our freedom, and it will introduce them to the civic organizations that are the soul and spirit of our democracy.

Yes, there are some very fine people and noted people who don't think we should do this, but if you look at their comments, they are not that they don't think we should restore to the Congress that which the Congress should have. They are actually treating this amendment as if it is an absolute ban of free speech when, in fact, it has nothing to do with that.

I have to admit, if we pass this amendment and it is ratified, I am sure there will be a debate over what form of language should we have to protect our beloved flag. What is important is to have our young people come in contact with the veterans and others to whom we owe our freedoms.

The Constitution begins with ''We the people,'' and in the end it is still we the people, it is the people's Constitution. We should send this constitutional amendment to the States. I want everybody to think about this. As we hear them talk about: Oh, we must protect our rights of free speech, and so forth, this doesn't have anything to do with free speech. Read the words. Indirectly, I guess you could say it does in the sense that undoubtedly there will be a debate if this is passed and ratified, but it would still take a supermajority of the Senate to pass any form of statute afterwards. There would be plenty of protections for those who would disagree with our position. But for those who argued against this amendment, many of whom are constantly arguing about the usurpation of congressional powers by the Executive, especially when the Executive is not of their own party, this is a chance to restore the power back to the Congress that should never have been taken by five unelected Jurists to begin with.

We should send this amendment to the States. We should let the people decide because, after all, that is all we would be doing. If we pass this constitutional amendment, we will be turning it over to the people themselves. Whatever people want to debate they can, and it would take an overwhelming 38 States, or three-quarters of the States, to ratify this amendment so that it would become the 28th amendment to the Constitution.

I can't think of a more complete declaration of the rights of the people than this particular very simple amendment that ''Congress shall have power to prohibit the physical desecration of the flag of the United States.''

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, pending before the Senate is S.J. Res. 12. It is a one-page resolution which is being suggested for passage by the Senate. It is a matter which we will likely debate the rest of this week. The reason we are going to spend this much time on it is because this one-page document represents a historic change in America. If this amendment were to be ratified, it would mark the first time in our nation's history that we would amend the Bill of Rights of the United States of America.

The handiwork of Thomas Jefferson and our Founding Fathers, which has guided our Nation for over 200 years, which has become a model for nations around the world in terms of liberty and freedom, is about to be changed if the sponsors of this amendment have their way.

It takes a great deal of audacity for anyone to step up and suggest to change the Constitution. It happens. There is an amendment process. But in this particular instance, I think what we are about to do is wrong.

Earlier this month, the Senate debated and voted on a constitutional amendment to ban same-sex marriage. This amendment was, of course, defeated. Now, as I said, we are debating this constitutional amendment to criminalize the desecration of the U.S. flag.

I am not quite sure that our Senate in which we serve still has its bearings. That we would so quickly consider amending this Constitution, which has served our Nation so well and for so many years, so frequently suggests to me that there may be something at work here that goes beyond constitutional law and constitutional study.

This marks the fifth time in 17 years that Congress has debated amending the U.S. Constitution to prohibit burning or desecration of the United States flag—the fifth time. In the final weeks of this Congress, with all of the other urgent challenges facing our Nation, why are we coming back to this amendment, having finished the same-sex marriage amendment unsuccessfully? Well, perhaps the argument has been made—and I think my colleague and friend from Utah, Senator HATCH, just made it—that there is a serious problem in America with flag-burning.

The Citizens Flag Alliance is a group that supports Senator HATCH's position on flag-burning, and they keep track of how many people in this Nation of about 300 million have actually engaged in this disgusting practice of burning our flag. So far, in the year 2006 in the United States of America, with almost 300 million people, the Citizens Flag Alliance has recorded two instances of flag burning—two—in the entire United States of America. There has been an average of only seven acts of flag desecration annually in America in the last 6 years. So to argue that we have this growing trend toward desecration and burning our flag defies the facts.

Here, the Citizens Flag Alliance gave us a State-by-State background where flags were burned or desecrated in the year 2004. So let's count. In this column of States: None. In this column of States: Two. And here in the State of Vermont: One. So three times in the year 2004, the Citizens Flag Alliance found three incidents where flags were desecrated—three times in the entire year.

In 2005, the same group reported a total of 12 instances—one a month in the United States of America—of people desecrating and burning flags. The source: The Citizens Flag Alliance that supports this.

So to suggest that the United States is somehow facing a rash of this disgusting conduct just isn't true. In fact, it rarely, if ever, happens.

So why would we change the handiwork and fine contribution to America of Thomas Jefferson and our Founding Fathers? I think there is more to the story than what we heard from one of the Senators who came before us a few moments ago. I wonder if there are things which we might be considering on the floor of the Senate of more importance to the people of this country.

Is changing the Constitution because 4 people desecrated American flags this year more important than finding a way to help 1 million Americans who lost their health insurance over the last 12 months? Is debating this amendment how Congress should be spending its time?

When we debated the constitutional amendment to ban gay marriage, I cited a Gallup poll from April. They went to 1,000 Americans and they asked them the following question: What do you think is the most important problem facing this country today—1,000 people across our Nation. Gay marriage—the subject of the constitutional amendment which was defeated and part of the Republican agenda 2 weeks ago—ranked 33rd on the list of important issues facing America in this recent poll.

But wait a minute. What about flag burning? When you ask 1,000 people across America the most important problem facing this country today, where did it show up on the list of American priorities? It didn't. Americans cited 42 different issues as pressing priorities for America, but banning flag-burning was nowhere to be found.

Last week a poll was taken by none other than Fox News. Even though they often fail in their self-proclaimed effort to be fair and balanced, they asked 900 registered voters around the country this question: Which one of the following issues do you think should be the top priority for Congress to work on this summer? This is Fox, my friends, Fox News. They asked 900 voters, and here are the choices they gave them: Iraq, immigration, gas prices, same-sex marriage, and flag-burning. What did our friends at Fox News discover? What percent of Democrats said flag-burning should be the top priority of Congress? Zero.

In the halls of Fox News, I am sure they said, of course you wouldn't expect the Democrats to be patriotic enough to understand that flag-burning is a top priority. No wonder none of the Democrats in our 900-person poll identified flag-burning as a top issue.

But wait. What percentage of Republicans said flag-burning should be the top priority of Congress? Zero. That was the single issue that united Democrats and Republicans. When they looked at the big issues that we could consider, Democrats and Republicans agreed this did not belong on the list.

But it is on the list of the Republican majority in this Senate, and we are going to spend a week on it. We are going to spend a week on it, instead of talking about energy policy in America and bringing down the cost of gasoline for families and businesses and farmers. We are going to spend a week debating this amendment, which the American people have not even identified as a serious priority or a serious problem, instead of dealing with health care in America. We are going to spend an entire week debating this, instead of addressing the issue of global warming, which is a threat not only to our generation, but generations to come.

This amendment is truly a solution in search of a problem. Why are we debating it again? We know the answer. We are here because the White House and the congressional Republican leadership are nervous about the upcoming elections. They want to exploit Americans' patriotism for their gain in November.

It is the same thing with the gay marriage amendment. It wasn't a priority for America; it is a priority for Karl Rove and the Republican strategists.

The real issue here isn't the protection of the flag, it is the protection of the Republican majority. We are not setting out to protect Old Glory; we are setting out to protect old politicians. That is what this is about.

Sadly, Republican leaders are forcing this debate so they can accuse some who disagree with them of being unpatriotic and un-American. You heard it last week, didn't you? Republicans came to the floor and accused Democrats who wanted to start the withdrawal of troops from Iraq of wanting to cut and run. Cut and run, cut and run, over and over again, from the Republican side—this chest-thumping, bring them on, we are loyal to the President at any cost, rhetoric coming forth every single day on the Republican side of the aisle. Then GEN Casey pulled the rug out from under them. And by the end of the week, he took the same position as the Democrats had with their amendment before the U.S. Senate.

So this week the Republicans are going to come back and say that those who won't vote for this flag-burning amendment are somehow unpatriotic and un-American. I think the American people are a lot smarter than that. I think they are going to see this for the political ploy that it is.

I don't say this very often, but when it comes to changing our Constitution to ban flag-burning, I agree with Supreme Court Justice Antonin Scalia. Justice Scalia, arguably the most conservative member of the Supreme Court, was part of the majority who voted to strike down the statute that was previously written to ban flag-burning in 1989. He said in speeches that it made him ''furious'' not to be able to put that defendant who burned that flag in that case—whom he described as a ''bearded, scruffy, sandal-wearing guy burning the American flag''—in jail. But in Justice Scalia's words:

> I was handcuffed. I couldn't help it. That is my understanding of the first amendment. I can't do the nasty things I'd like to do.

Like Justice Scalia and most Americans, I am deeply and personally offended by the desecration of our flag. I think burning the flag is a form of protest that is crude and contemptible. But being contemptible and stupid is not unconstitutional in America.

I think we should show a little humility around here when it comes to changing the Constitution. So many of my colleagues are anxious to take a roller to a Rembrandt. Since the adoption of the Bill of Rights, Members of Congress have proposed more than 11,000 amendments to our Constitution. We have passed only 17, and one of these was Prohibition, which we later learned was a political mistake and was repealed.

Why are amendments to the Constitution so rare? Because throughout our history, Congress has always understood that we should change our

Constitution only under the most extraordinary circumstances. We should amend it only when it is absolutely essential. It is a sacred document. It is part of what defines us as America. To reach in and change Thomas Jefferson's Bill of Rights on the floor of the U.S. Senate should be an historic moment and every Member should take pause before they do it.

The flag-burning amendment fails the test. As the Washington Post put it recently in an editorial:

Members of Congress who would protect the flag thus do it far greater damage than a few miscreants with matches.

That is not just my opinion; it is shared by a lot of people. Colin Powell, a man who has given his life to America, in military service at the highest levels, here is what he said about this flag-burning amendment:

I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment of State legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.

General Colin L. Powell.

Steve Chapman writes for the Chicago Tribune, and here is what he said:

If there is anything American conservatives should revere, it's the U.S. Constitution, a timeless work of political genius. Having provided the foundation for one of the freest societies and most durable democracies on Earth, it shouldn't be altered lightly or often.

Charles Fried is a leading conservative scholar who served as Solicitor General of the United States under President Reagan. Here is what he said:

The First Amendment to the United States Constitution has served us since 1791 through wars, including a civil war, and crises of every sort without the need for amendment. It is an icon of our freedom. To amend it now comes close to vandalism.

These are the words of Charles Fried:

Totalitarian countries fear dissenters sufficiently to suppress their protests. A free Nation relies on having the better argument.

Incidentally, if we were to pass this constitutional amendment, which Senator HATCH and others have brought to the floor, we would join ranks with only three other nations on Earth that ban flag-burning, and that roster of nations include the following: Cuba, China, and Iran. Oh, yes, and Iraq under Saddam Hussein.

If this amendment were to pass, it would be the first time since 1978—almost 30 years—that both Houses of Congress passed a constitutional amendment.

I recently read a book review in the New York Times. It was about another subject, but there was a quote in there that I think is so apropos. Francis Lieber was a 19th century political philosopher and author of America's modern laws of war. He cautioned against weakening our Constitution during times of war when inflamed passions can make rash solutions seem reasonable. Listen to what Francis Lieber said, and reflect on what we are doing:

It requires the power of the Almighty and a whole century to grow an oak tree; but only a pair of arms, an ax and an hour or two to cut it down.

The Bill of Rights has served this Nation since 1791, and with one swift blow of this ax, we are going to chop into the first amendment.

I can understand why veterans, in particular, are offended by the desecration of the flag. They went to battle and risked their lives under the red, white, and blue. The current leadership of the American Legion, whom I respect very much and work with on many veterans' issues, supports this amendment. I respect them for their service to America and our national security. But, with all due respect, there are many veterans who disagree.

Keith Kreul is an Army veteran and past national commander of the American Legion. Listen to what he wrote in an editorial for the Leader Newspapers in Lyndhurst, NJ when the Congress considered this amendment in 1998. Here is what he said.

Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and its Bill of Rights. American veterans who protected our banner in battle have not done so to protect a ''golden calf.'' Instead, they carried the banner forward with reverence for what it represents—our beliefs and freedom for all. Therein lies the beauty of our flag.

So says the former National Commander of the American Legion, Keith Kreul.

Robert Williams was a bomber pilot in World War II with the legendary 332nd Fighter Group, better known as the Tuskegee Airmen. Listen to what he wrote in the Baltimore Afro-American newspaper when this amendment came up a few years ago:

Our unit would never have existed had it not been for the long tradition of—and respect for—lawful protest in our country. . . .

This Tuskegee Airman wrote:

I cringe when I see Congress preparing to pass a constitutional amendment that would rewrite the First Amendment—for the first time ever—to ban a form of protest. It is particularly hard for me as an American war veteran [Mr. Williams said] to see this action taken in the name of patriotism.

For while we as a country view our flag as the very essence of patriotism, it is in reality a symbol of that spirit. And if the proposed flag desecration amendment wins final approval, our flag will become a symbol without substance.

Mr. Williams went on to say:

Don't get me wrong. No one endorses the idea of burning the flag or desecrating it in any way. It is to me a very repugnant concept. But I find more threatening the idea that we would change the Constitution every time some American came up with a new repugnant way to protest.

And then there is John Glenn. What can you say about John Glenn, a fighter pilot in two wars, one of our premier astronauts, a great United States Senator, a marine with such a great record of public service? He risked his life so many times for this country. He flew under that flag so many times. Here is what he wrote in testimony to the Senate Judiciary Committee in 2004:

Like most Americans I have very, very strong feelings about our flag. Like most Americans, I have a gut reaction in opposition to anyone who would dare to demean, deface, or desecrate the flag of the United States. But also, like most Americans, I am concerned about any effort to amend the Constitution and the Bill of Rights.

I have watched as those who expressed qualms or doubts or reservations about this amendment run the risk of being smeared, of being labeled as unpatriotic or as a friend of flag burners. . . . Many of us feel unconformable talking about issues that involve such private and personal emotions. We do not wear our emotions on our sleeves, especially when it comes to how we feel about the flag and about patriotism. We do not parade around those things that are sacred to us.

John Glenn said he was speaking out against the flag burning amendment because ''it would be a hollow victory indeed if we preserved the symbol of our freedoms by chipping away at fundamental freedoms themselves.

He went on to say:

The flag is the Nation's most powerful and emotional symbol. It is our most sacred symbol. And it is our most revered symbol. But it is a symbol. It symbolizes the freedoms that we have in this country, but it is not the freedoms themselves.

He is right. Our freedoms are dearer than their symbols. S.J. Res. 12 is overly vague and filled with potential loopholes. What do the words ''flag desecration'' mean? If someone took a flag and wrote on it, is that desecration? Here is an instance where the President of the United States, when he was walking through a ropeline, was handed an American flag and asked to sign it. I do not believe that is desecration of the flag. I don't think anyone would argue that question. But this amendment is not clear as to where you would draw a line. As gifted as my colleagues may be who have brought this amendment to the floor, I am afraid the language they brought is not going to stand the test of time. Will we prosecute people for wearing star-spangled bathing suits at the beach? How about a T-shirt that fashions the flag into a peace sign? Would we put people into jail for sitting on an American flag blanket at a Fourth of July picnic? Wiping their mouth with a flag napkin?

Instead of signing a name on a flag, what if someone wrote ''death to America''? Is that now desecration? The symbol of the American flag is used to sell everything from cars to cupcakes. Should those ads be illegal?

One of the most haunting images from Hurricane Katrina was the photo of a frail, elderly African-American woman waiting for help with a blanket that looked like an American flag wrapped on her shoulders. Is that desecration? I don't think so.

Would we outlaw only future acts? Could a person be arrested for possessing a flag quilt that has been in the family for generations? Don't the police in America have more important things to do? How many hours would future Congresses spend trying to define what this amendment says?

There is a better way. A number of us are coming together on a bipartisan basis to propose a criminal statute that makes it clear that when someone damages the U.S. flag with intent to incite or produce imminent violence, when someone burns a flag to intentionally threaten or intimidate a person, when someone steals a flag that belongs to the Federal Government and destroys it, when someone steals a flag and destroys it on Federal land—all of these are specific acts that we would criminalize. That does not rise to the level of a constitutional amendment, but it says that we believe, on a bipartisan basis, the flag should be treated differently. The flag does deserve special respect. This narrowly tailored solution corrects the mistakes of the statute Congress passed in 1989 and the Supreme Court struck down a year later. That statute was too broad. This new proposal is specific and clear.

One of the celebrity supporters of the flag amendment is Rick Monday. I bring him up because he was a Chicago Cubs outfielder, and I am honored to represent the State of Illinois where there are many Cubs fans. He played for the Cubs from 1972 to 1976 and was well known and well liked.

Everyone respects Rick Monday's act of courage 30 years ago at a baseball game at Dodgers Stadium when he ran after two people who were about to light an American flag on fire. He grabbed the flag away just as it was about to be burned.

But I agree with an editorial published last week in the Chicago Sun-Times, which said the following:

> Our appreciation of [Rick] Monday was not diminished by his appearance last week at a rally for the proposed flag desecration amendment—an event at which he exhibited the rescued flag, which was presented to him by the Dodgers. But however heartfelt this gesture was, it was wrongheaded in lending support to a manufactured cause with no real value except a political one, the equivalent of throwing red meat on the table.

Tommy Lasorda is a great baseball manager, and I follow baseball. The last time this amendment came up, Senator HATCH brought Tommy Lasorda in to testify. Tommy Lasorda recalled the incident; he was the manager of the Dodgers on the day it occurred, and Tommy Lasorda was emotional about these people trying to burn the flag and Rick Monday running to its rescue.

I asked Tommy Lasorda this question: Did they televise those two guys jumping out of the stands and burning the flag on the field?

He said, ''No.'' I said, ''Why not?''

''You televise that sort of thing,'' Tommy Lasorda said, ''and it encourages it.''

So what would be the effect of calling for a constitutional amendment on the floor of the Senate to ban an act that occurs so rarely in the United States? My fear is that it would only encourage people to consider that sort of thing. We would put a spotlight on it instead of saying it is only happening two or three times a year, it certainly is not a national epidemic deserving of a constitutional amendment.

This flag amendment is all about the next election so that people who vote against it can be labeled as unpatriotic and un-American. There are better ways to show our commitment to our Constitution and our flag and our veterans. How about health care for our veterans? How about making sure we keep our promises to those who return from battle, that we keep our promises to them that they be given medical care and housing and the education they were promised? I wish the people pushing this flag desecration amendment so hard would spend their energy on issues far more tangible to our Nation's veterans, such as health care.

Earlier this year, the President submitted his budget. He proposed to shortchange our veterans when it comes to their health. The President's budget would force more than 50,000 Illinois veterans, many of whom are low income, to pay more for their health care. Their monthly prescription drug costs would double.

The American Legion, one of the most zealous advocates for the flag burning amendment, recently issued an action alert letter and said they are very concerned about the underfunding of the VA. I salute the American Legion. I hope they will channel more energy into helping our veterans than into changing our Bill of Rights.

The commander in chief of the Veterans of Foreign Wars, Jim Mueller, said this about President Bush's fiscal year 2007 budget:

> The proposal to increase military retiree healthcare premiums is absolutely unacceptable. . . .I urge Congress to ensure that those serving in uniform and those who served faithfully for many years are not forgotten in the budget process.

Hats off to the VFW and the American Legion for speaking out for veterans. Channel that energy into making sure that veterans get a fair shake instead of watching a week go by on the floor of the Senate where we debate this unnecessary constitutional amendment.

Giving the veterans a flag amendment is not substitute for health care.

Flag burning does disturb some veterans. Another way of showing respect for our veterans is to protect the sanctity of their funerals. I am going to be offering an amendment tomorrow to do just that.

By now, many Americans have heard of the disgraceful and hateful actions of one man named Fred Phelps. Mr. Phelps calls himself a minister, a religious minister. But his gospel seems to begin and end with hatred and intolerance. About 15 years ago, this Mr. Phelps and a small band of his followers began picketing funerals of people who have died of HIV/AIDS. They have reportedly picketed 22,000 funerals.

When their vile acts of hatred and bigotry stop generating the publicity they seek, they looked for new targets. They began to stage protests at the funerals of our brave young men and women who have given their lives fighting for America in Iraq and Afghanistan. In the past year, these so-called Christians, these hate-mongers, who would use the Bible as their shield, have protested at more than 100 military funerals.

They claim the deaths of American Armed Forces, if you can believe this—they claim the deaths of American soldiers are God's punishment for Americans' tolerance of gays and lesbians. That is an affront to civilized behavior. There may well be a special place in the afterlife for people like Mr. Phelps, but there is no place for his brand of hatred at veterans' funerals in this life.

Last month, Congress passed and the President signed into law the Respect for America's Fallen Heroes Act, which prohibits their demonstrations at or around our national cemeteries. Tomorrow, I am going to offer an amendment to this measure—a statutory amendment not a constitutional amendment—to expand that previous law so it applies to the funerals of all veterans, whether they are buried in a national cemetery, a church cemetery, or anywhere else.

My amendment will also prohibit protests at funeral homes, houses of worship, and other locations where deceased veterans are honored and buried. We can honor our veterans and protect their loved ones from this intrusion on their grief without weakening our Constitution and the freedoms for which veterans fought.

I hope my colleagues join me. I will offer my proposal as an amendment to the Bennett/Clinton amendment to this underlying bill so we can, in one amendment, criminalize the burning and defacing of the flag and also protect military funerals from Mr. Phelps and others like him who would bring great disrespect at the funerals of our soldiers who deserve the highest respect.

I have been very careful in writing this amendment to make sure it follows the previous law, so there will be no successful constitutional challenges in that regard.

I am also considering an amendment which I think is long overdue. It would ban the consideration of constitutional amendments in election years. We have seen too darned much politicking with the Constitution in this Chamber this month.

James Madison wrote in Federalist 49 in 1788 that the U.S. Constitution should be amended only on ''great and extraordinary occasions.'' It appears now that biennial elections are great

and extraordinary occasions in the minds of the Republican leadership of the Senate. Madison warned of the ''danger of disturbing the public tranquility by interesting too strongly the public passions'' through frequent constitutional amendments. Over 11,000 proposed constitutional amendments have been introduced in Congress, including 66 during the current 109th Congress.

Over the past three decades, the number of proposed constitutional amendments considered on the Senate floor has increased dramatically. When in doubt here, amend the Constitution: from two amendments between 1973 and 1983, to five amendments between 1983 and 1993, nine amendments between 1993 and 2003, to four already in this 3-year cycle since 2003.

There appears to be a trend toward considering constitutional amendments on the Senate floor during even-numbered years which, coincidentally, happen to be election years.

Constitutional amendments should be considered by Congress without politicization. We should consider these for the serious suggestions that they are, instead of electioneering, and that is what has happened too often on the floor of the Senate.

Americans' reverence for the flag does not have to be coerced or policed. It is something we feel in our bones. When it comes to the Bill of Rights, I trust Thomas Jefferson a lot more than Karl Rove. I believe the words of Thomas Jefferson have endured. I believe the political tactics of Mr. Rove and the Republican Party will not endure when it comes to using the Constitution for political purposes.

Remember what happened after September 11? Remember all the American flags that suddenly appeared? Stores sold out of flags. In a time of national trauma and grief, these flags were our comfort and our strength. They were a visible symbol of our unity and our faith that America would endure. Our Nation had suffered a terrible loss, but the American flag waved proudly.

Sadly, in the 5 years since then, with our Nation at war, there are those who seek to pit us one against the other for political reasons. Now they want to use our flag as a wedge issue in this election.

This political effort to ''brand'' the flag as belonging to one party causes some to feel sad and disillusioned. Bill Moyers, the journalist, thinker, and former Presidential adviser, was among many who felt troubled by the effort to redefine respect for the flag as a partisan issue.

Last year, Bill Moyers made a speech about freedom in America in which he talked about the flag. He offered some profound words of wisdom that are worth reflecting upon today. He said the following:

> I wore my flag tonight. First time. Until now I haven't thought it necessary to display a little metallic icon of patriotism for everyone to see. It was enough to vote, pay my taxes, perform my civic duties, speak my mind, and do my best to raise our kids to be good Americans.
>
> Sometimes I would offer a small prayer of gratitude that I had been born in a country whose institutions sustained me, whose armed forces protected me, and whose ideals inspired me; I offered my heart's affections in return. It no more occurred to me to flaunt the flag on my chest than it did to pin my mother's picture on my lapel to prove her son's love. Mother knew where I stood; so does my country. I even tuck a valentine in my tax returns on April 15.
>
> So what's this doing here? Well, I put it on to take it back. The flag's been hijacked and turned into a logo—the trademark of a monopoly on patriotism. On those Sunday morning talk shows, official chests appear adorned with the flag as if it is the good housekeeping seal of approval. During the State of the Union, did you notice Bush and Cheney wearing the flag? How come? No administration's patriotism is ever in doubt, only its policies. And the flag bestows no immunity from error. When I see flags sprouting on official lapels, I think of the time in China when I saw Mao's little red book on every official's desk, omnipresent and unread.

I think Bill Moyers had it right. The flag amendment should not be used as a proxy for patriotism.

I respect our flag as the symbol of the freedom granted to us by the Bill of Rights, and it is painful for me to see it burned or otherwise defiled. I strongly believe that flag burning is an insensitive and shameful act, but I believe that it would be destructive to amend the Bill of Rights for the first time in our nation's history and restrict the precious freedoms ensured by the first amendment, simply to address an act which occurs in America only a few times a year.

The real test of our belief in the Bill of Rights—the real test of our patriotism—is when we rise in defense of the rights of those whose views we disagree with or even despise. The right to free speech is a bedrock of our democracy. Amending our Constitution's Bill of Rights would be a strike against the very freedoms for which the flag stands and for which so many Americans have given their lives.

Mr. GRASSLEY. Mr. President, I rise today in support of S.J. Res. 12, the proposal to amend our Constitution to return to Congress the authority to legislate on the issue of flag desecration. Like my colleagues, I do not take lightly the concept of amending our Constitution, but in this area, a runaway judiciary has left us no choice.

No other emblem is as synonymous or representative of our Nation as the American flag. No other image depicts as readily the freedoms and ideals our men and women in uniform have battled for. Americans proudly fly our flag to demonstrate their love for our country and for their neighbors. Schoolchildren have been pledging allegiance to it every morning for decades. The American flag has been flown in times of battle, of victory, and of national tragedy. It is the most recognized symbol of freedom and democracy in the world.

Our flag should be protected from those who would desecrate it and demonstrate a basic lack of respect for our national heritage. At the very least, decisions about whether and how to protect our flag should be made by the legislative branch, not the unelected judiciary.

The proposal before us today would not immediately ban flag desecration, as its opponents would lead you to believe. Rather, it would return the power to legislate on the issue to Congress and the States, where it belongs. This constitutional amendment will restore the legislative authority to protect our flag to the legislative branch.

I will be voting in favor of this amendment, and I urge my colleagues to join me in doing the same.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The assistant majority leader.

MORNING BUSINESS

Mr. MCCONNELL. 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.

JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN. Mr. President, during the week of June 19 through June 25, nationwide we celebrate in observance of Juneteenth Independence Day. Although passage of the 13th amendment in January 1865, legally abolished slavery, many African-Americans remained in servitude due to the slow dissemination of this news across the country. It was not until June 19, 1865, that Union troops reached Galveston, TX, and emancipated the last of the slaves. Since that time, over 130 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our Nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

It is appropriate and necessary that we, as a nation, recognize Juneteenth and use this day to reflect upon how far we have come and how far we still have to go. While it was on this historic day in 1865 that slaves were finally freed of the onerous yoke of slavery, the same cannot be said about the burden of pervasive racial oppression and second-class citizenship, which would not be eradicated in earnest until 100 years later through the civil rights movement of the 1960s. Although we have made tremendous progress in eliminating discrimination and creating equal opportunities over the years, the American dream continues to elude the grasp of many Americans.

I would like to reflect on the courageous and revolutionary leaders who

pioneered the Civil Rights Movement and bridged the gap between emancipation in 1865 and equality in the 1960s. It seems only appropriate to begin with the person who first proposed to commemorate the achievements of former slaves and their descendants: Dr. Carter G. Woodson. A son of former slaves and a man who rose from the coal mines of West Virginia to the summit of academic achievement, Dr. Woodson's story is considered one of the most inspiring and instructive stories in African-American history.

Writer, editor, and lecturer Lerone Bennett tells us his story: ''At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received a bachelor's and master's degrees, and to Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.''

In 1926, Dr. Woodson founded African-American history month: a time to recognize the enormous contributions of a people of great strength, dignity, faith, and conviction, who strived for the betterment of a nation once lacking in humanity toward them.

So it is in the spirit and vision of Dr. Woodson that I pay tribute to three courageous and inspiring African-Americans who played significant roles in addressing American injustice and inequality.

The contributions of Sojourner Truth and Mrs. Rosa Parks, two women from my State, and the venerable Dr. Martin Luther King, Jr., are indelibly etched in the chronicles of the history of this great Nation, and they are also widely viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement and a groundbreaking speaker on behalf of equality for women. Michigan honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, MI, on September 25, 1999.

Truth lived in Washington, DC, for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875 and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999, legislation was enacted authorizing the President of the United States to award the Congressional Gold Medal to the late Mrs. Rosa Parks. I was pleased to coauthor this fitting tribute to Mrs. Parks, the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Fifty-one years ago, in Montgomery, AL, the modern civil rights movement began when Mrs. Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. The boycott that Mrs. Parks initiated was the beginning of an American revolution that elevated the status of African-Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

Perhaps more than any other single person, it was Dr. King—with his visionary leadership and inspiring rhetorical skills—who can be considered the driving force behind the 1960s civil rights movement.

Mr. President, we have come a long way toward achieving justice and equality for all. We still however have work to do. In the names of Rosa Parks, Sojourner Truth, Carter G. Woodson, Martin Luther King, Jr., and many others, let us rededicate ourselves to continuing the struggle for human rights.

I am happy to join with my colleague, Senator BARACK OBAMA, in commemorating Juneteenth Independence Day with the submission of S. Con. Res. 42. This resolution recognizes the end of slavery and reminds us to never forget even the worst aspects of our Nation's history.

NOMINATION OF JEROME HOLMES

Mr. INHOFE. Mr. President, I ask unanimous consent that four letters written in support of the nomination of Jerome Holmes to the Tenth Circuit be printed in the RECORD.

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

STATE CAPITOL BUILDING,
Oklahoma City, OK, June 19, 2006.

Re recommendation of Jerome A. Holmes, U.S. Court of Appeals for the Tenth Circuit.

Hon. ARLEN SPECTER,
U.S. Senator,
Washington, DC.

DEAR SENATOR SPECTER: As Governor of the State of Oklahoma, and as a former Chair of the State Senate Judiciary Committee, I have had a lot of experience in the selection of judges. In our modified Missouri system of appointment of judges, the Governor plays a key role when judicial vacancies occur. Not only does the Governor appoint members to the Judicial Nominating Commission, but he or she also is forwarded the final three names of judicial applicants for gubernatorial selection. I take this responsibility very seriously, and I have personally intervewed every single candidate forwarded to me.

I have come to know and respect Mr. Jerome Holmes, a nominee for the Tenth Circuit vacancy created by the retirement of my friend, Judge Stephanie Seymour. Jerome is a highly qualified candidate, a superb lawyer with a reputation for fairness, ethics and integrity. Indeed, I recently appointed his former supervisor, Judge Arlene Johnson, to our court of last resort on criminal matters, the Oklahoma Court of Criminal Appeals. When Arlene was Chief of the Criminal Division of the U.S. Attorney's office in the Western District of Oklahoma, Jerome was her chief deputy. Their division was considered a model division of the U.S. Attorney's office. Jerome handled this difficult task with competence and honor, and he was part of the prosecution team that brought charges against the perpetrators of the Oklahoma City federal building bombing.

I have also come to know Jerome on a personal basis through the Oklahoma Symposium, a sort of ''think tank'' gathering of top Oklahomans that meets formally once a year, and informally in small groups from time to time. It is an honor to be invited to join the Symposium, and Jerome was among the first to be invited for membership.

Jerome is uniquely qualified for this position. He served as a law clerk for Federal District Judge Wayne Alley and then for the then-Chief Judge of the Tenth Circuit Court of Appeals, the honorable Judge William Holloway. Jerome then practiced for several years in civil litigation before devoting himself for eleven years to the U.S. Attorney's Office in Oklahoma City. For several months, he has been practicing at Crowe & Dunlevy, one of the largest and most respected law firms in Oklahoma. In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes.

I hope you will see fit to appoint this remarkably talented young man to this important position. I know of the Tenth Circuit, as well, because my cousin, Judge Robert Henry, will become the Chief Judge of that Circuit in 2008. I know he shares my high regard for Jerome, as he has told me of Jerome's excellent professional appearances before that court.

I continue, Senator, to appreciate the very important work that you do. Please do not hesitate to contact me if I can be of service, or, of course, if you should come to Oklahoma.

Sincerely,

BRAD HENRY,
Governor.

RYAN, WHALEY & COLDIRON,
Oklahoma City, OK, June 21, 2006.

Re nomination of Jerome A. Holmes to the Tenth Circuit.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN SPECTER AND SENATOR LEAHY: I am writing in support of the nomination of Jerome A. Holmes for the United States Court of Appeals for the Tenth Circuit.

I am a lifelong Democrat. For six years I was fortunate to work on the United States Senate staff of Senator David Boren and the Senate Agriculture Committee. During this time I met Senator Leahy and personally witnessed his leadership as a committee chairman. I was the Democratic nominee for

an Oklahoma congressional race in 1994. I later became a federal prosecutor and eventually served as the United States Attorney for the Western District of Oklahoma, first through appointment by Attorney General Janet Reno and then through nomination by President Clinton.

I have known Jerome Holmes for over ten years through our work together in the United States Attorney's Office and now in private practice. I believe his intellect, experience and character make him an excellent choice for a position on the appellate court. I saw these qualities firsthand as Jerome carried out his many responsibilities as a prosecutor. One of the most important duties he performed was that of the office's legal ethics and professional responsibility counselor. Jerome acted ably in this capacity during a time of heightened scrutiny for federal prosecutors following the passage of the Hyde Act and the McDade Amendment. Since both of you are former prosecutors, I trust that you can appreciate the degree of confidence in Jerome's abilities and integrity that were required in order to be given such an assignment by me and other United States Attorneys.

Jerome's nomination has apparently triggered concern from groups that have focused on his writings on affirmative action. In this regard. I can offer three observations. First, I have known Jerome to be open-minded and respectful of different views. More importantly. I know Jerome to be respectful of the role of the courts, as opposed to the role of the advocates, and I believe this understanding to be partly the result of his three years of service as a law clerk for federal appellate and district judges. Finally. as noted above. I know Jerome to be a person of unwavering integrity. Therefore, when Jerome states under oath that he will put his personal views aside and follow the law. I believe he will do just that.

I hope these observations are helpful as you consider Jerome's nomination. which I hope you will act upon favorably. I respectfully request that this letter be made part of the committee record regarding his nomination. If I can be further assistance or if you or your staff have any questions, please do not hesitate to contact me.

Sincerely,

DANIEL G. WEBBER. Jr.

OKLAHOMA CITY, OK,
June 21, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATORS SPECTER AND LEAHY: I am writing in reference to the nomination of the Honorable Mr. Jerome A. Holmes, Esq.'s judicial appointment. I appreciate the concern that has been expressed about his nomination based upon his writings and positions on affirmative action. In all honesty I stand in a position that is contrary to the interpreted and most likely actual personal stance of Mr. Holmes, yet my relationship with him moved me to write and to express my support for him.

I have known Mr. Holmes for many years and believe that he does have a high regard for the views of those who maybe different from his own. That in and of itself is enough for me to believe that he would ''hear'' fairly. In addition, Mr. Holmes has displayed a level of integrity in all his dealings that I have been aware and has shown in our personal conversation willingness to listen and respect differing views. I trust Mr. Holmes and so in light of our differences I support his nomination.

I do realize the responsibility that is upon me as a Pastor, Community Leader and a concerned citizen. This is no light matter for me, indeed it is with much prayer and struggle that I searched out the right words to convey the right tone to reinforce my message. As a member of the NAACP, Urban League and many other organizations that fight for the rights of minorities, I am moved to ask your continued approval of this nomination.

Sincerely,

GEORGE E. YOUNG. Sr.,
Pastor, Holy Temple Baptist Church.

OKLAHOMA COUNTY DISTRICT ONE,
Oklahoma City, OK.

Re nomination of Jerome Holmes, 10th Circuit Court of Appeals.

Hon. ARLEN SPECTER, *Chairman,*
Hon. PATRICK LEAHY, *Ranking Member,*
U.S. Senate, Judiciary Committee,
Washington, DC.

DEAR DISTINGUISHED SENATORS: It is truly an honor to offer this Letter of Recommendation for your consideration on behalf of Jerome Holmes, a nominee for the 10th Circuit Court of Appeals.

I have known Jerome Holmes for several years, both professionally and personally, as I am also a member of the Oklahoma Bar Association. I know him to be a person of Integrity and Character and I have always appreciated Mr. Holmes' fairness in our dealings. What's more, I have witnessed Mr. Holmes' efforts in our local community to improve the lives of those around us; all people regardless of where they live, what they look like or how much money they have. He has an altruistic spirit that makes him a standout in this world.

I serve Oklahoma County as one of three elected County Commissioners, am a proud Democrat and consider Jerome Holmes to be a principled leader who demonstrates mutual respect for all people. In particular, he is respectful of views that differ from his own and he enjoys tremendous bipartisan support and respect.

If I can provide any further information or perspective, please do not hesitate to contact me at your convenience.

Respectfully yours,

JIM ROTH,
County Commissioner.

SAFE AND TIMELY PLACEMENT OF CHILDREN ACT

• Mr. ROCKEFELLER. Mr. President, I am delighted that the Safe and Timely Placement of Children Act was passed during the wrap-up session on Friday, June 23, 2006. I have worked with Senators DEWINE and DOMENICI on this issue for several years to help foster children to be placed with adoptive parents or family across State lines.

Currently it can take twice or three times as long for a child to be placed in a home, if that home happens to be in another State. This is sad, and it needs to be fixed.

The House bill, identical to our Senate legislation, will help fix this process and help these children. It provides a mix of incentives and timeframes for States to achieve the safe and timely placement of children between States.

This legislation was part of the WE CARE Kids Act, and it should help to deliver on the promises made in the Adoption and Safe Families Act of 1997 which stated that geographic barriers should not delay or deny adoptions. When a child leaves foster care and goes out of State, half of the time the child is being adopted and gaining a permanent home. In about 20 percent of the cases, a child is being placed with a relative. These are good, permanent options for children, and it should not take twice as long to achieve such a placement.

In my view, this complements and builds upon actions by many States to update the 1960 Interstate Compact for the Placement of Children. The purpose of this legislation is to add specific timeframes and to provide Federal incentives to achieve the goal set in 1997 of reducing and eliminating geographic barriers.

As technology has vastly improved and more families seek to open their hearts and homes to children in foster care, we need improved regulations and policies to serve such families. This legislation is part of the DeWine-Rockefeller bill, called the We Care Kids Act. Thanks to the leadership of Chairman GRASSLEY, the major provisions of We Care Kids Act were included in the reconciliation package to invest in court training and data to help judges have insight and the information needed to care for the vulnerable children in foster care. But action could not be taken to improve interstate case planning within the reconciliation bill. In 2004, similar legislation passed the House of Representatives, and now it will finally become law.•

ADDITIONAL STATEMENTS

IN RECOGNITION OF LIEUTENANT COLONEL ROBERT J. RUCH

• Mr. CARPER. Mr. President, today I wish to honor LTC Robert J. Ruch, District Commander, Philadelphia District, U.S. Army Corps of Engineers on the occasion of his Change of Command Ceremony which will take place on Friday, July 10, 2006. At that time, Lieutenant Colonel Ruch will pass command of the Philadelphia District to LTC Gwen E. Baker after providing the State of Delaware and the region with 2 years of honorable and meritorious service in carrying out his duties.

As the 53rd Philadelphia District Engineer, LTC Robert J. Ruch has commanded a 500-person engineering organization since 2004 that provides national, economic, and environmental security in the heart of the Northeast Corridor. His responsibilities have included dredging waterways for navigation, protecting communities from flooding and coastal storms, responding to natural and declared disasters, regulating construction in the Nation's waters and wetlands, remediation of environmental hazards, restoring ecosystems, building facilities for the Army and Air Force, and providing engineering, contracting and project management services for other government agencies upon request.

Established in 1866, the U.S. Army Corps of Engineers' Philadelphia District encompasses the 13,000-square-mile Delaware River Basin and the Atlantic coast from New Jersey's Manasquan Inlet to the Delaware-Maryland line. Within its boundaries are more than 8 million people in eastern Pennsylvania, western and southern New Jersey, most of Delaware, New York's Catskills region and part of northeastern Maryland. It also includes two State capitals—Trenton, NJ, and Dover, DE—and the Delaware River ports complex from Philadelphia and Camden, NJ, to Wilmington, DE.

Just in the First State alone, Lieutenant Colonel Ruch's accomplishments during his 2-year tour of duty have been impressive. They include completion of major storm damage reduction projects at Rehoboth Beach, Dewey Beach and Fenwick Island, considerable progress on a new $70 million air freight terminal complex at Dover Air Force Base, partnership in a promising program to restore oyster populations in the Delaware Bay, commencement of a long-awaited project to reduce flood damages in the town of Elsmere, development of a trail concept plan to provide recreational opportunities along the Chesapeake and Delaware Canal, and even removal of an old abandoned shipwreck from the historic Christina River—not to mention a host of other successful projects in New Jersey, New York and Pennsylvania, or the fact that all this was carried out while many of his Philadelphia district employees were deployed to Afghanistan and Iraq or helping out down south after the Nation's worst-ever hurricane season.

Commissioned as a second lieutenant in the Corps of Engineers in 1986, Lieutenant Colonel Ruch began his military career with the 7th Engineer Battalion, 5th Infantry Division, Mechanized, at Fort Polk, LA, as a platoon leader and company executive officer. Follow-on assignments included liaison officer and company commander with the 2nd Engineer Battalion, 2nd Infantry Division at Camp Castle, Republic of Korea, and the Live Fire Engineer Trainer for the National Training Center at Fort Irwin, CA. He then worked as an operations officer in the Pittsburgh District, U.S. Army Corps of Engineers, before moving on to Fort Riley, KS, as S3 of the 1st Engineer Battalion, and then of the 937th Engineer Group, Combat. And just before coming to Philadelphia, Lieutenant Colonel Ruch served with Supreme Headquarters Allied Powers Europe, Belgium, as the senior staff officer for NATO Infrastructure in Crisis Response Operations dealing with operations in Afghanistan and in the Balkans.

Lieutenant Colonel Ruch holds a bachelor of science in geo-environmental science from Shippensburg University and a master's in engineering management from St. Martin's College. He is a graduate of the Engineer Officer Basic and Advanced Courses and of the U.S. Army Command and General Staff College. His military decorations include the Defense Meritorious Service Medal, the Army Meritorious Service Medal, four oak leaf clusters, the Army Commendation Medal, three oak leaf clusters, the Army Achievement Medal and the Army Superior Unit Award.

After turning over the command of the Philadelphia District to LTC Gwen Baker on July 7, 2006, Lieutenant Colonel Ruch will move on to Fort Hood, TX, as division engineer of the Army's 1st Cavalry Division.

I rise today to congratulate Lieutenant Colonel Ruch for a distinguished career and to offer my special thanks for his enthusiasm, competence and effectiveness in serving the State of Delaware and the Greater Philadelphia Region.

We will miss him in the Delaware Valley and on the Delmarva Peninsula. We wish him and his family all the best in the years to come, including, as we say in the Navy, ''Fair winds and a following sea.''●

TRIBUTE TO PALDEN GYATSO

● Mr. DAYTON. Mr. President today, in honor of the International Day in Support of Victims of Torture, one of my Minnesota constituents, Michael Pittman, has asked that I recognize Tibetan monk Palden Gyatso.

Palden Gyatso was born in a Tibetan village in 1922 and became a Buddhist monk by age 10. In 1959, during the Chinese invasion and occupation of Tibet, Mr. Gyatso was jailed for protesting along with thousands of religious Tibetans. Mr. Gyatso spent more than 30 years of his life in prisons and labor camps, where he was a victim to religious and class oppression. He was tortured by various methods, which included being beaten with a club ridden with nails, shocked by an electric probe, which scarred his tongue and caused his teeth to fall out, whipped while being forced to pull an iron plow, and starved.

Despite these inhumane conditions and cruel tortures, Palden Gyatso was able to survive with remarkable courage and resilience. During his torture sessions, he would practice a technique he learned while studying at a Buddhist monastery, the practice of tonglen, which is a method for connecting with suffering and awakening compassion. He would receive the anger and hatred of his torturer and would exchange it with love and compassion.

During his imprisonment, Palden Gyatso drew inspiration from elder prisoners, who told him that if he were ever to escape, he should take action to stop the torture. He has done exactly that: He has traveled to Europe and North America over 25 times and has written a book to tell his story. He has also testified before the U.N. Commission on Human Rights in Geneva and before the U.S. Congress.

Palden Gyatso's testimony helped secure passage of the International Religious Freedom Act of 1998, which was sponsored by Representative FRANK WOLF and Senator JOSEPH LIEBERMAN and Don Nickles, and was signed into law by President Clinton. Palden Gyatso was also awarded the 1998 John Humphrey Freedom Award of the International Centre for Human Rights and Democratic Development.

The courage and dedication to freedom which Palden Gyatso has demonstrated serve as a powerful inspiration to everyone.●

TRIBUTE TO BG JAMES D. HITTLE

● Mr. INOUYE. Mr. President, during most of our lives, we encounter an individual who lived a remarkably fine personal and professional life. Such is the case of BG James D. Hittle, USMCR, whose anniversary of his death, June 15, recently passed. General Hittle's death received very little press coverage at the time, and I would like to share with my colleagues what this man achieved in his life time in the words of a former Commandant of the Marine Corps, GEN P.X. Kelley, USMC (Ret.)

I ask that the eulogy given by General Kelley be printed in the CONGRESSIONAL RECORD.

The material follows.

A TRIBUTE TO BGEN JAMES D. HITTLE, USMC (RET)

(By Gen Paul X. Kelley, USMC (Ret))

BGen James Donald Hittle—devout Christian—great American—Marine officer—gentleman and gentle man—loving husband—caring father—always a friend indeed!

Commissioned a Marine second lieutenant in 1937, Don Hittle was a ''plank owner'' when MajGen Holland Smith activated the 1st Marine Division for World War II—was G–4 for the 3d Marine Division under MajGen Graves Erskine on Guam and at Iwo Jima—and after the war commanded 2d Battalion, 7th Marines in the occupation of North China.

After serving his Corps for 23 years, Don Hittle's future life could easily qualify him as a quintessential ''Renaissance Man.''

He was Director of National Security and Foreign Affairs for the Veterans of Foreign Wars, syndicated columnist for Copley News Service, commentator for Mutual Broadcasting System, Special Counsel for both the Senate and House Armed Services Committees, a founder and Director of the DC National Bank, Assistant Secretary of the Navy for Manpower and Reserve Affairs, Senior Vice President for Pan American Airways, consultant to the President of the Overseas Private Investment Corporation, advisor to several Secretaries of the Navy and Commandants of the Marine Corps—and the list goes on and on and on.

Col Don Hittle came into my life during the summer of 1956 when MajGen Jim Riseley dragged me kicking and screaming from a cushy tour in what was then the Territory of Hawaii to the labyrinthian corridors of Headquarters Marine Corps. As many of those here today will recall, this was the long, hot summer of Ribbon Creek, and Don Hittle was Legislative Assistant to Randolph McCall Pate, our 21st Commandant. I was a young eager, starry-eyed captain, very naive in the arcane world at the Seat of Government—but I was soon to learn. My first lesson was negative one—that

a junior officer should never ask the Legislative Assistant to the Commandant for a description of his duties and responsibilities. With that said, I did notice that every time Col Hittle came charging into Gen Riseley's office he closed the door behind him. While I readily admit to not being a ''rocket scientist,'' I did surmise that there were some ''big time'' discussions underway. But, as the saying goes: ''Nothing succeeds quite like success.'' I was soon to learn that by working closely with the Congress, where Members and their staffs knew him, respected him, and trusted him, Don Hittle had effectively minimized the repercussions from Ribbon Creek. One senior Member from the House of Representatives was heard to say: ''Don Hittle is the best damned Legislative Assistant the Marine Corps has ever had.''

One could go on for hours, perhaps days, about Don's myriad contributions to his country and his Corps. As an example, I could tell you how he more than any other saved the Army Navy Club from extinction. Senator John Warner, who is here with us today, could tell you that when he was Secretary of the Navy he never had a more imaginative and dedicated Assistant Secretary. Joe Bartlett, the former House Reading Clerk and a retired Marine Corps general, could tell you how Don Hittle was responsible for the creation of the dynamic Congressional Marine Club. Incidentally, Jim Lawrence, who is also with us today, once said of this organization: ''Congress created the Marine Corps—Congress has sustained the Marine Corps—Congress had mandated the mission of the Marine Corps—through this organization we are now bonded to each other forever.''

In the end, however, all of his many other contributions to his country and to his beloved Corps pale by comparison to what he accomplished as a member of the renowned ''Chowder Society,'' that elite group of brilliant Marine officers who, in the aftermath of World War II when the very life of our Corps was threatened, ensured that our existence, our roles, and our missions were written into law. Don's critical role in the survival of his Corps was best described by Gen Merrill Twining when he inscribed his book ''No Bended Knee.'' ''To: Don Hittle, Who saved our Corps.'' There can be no doubt that the Corps we have today, with three active divisions and wings written into law, owes an enormous debt of gratitude to BGen James D. Hittle, USMC (Ret).

Isn't it ironic to remember that 55 years ago certain groups, whose objectives were inimical to the survival of our Corps, were attempting to relegate us into insignificance. Today, with a lion's share of the credit for making it possible going to Don Hittle, we have just heard that Jim Jones, our 32d Commandant, is soon to be the Supreme Allied Commander in Europe. Our congratulations go to Jim—his Corps is very proud—Don Hittle is very proud!

Several years after my retirement, Don asked me to join him for lunch at his Army Navy Club. His purpose was to ask if I would give his eulogy. I was honored beyond belief, but did not look forward to the day when it would become a reality.

Before closing, let me share with you a story that Joe Bartlett told me last week.

Jinny and Joe are members of a Bible class at their church. As a gesture of their love and caring for those who are terminally ill, the class prepares an audio tape for their listening. On one side they include the patient's favorite hymns, and, on the other, a medley of their favorite tunes. During Don's last days with us—a time when he was under heavy sedation—Joe swears that Don's body stiffened to attention every time ''The Marine's Hymn'' was played.

In closing, let me remind you that Don lived by two simple words—words which have given inspiration to our Corps for over 200 years—Semper Fidelis—always faithful.

Don Hittle was always:
Semper Fidelis to his God.
Semper Fidelis to his country.
Semper Fidelis to his family.
Semper Fidelis to his Corps.
And, Semper Fidelis to his fellow man.

In Don's memory, then, let us share these meaningful words with each other as we leave this holy place—and let us pray that one day we can live in a world where all of its citizens are Semper Fidelis to each other. Don Hittle would like that.●

CONGRATULATING BISHOP WILLIAMS

● Mr. KERRY. Mr. President, I am honored to have the opportunity today to recognize Bishop Preston Warren Williams II, a man of faith and conviction and a leader in the African Methodist Episcopal Church. I am privileged to extend my congratulations to Bishop Williams as he assumes the role of president of the Council of Bishops. This role requires an extraordinary person, one of both strength and distinction, and the AME Church has found one in Bishop Williams. Bishop Williams, along with his wife Mother Wilma Delores Webb-Williams as Episcopal Supervisor, have been dedicated public servants and tireless advocates for at-risk youth of the 7th district. I am confident that Bishop Williams' leadership will enrich the entire AME community.

The AME Church has an unwavering commitment to its members and should be commended for its special mission to strengthen the community by encouraging and supporting children. While leading the 7th District, Bishop Williams built a partnership for at-risk youth, helped lobby for a teen mentoring program, and put in place services to provide for children in poverty.

When Bishop Williams served at the 17th District AME in Central Africa, membership grew by over 100,000, eventually resulting in the creation of a 20th District. Fittingly, Bishop Williams used his power and influence to bring people together and inspire hope in that part of the world.

His dedication to faith and community extends beyond the church into academia. As chairman of Allen University in Columbia, SC, and member of the board of Wesley Theological Seminary in Washington, DC, Bishop Williams brings his passion and fearless leadership to our students. Bishop Williams is a spiritual leader, an activist, community leader, husband and mentor. I join with others in lauding his service, integrity, and vision.●

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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-OMAN FREE TRADE AGREEMENT (FTA)—PM 53

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Oman Free Trade Agreement (FTA). This FTA enhances our bilateral relationship with a strategic friend and ally in the Middle East region. The FTA will benefit the people of the United States and Oman, illustrating for other developing countries the advantages of open markets and increased trade.

In negotiating this FTA, my Administration was guided by the objectives set out in the Trade Act of 2002. Congressional approval of this FTA will mark another important step towards creating a Middle East Free Trade Area. Like our FTA with Bahrain that the Congress approved in December 2005, and our FTA with Morocco that was approved in July 2004, this FTA offers another important opportunity to encourage economic reform in a moderate Muslim nation. Oman is leading the pursuit of social and economic reforms in the region, including by selling state-owned businesses, encouraging foreign investment connected to broad-based development, and providing better protection for women and workers. It is strongly in our national interest to embrace these reforms and do what we can to encourage them.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 26, 2006*.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5638. An act to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC–7314. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Disability and Rehabilitation Research Projects and Centers Program—Spinal Cord Injury Model Systems Centers and Disability Rehabilitation Research Projects'' received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7315. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects; Funding Priorities'' received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7316. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Disability and Rehabilitation Research Projects and Centers Program; Funding Priorities'' received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7317. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Office of Special Education Programs—State Personnel Development Grants Program'' received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7318. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, a report of proposed legislation that amends certain provisions in the Energy Policy Act of 2005 and the Geothermal Steam Act of 1970; to the Committee on Energy and Natural Resources.

EC–7319. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Delisting of Agave arizonica (Arizona agave) From the Federal List of Endangered and Threatened Wildlife and Plants'' (RIN1018–AI79) received on June 18, 2006; to the Committee on Energy and Natural Resources.

EC–7320. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002'' received on June 14, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7321. A communication from the Senior Program Specialist, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002'' (RIN0584–AD32) received on June 14, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7322. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Addition of People's Republic of China to the List of Countries to Export Processed Poultry Products to the United States'' (RIN0583–AD20) received on June 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7323. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Disregard of Overpayments in the Child and Adult Care Food Program, National School Lunch Program and School Breakfast Program'' (RIN0584–AD68) received on June 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7324. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''States Approved to Receive Stallions and Mares from CEM-Affected Regions; Indiana'' (Docket No. APHIS–2006–0020) received on June 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7325. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Watermelon Research and Promotion Plan; Redistricting'' (FV–05–704–IFR) received on June 21, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7326. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Melons Grown in South Texas; Termination of Marketing Order 979'' (FV06–979–1 FR) received on June 21, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7327. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Vidalia Onions Grown in Georgia; Revision of Reporting and Assessment Requirements'' (FV06–955–1 IFR) received on June 21, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2145. A bill to enhance security and protect against terrorist attacks at chemical facilities.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 3565. A bill to designate Sandoval County, Valencia County, and Torrance County, New Mexico as the new Southwest Border High Intensity Drug Trafficking Area counties; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 3566. A bill to ensure adequate funding for high-threat areas, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself and Mr. BAUCUS):

S. 3567. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. CARPER):

S. 3568. A bill to protect information relating to consumers, to require notice of security breaches, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3569. A bill to implement the United States-Oman Free Trade Agreement; to the Committee on Finance pursuant to section 2103(b)3 of Public Law 107–210.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself and Mr. LUGAR):

S. Con. Res. 105. A concurrent resolution commending the Government of Canada for its renewed commitment to the Global War on Terror in Afghanistan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 604

At the request of Mr. CRAIG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services.

S. 1191

At the request of Mr. SALAZAR, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor 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. 2115

At the request of Ms. STABENOW, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2115, a bill to amend the Public Health Service Act to improve provisions relating to Parkinson's disease research.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Arkansas

(Mr. PRYOR) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2393

At the request of Mr. COLEMAN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2658

At the request of Mr. BOND, the names of the Senator from Delaware (Mr. CARPER), the Senator from Utah (Mr. BENNETT) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3393

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3393, a bill to suspend temporarily the duty on certain boys' water resistant pants.

S. 3394

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3394, a bill to suspend temporarily the duty on certain men's water resistant pants.

S. 3396

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3396, a bill to suspend temporarily the duty on certain girls' water resistant pants.

S. 3397

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3397, a bill to suspend temporarily the duty on certain women's and girls' water resistant pants.

S. 3400

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3400, a bill to suspend temporarily the duty on certain men's and boys' water resistant pants.

S. 3401

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3401, a bill to suspend temporarily the duty on certain women's water resistant pants.

S. 3402

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3402, a bill to suspend temporarily the duty on certain girls' water resistant pants.

S. 3403

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3403, a bill to suspend temporarily the duty on certain women's water resistant pants.

S. 3500

At the request of Mr. THOMAS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3521

At the request of Mr. GREGG, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3521, a bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process.

S. 3543

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3543, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 3550

At the request of Mr. GRAHAM, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3550, a bill to allow members of the Selected Reserve enrolled in the TRICARE program to pay premiums with pre-tax dollars.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. CON. RES. 101

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 101, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

AMENDMENT NO. 4271

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 4271 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4349

At the request of Mrs. DOLE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 4349 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 3565. A bill to designate Sandoval County, Valencia County, and Torrance County, New Mexico as the new Southwest Border High Intensity Drug Trafficking Area counties; to the Committee on the Judiciary.

Mr. DOMENICI. President, I rise today to introduce a bill that will significantly help my home State of New Mexico fight the war on drugs.

New Mexico has many serious drug problems. The proximity of my home State to Mexico makes it a convenient

corridor for traffickers who smuggle narcotics into the United States. In a June 22 Albuquerque Journal article entitled ''N.M. Says It's Making Progress Against Meth Labs,'' State Police Sergeant Eric Burnham was quoted as saying, ''We've made it much tougher for them to get their main ingredients, and we've made it difficult to sustain large operations here in New Mexico . . . But methamphetamine use has stayed the same or even risen. Large quantities are coming in from Mexico—they're being smuggled in and sold for cheap.'' In additional to our serious meth problems in New Mexico, cocaine seizures are on the rise, Mexican marijuana is prevalent, and Mexican black tar heroin is available throughout my home State.

However, New Mexico also has a significant tool in the war on drugs—the Southwest border high-intensity drug trafficking area, HIDTA. In 1988, Congress established the HIDTA Program. In New Mexico, there are currently 13 counties that participate in the Southwest border HIDTA, with the missions of reducing drug availability through task forces aimed at disrupting or dismantling international and domestic drug trafficking organizations and helping coordinate drug trafficking investigative efforts among Federal, State, and local law enforcement agencies.

Despite these efforts, drug abuse continues to affect many in my State, particularly in the Albuquerque Metropolitan area. The Southwest border HIDTA tells me that in this area, investigative links between narcotic trafficking groups are established frequently, often between Bernalillo County and surrounding counties that are not part of the Southwest border HIDTA and therefore don't have access to HIDTA tools and resources. The legislation I am filing today would rectify this situation by making the three surrounding counties, Sandoval, Torrance, and Valencia, part of the Southwest border HIDTA.

Mr. President, high-intensity drug trafficking areas have done a great deal in the war on drugs in the past 18 years. With the bill I am introducing today, HIDTA will be able to do even more.

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. 3565

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

SECTION 1. DESIGNATION OF HIGH INTENSITY DRUG TRAFFICKING AREA.

The Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico under the High Intensity Drug Trafficking Areas Program of the Office of National Drug Control Policy shall include Sandoval County, Valencia County, and Torrance County, New Mexico.

By Mr. BENNETT (for himself and Mr. CARPER):

S. 3568. A bill to protect information relating to consumers, to require notice of security breaches, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BENNETT. Mr. President, I rise today with my friend and colleague on the Banking Committee, the Senator from Delaware, Mr. CARPER, to introduce legislation that I believe is of great importance to our economy and to American consumers. This legislation, The Data Security Act of 2006, will help protect individuals and businesses from the crimes of identity theft and account fraud, which are increasing at an alarming rate. These crimes impose higher costs on every consumer and business and can be financially debilitating to individuals whose personal information is stolen.

We are now living in the Information Age. Information drives our economy, from the design and production phase of new products or services to payment and delivery. Information technology and electronic networks have brought conveniences and efficiencies to both producers and consumers in our economy. Producers can better focus their products and services to potential customers, and consumers get the products they want with multiple payment options. Technology and, specifically, information technology makes this process ever more convenient and efficient.

All of the conveniences and efficiencies of the information age which benefit our evolving economy and its consumers have also brought new challenges. Criminals have also entered the information age and are now targeting and using information technology to steal from many of us.

Information databases and electronic information networks that contain sensitive personal information and sensitive financial account information are increasingly targets of sophisticated hackers, organized crime rings, identity thieves, and other criminals. When an individual has his identity or account information stolen from one of these sources and criminals use his or her legitimate name and credit history to create fraudulent accounts, or fraudulently access an existing account, by the time it is discovered, it is often too late to prevent that consumer from the need to invest significant time and effort to clear his or her name. These crimes also impose significant costs on financial institutions which are often liable for the loss of funds from the fraud. These costs are then passed on to all consumers through higher prices. We need to do more to prevent this type of fraud from happening in the first instance.

Currently, we are only partially protecting consumers from account fraud and identity theft. Criminals have shown they know how to exploit any weakness in information databases and networks, so we must do more to protect this information regardless of where it is located. Most of the recent data security breaches have occurred outside of financial institutions.

The Gramm-Leach-Bliley Act requires financial institutions to protect the security and confidentiality of customer information. The Federal banking agencies have issued guidance under the Gramm-Leach-Bliley Act requiring banks to investigate and provide notices to customers of breaches of data security involving customer information that could lead to account fraud or identity theft. Even with GLB and the associated regulations and guidance that have been implemented, many databases and information networks continue to be vulnerable because Federal law generally does not require entities that are not financial institutions to protect the security and confidentiality of sensitive information relating to consumers, or to investigate and provide notices to consumers of breaches that may lead to account fraud or identity theft.

I recognize that many States have enacted security breach notification statutes in an effort to protect their citizens and I commend them for their efforts, but these statutes impose different and sometimes conflicting requirements, thereby providing consumers with uneven protection and subjecting businesses to multiple and confusing standards.

Our credit granting system and financial payments system is a national one and not a state based system. Consumers generally benefit greatly because of our national system. Because of that fact, I believe we need a national uniform system governing data security and security breach notification for financial institutions and other entities that maintain or communicate financial account information or personally identifiable information that could be used by identity thieves.

The standards established as a result of the guidance issued by the Federal banking agencies under the Gramm-Leach-Bliley Act provide an appropriate model for Federal data security and security breach notification requirements and is, therefore, the model for the Data Security Act of 2006.

The Data Security Act of 2006 will provide a uniform national standard for data security and breach notification. Sensitive personal and account information must be protected, and in the event where that protection is breached and there is a risk to the individual of identity theft or account fraud, that individual must be notified so that he or she can take the appropriate steps to protect him or her self.

I encourage my colleagues to close}y review this legislation and I hope we can act quickly here in the Senate to pass the Data Security Act of 2006. I thank my friend from Delaware, Senator CARPER, for joining with me today to introduce this legislation.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3569. A bill to implement the United States-Oman Free Trade Agreement, to the Committee on Finance pursuant to section 2103(b)3 of Public Law 107–210.

Mr. GRASSLEY. Mr. President, I am proud to introduce today with Senator DORGAN the Restitution for Victims of Crime Act of 2006.

This bill is needed to recover some of the mounting uncollected Federal criminal debt. The Federal Government is collecting just pennies on each dollar of Federal criminal debt that is owed. In my home State of Iowa for fiscal year 2005, for example, the Justice Department has an outstanding balance of nearly $82 million in uncollected criminal debt. Compared to other districts, Iowa's northern and southern districts have relatively small outstanding balances. Nationwide, over $41 billion remains outstanding.

The Restitution for Victims of Crime Act improves the procedures used to collect restitution. It also provides the authority to preserve assets to satisfy restitution orders. This bill gives our Federal criminal justice system the channels they need to not only successfully prosecute criminals but to recover the debts owed.

Both the Justice Department and the victims' rights community support this bill and recognize that it will significantly improve the current collection system.

This is an important bill and I am glad to join my good friend from North Dakota in introducing it.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 105—COMMENDING THE GOVERNMENT OF CANADA FOR ITS RENEWED COMMITMENT TO THE GLOBAL WAR ON TERROR IN AFGHANISTAN

Mr. COLEMAN (for himself and Mr. LUGAR) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 105

Whereas twenty-four Canadian citizens were killed as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the people of Gander, Newfoundland, provided food, clothing, and shelter to thousands of stranded passengers and temporary aircraft parking to thirty-nine planes diverted from United States airspace as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the Government of Canada, as led by former Prime Ministers Jean Jacques Chrétien and Paul Martin and continued by Prime Minister Stephen Harper, has provided humanitarian, diplomatic, and security personnel on the invitation of the Government of Afghanistan since 2001;

Whereas Canada has pledged $650,000,000 in development aid to Afghanistan;

Whereas Afghanistan is Canada's largest recipient of bilateral development aid;

Whereas Canada has stationed approximately 2,300 defense personnel who comprise Task Force Afghanistan, in order to improve security in southern Afghanistan, particularly in the province of Kandahar;

Whereas Canada has over 70 diplomatic officers worldwide who are dedicated to growing democracy and equality in Afghanistan;

Whereas at least seventeen Canadians have given the ultimate sacrifice in the Global War on Terror;

Whereas Canada's commitment to the Government of Afghanistan, under the leadership of Prime Minister Hamid Karzai, was due to expire in February 2007;

Whereas on May 17, 2006, the Canadian Government led by Prime Minister Stephen Harper requested that the Canadian House of Commons extend Canada's commitment in the Global War on Terror;

Whereas on May 17, 2006, the Canadian Parliament voted to extend peace and security operations in Afghanistan until 2009, to increase its development assistance by $310 million, and to build a permanent and secure embassy in Afghanistan to replace its current facility; and

Whereas this was the latest sign of the renewed commitment of numerous United States allies in the Global War on Terror: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the Government of Canada for its renewed and long-term commitment to the Global War on Terror;

(2) commends the leadership of former Canadian Prime Ministers Jean Jacques Chrétien and Paul Martin and current Prime Minister Stephen Harper for their steadfast commitment to democracy, human rights, and freedom throughout the world;

(3) commends the Government of Canada for working to secure a democratic and equal Afghanistan;

(4) commends the Government of Canada's commitment to reducing poverty, aiding the counternarcotics efforts through counterterrorism and counterinsurgency campaigns, and ensuring a peaceful and terror-free Afghanistan;

(5) commends the Government of Canada for its three-pronged commitment to Afghanistan: diplomacy, development, and defense; and

(6) expresses the gratitude and appreciation of the United States for Canada's enduring friendship and leadership in the Global War on Terror in Afghanistan.

HONORING AND PRAISING THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H. Con. Res. 367, 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 concurrent resolution (H. Con. Res. 367) honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its congressional charter.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. 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 any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 367) was agreed to.

The preamble was agreed to.

MEASURE PLACED ON THE CALENDAR—H.R. 5638

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. The objection is heard.

The bill will be placed on the calendar.

ORDER OF BUSINESS

Mr. MCCONNELL. At the end of my closing remarks, Senator DODD should be recognized for up to 20 minutes. After his remarks, the Senate will be in adjournment for the evening.

ORDERS FOR TUESDAY, JUNE 27, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m tomorrow, June 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business until 11 a.m., with the first 15 minutes under the control of the majority leader or his designee, the next 15 minutes under the control of the Democratic leader or his designee, and the remaining time until 11 a.m. be equally divided; further, that the Senate then resume consideration of S.J. Res. 12, the flag antidesecration resolution. I further ask that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

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

Mr. MCCONNELL. I ask unanimous consent that once the Senate resumes consideration of the flag resolution at 11 a.m., the time be divided as follows: 11 to 11:30, the majority side; 11:30 to 12, the minority side; 12 to 12:30, the majority side; 2:15 to 2:30, equally divided; 2:30 to 3, the minority side; and alternating each half hour until 5 p.m.

I further ask that consideration be for debate only until 2:15.

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

PROGRAM

Mr. MCCONNELL. Mr. President, today the Senate began the debate on the flag resolution. Tomorrow we will be rotating half-hour blocks of time, starting at 11 with the majority side for 30 minutes and the minority side for 30 minutes, rotating back and forth in this fashion until 5 p.m. There will be no votes until after the policy luncheons tomorrow.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask that it stand in adjournment under the previous order following the remarks of the senior Senator from Connecticut for up to 20 minutes.

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

The Senator from Connecticut.

CONSTITUTIONAL AMENDMENT TO BAN FLAG DESECRATION

Mr. DODD. Mr. President, I rise to speak about the pending matter before us, S.J. Res. 12 which would amend the Constitution of the United States. There are only seventeen words in the amendment: The Congress shall have power to prohibit the physical desecration of the flag of the United States. These seventeen words have great significance.

I hold dear the great genius of our wonderful Constitution. I have carried this tattered copy with me every day for as long as I have been a Member of this body. It was given to me by my seatmate here, the senior Senator BRYD from West Virginia. I treasure this copy of that document for many reasons, not the least of which is because it was given to me by Senator BYRD, but also because I find myself referring to it almost on a daily basis.

This copy includes not only the Constitution and the Bill of Rights, but also the Declaration of Independence. It is a part of my daily wardrobe, be it weekends or during the week here. It is a reminder of how fortunate we are to live in a country that has, as its founding document, a set of words, language, that not only speaks to the hopes and dreams of all Americans, but even beyond the borders of this country, because the Founders, the Framers of the Constitution, spoke of eternal truths in this document.

While the language applies to only those who live in this country, their words have, of course, inspired millions of other people all across the globe. It is not uncommon to read the constitutions of developing countries and find literally verbatim the language in our own U.S. Constitution. This is a great tribute to not only the Framers but to those who came after them. Those that have upheld, supported, and defended—as millions of Americans have, some with the ultimate sacrifice—their lives, to protect and defend this country and the principles and ideals on which it was founded. The Constitution has sustained itself now for the more than 200 years. Giving us the power to be free and independent people.

So this great genius of our Constitution enshrines in it the words of the eternal aspirations of humanity. I believe that Alexander Hamilton laid out a framework for constitutional amendments and how we ought to think of this remarkable document that serves as the basis of all that we believe and hold dear when he said:

> The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

It is a rather beautiful quotation that I think captures what many of us believe to be the case when we talk about our Constitution, talking about the hand of divinity itself helping scribe these words, that it is ''not to be rummaged for, among old parchments, or musty records'' but rather ''written, as with a sunbeam in the whole volume of human nature.''

So it is important, when we consider this document and particularly the Bill of Rights, which speak to our personal freedoms, that we consider all and any proposal to challenge the words included in those 10 amendments.

There have been over 11,000 attempts in the last 200 years to amend our Constitution. Throughout the years, there have been only a handful of those proposals that have actually been adopted, usually when there was a described constitutional crisis before us. We did so to extend the right to vote to women and we did so to abolish slavery.

These are just two examples throughout our history when we have found it appropriate and proper to amend the Constitution, but always when we felt there was an underlying principle dealing with basic fundamental rights.

Now, we all know that the horrible act of flag burning does occur. We have all seen the visions on television describing some group in some country or another that decides it is going to burn the American flag. We all know how we feel when we see that. But, of course, all my colleagues know—and I am sure the overwhelming majority of American citizens know—we can not change their behavior by altering the Constitution. As annoying as it is, as troubling as it is, and how I know we all react to it, we can not affect those particular acts of desecration.

Today we are talking about these acts that occur in this country. Let me quickly say I think it is worthy to try to come up with some language statutorily to deal with this issue. But my hope is my colleagues, regardless of political persuasion, would think long and hard about what we are about to do here; and that is, to change the Constitution.

A proposal similar to this one was offered in 1989, again in 1990, in 1995, and in the year 2000. In every single case, the proposals have been rejected. I do not question any of my colleagues over their dismay and horror in watching our flag be desecrated. Yet, in every single instance, we have found it appropriate to reject an amendment to the Constitution. I would hope that would be the case again today.

Mr. President, I fly the American flag every day at my home in Connecticut when I am there. I take great pride in doing so. In fact, my neighbors can always tell when I am home. I live in a house, an old schoolhouse built in 1853. It was the successor schoolhouse to where Nathan Hale taught in Connecticut. The Nathan Hale Schoolhouse is about 150 yards from where I live in Connecticut. When that one-room schoolhouse became too small in the 1850s, they built a two-room schoolhouse that served the neighborhood where I live in East Haddam, CT, for almost 100 years until the 1940s. I bought that schoolhouse about 25 years ago, and it has been my family's home for a quarter of a century.

My neighbors always know when I am home because I fly the American flag from that old schoolhouse. I take great pride in doing so. I don't just do it on Memorial Day or the Fourth of July or other national holidays, but every single day I am home. As a way of expressing my affection for what that flag means, what it stands for, and what it has meant to generation after generation of people in our great country.

I will not take a back seat to anyone in my reverence for the flag, how important it is and what it means. But I also believe it is important to be a patriot, a true patriot, where we not only defend our flag but we also defend the Constitution and the Bill of Rights. That is really what is at risk here today, when we talk about this resolution. It is not so much the flag that is at risk but our Bill of Rights, if we attack this document because the passions of some get aroused over the acts of those who would desecrate our flag. That really is the issue before us.

Let us have a statutory law but let us not attack this wonderful Bill of Rights of ours. The proposed amendment is made up of 17 words, 17 words that would dramatically alter the importance of the Bill of Rights and diminish the freedoms provided by that document. I don't doubt the patriotism of any Member of this Chamber. I strongly believe we all love our country. We love our Constitution. We love our flag. In my view, desecration of the flag, as a symbol of our freedom, the Constitution, and our democracy, is deplorable and should not be tolerated. It

goes without saying that every Member of Congress and the overwhelming majority of Americans consider flag burning to be offensive and abhorrent. That is to state the obvious. The question is not whether we deplore the desecration of the American flag but whether we are in some way going to desecrate the Constitution and the Bill of Rights. To truly honor our Nation and the people who have given their lives for it, we must not only protect our flag but the principles of freedom and justice that it stands for.

I have often said when students ask me about the Constitution and the Bill of Rights and what it means, the first amendment of the Bill of Rights, which incorporates freedom of speech, really tests whether each and every one of us is willing to defend someone who would say something or do something we might find abhorrent. It is not whether we are willing to stand up and defend someone who says something we agree with but, rather, whether we understand the principles our Founders and Framers intended when they wrote the Constitution and the Bill of Rights, that we are willing to protect and defend the right of someone to say something that we totally disagree with and that we find offensive and abhorrent. That is the true test, not whether we are willing to stand up and applaud what someone says but whether our instincts are to deplore what they say but defend their right to say it. That is really what the first amendment is all about when freedom of speech is being invoked.

Our Founding Fathers cautioned us to avoid situations like the one we are in today. James Madison advised that amendments to the Constitution should be limited to ''great and extraordinary occasions.'' Regrettably, some have not heeded Madison's cautionary words. Since 1789 when the Congress first convened, there have been over 11,000 proposals to amend the Constitution of the United States. Over sixty have been offered in this Congress alone. But the majority of our Nation's leaders have taken the words of Madison to heart, and they have not allowed this document to be altered. Since the ratification of the Bill of Rights, only 17 amendments have been successful. Moreover, despite all of the trials that this country has been through, no Congress has ever felt so compelled to doctor the Bill of Rights. It is remarkable when you consider the trials and tribulations we have been through.

The act of burning our flag is unacceptable and condemnable. But the reality is that it is exceedingly rare as well. I did my best to find the reported incidences of flag burning throughout our history. I went back and examined as many possible cases as I could. We have found less than 200 cases since our Nation's founding and only a handful documented in the last few years. Where is the constitutional crisis? Where is the epidemic? Less than two hundred cases in more than 200 years. Yet I would suspect that if we end up adopting this constitutional amendment and amend the Bill of Rights, there will be those, as the Senator from Illinois pointed out, who will consistently try to press against the envelope of the language of these 17 words to prohibit desecration of the flag.

With all the other issues we need to grapple with, such as health care, education, the quality of life of our military men and women, and whether we ought to be doing more to increase the opportunities of people in this country. With all of the legitimate debates that ought to occur, it is shocking that we are taking several days of the Senate's time to debate an amendment to the Constitution where there is hardly any incidence or examples of a problem today. As I said, there have been less than 200 cases of flag desecration in more than 200 years. Clearly, there is no extraordinary occasion, in my view, such that Madison spoke of warranting ratification of this amendment. We might feel disgusted by the act of flag burning, but we are clearly not faced, by any estimate, with a constitutional crisis.

Proponents of this amendment say that tolerating even one burned flag is equivalent to acquiescence of such an act. I totally disagree. Our Nation is strong enough to tolerate a few errant acts, and this strength is the source of our democracy's greatness. It is the ability and willingness to tolerate acts like that on occasion that makes us a stronger and better people. Supporters of this amendment may believe this vote is a test of one's patriotism or love of country. On the contrary, the true measure of our faithfulness to the flag is our fidelity to the principles of freedom and justice that it represents. That is the ultimate test of one's patriotism.

I would associate myself with the comments of a former colleague of ours, Bob Kerrey, Senator from Nebraska, who today is president of a fine university in New York. He is also a Medal of Honor winner for services as a Navy SEAL in Vietnam. I recall when this amendment was before us on several previous occasions, he would stand up and talk about what it meant for him to lose a limb in the uniform of our country defending our Nation, talking about how important it was to defend the Constitution. He articulated his opposition to this particular proposal in a recent Washington Post editorial in relation to September 11th with the following statement:

> Real patriotism cannot be coerced. Our freedom to speak was attacked—not our flag. The former, not the latter, needs the protection of our Constitution and our laws.

There is no question in my mind that our flag will continue to serve as a symbol of our Nation's history—our founding principles of freedom, liberty, and justice—long after the conclusion of this debate on the floor of the Senate.

Our former colleague, Senator John Glenn of Ohio, who served this Nation as a combat pilot in Korea, an astronaut, and as a colleague of ours in this body, put it very well:

> There is one way to weaken the fabric of your country, and it is not through a few misguided souls burning our flag. It is by retreating from the principles that the flag stands for. And that will do more damage to the fabric of our Nation than 1,000 torched flags could ever do.

I believe history and future generations will judge us harshly, as they should, if we permitted those who would defile our flag to also defile our future and to defile the Bill of Rights. Let us leave the Constitution unsullied by proposals such as this which would needlessly restrict our liberties as a people.

I will repeat again: The great genius of our Constitution is that it enshrines in word the eternal aspirations of humanity. We may try to amend it, but if we do so in a manner at odds with those aspirations, then we act at our peril and in folly.

I repeat Alexander Hamilton's quote:

> The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

In our quest to protect the flag, we must be careful not to undermine the principles that it stands for. Attacking the Bill of Rights, a document that has never been changed—not one comma, not one semicolon, not one word, since its ratification in 1791—undermines those principles. This is a time to bring our Nation together to focus on the important challenges we face today. We must face them as a nation, not as individuals, if we are going to prevail.

At best, this amendment is another political stunt, I am afraid, aimed at dividing our Nation, inflaming the passions of our constituencies, make one party angry at another, one group of citizens angry at another. What worthwhile result has ever emerged from that kind of anger? What good has ever flowed from the passions provoked by appealing to the worst instincts in people? I have never seen a single benefit that has occurred as a result of that effort.

Once again, we find ourselves inflaming passions over an issue that is nonexistent, the ''constitutional crisis'' of flag-burning. It is just not there. This would be a profound deviation from our past and chip away at our freedoms and liberties that we are working so hard to protect.

Every generation is challenged with the responsibility of seeing to it that future generations will have the opportunities and benefits of our country. Those benefits and those opportunities flow very directly from the Constitution of the United States and, most particularly, from the Bill of Rights. I hope that we will be careful about this. We are not owners of this document, the Constitution; we are merely stewards of this document. We are charged

with the responsibility during our tenure, on our watch, however long or brief it is, to see to it that these principles will be passed on to coming generations. To start fooling with them unnecessarily, I think, puts this document and what it stands for at risk.

I hope our colleagues, when the vote occurs on this, will find it in their hearts and good conscience to leave the Bill of Rights alone. This is not a time that it needs to be amended.

I yield the floor.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 9:45 a.m., on June 27, 2006.

There being no objection, the Senate, at 6:57 p.m., adjourned until Tuesday, June 27, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 2006:

DEPARTMENT OF DEFENSE

ROBERT L. WILKIE, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DANIEL R. STANLEY.

EXPORT-IMPORT BANK OF THE UNITED STATES

LINDA MYSLIWY CONLIN, OF NEW JERSEY, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2009, VICE APRIL H. FOLEY, TERM EXPIRED.

J. JOSEPH GRANDMAISON, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2009. (REAPPOINTMENT)

CORPORATION FOR PUBLIC BROADCASTING

DAVID H. PRYOR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE CHRISTY CARPENTER, TERM EXPIRED.

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KENNETH Y. TOMLINSON, RESIGNED.

CHRIS BOSKIN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KATHERINE MILNER ANDERSON, RESIGNED.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

WILLIAM B. WARK, OF MAINE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE RIXIO ENRIQUE MEDINA, RESIGNED.

WILLIAM E. WRIGHT, OF FLORIDA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE GERALD V. POJE, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

ROGER L. HUNT, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009, VICE SCOTT O. WRIGHT, TERM EXPIRED.

JOHN E. KIDDE, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011, VICE FREDERICK G. SLABACH, TERM EXPIRED.

JOHN PEYTON, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011, VICE PATRICK LLOYD MCCRORY, TERM EXPIRED.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS E. HARVEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE PAMELA M. IOVINO, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. CHARLES H. DAVIDSON IV, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JULIA A. KRAUS, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES F. AMOS, 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 vice admiral

VICE ADM. ALBERT M. CALLAND III, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BARRY L. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GERALD P. COLEMAN, 0000
DAVID E. ROOT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT T. DAVIES, 0000
JAMES A. LANG, 0000
CURTIS E. WELLS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHELLE A. COOPER, 0000
CARLOS J. CRUZ, 0000
DIANA M. DISTEFANO, 0000
MICHAEL J. EDMISON, 0000
TONY Y.L. ENG, 0000
THOMAS M. GOTSIS, 0000
JACK W. HOAG, 0000
HERBERT C. JONES, JR., 0000
SUSAN M. MAHONEY, 0000
CURTIS E. MEEKS, JR., 0000
BRADLEY K. MITCHELL, 0000
GERALDINE L. MOORE, 0000
ROBERT L. MORROW, 0000
KATHERINE T. PLATONI, 0000
DAVID W. TOWLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be colonel

RICKIE A. MCPEAKE, 0000
MATTHEW MOTEN, 0000
EUGENE J. PALKA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531 AND 3064:

To be major

PAUL A. CARTER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

CAL ABEL, 0000
MICHAEL S. ANDERSON, 0000
MICHAEL W. BICKFORD, 0000
TIM BUCKLEY, 0000
PAUL A. CHANDLER, 0000
MICHAEL CONCANNON, 0000
MATTHEW DIGERONIMO, 0000
JEREMY A. FOGT, 0000
DAVID FORMAN, 0000
ROBERT C. FRANCIS, 0000
CHRISTOPHER GEORGE, 0000
GEOFFREY A. GORMAN, 0000
CORY M. GROOM, 0000
ELAINE G. LURIA, 0000
DANIEL A. PATRICK, 0000
MARK A. QUINN, 0000
JOHN M. RHODES, 0000
ERIC J. ROZEK, 0000
CARL F. SCHOLLE, 0000
ROBERT W. SPEIGHT, 0000
ROGER W. TAYLOR, 0000
NICK VIERA, 0000
JAKE WADSLEY, 0000
THOMAS J. ZERR, 0000

EXTENSIONS OF REMARKS

HONORING WALTER SENKOW FOR UNPARALLELED YEARS OF PUBLIC SERVICE TO CHILDREN THROUGHOUT DELAWARE COUNTY, PENNSYLVANIA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to join family, friends and community leaders in extending my thanks and appreciation to Walter Senkow as he celebrates retirement after unparalleled years of public service to children throughout Delaware County, PA.

Here in Congress, we often have occasion to pay tribute to the work of great men and women and comment on the impact they have had on us. It is fitting to recall that few have a more important calling than those who have made a lifetime commitment on behalf of the education of our children. In a career that has spanned 44 years of school-board service, Mr. Senkow has involved himself in the education of young people at nearly every level.

Mr. Senkow, a retired Marine who served during World War II, is a man for whom public service blended seamlessly into the fabric of his life. His leadership in education has led to significant improvements that will continue to make a difference in the lives of students for years to come. Among his singular achievements at the Delaware County Intermediate Unit (DCIU) were serving as board president since 1983 and guidance of the project which consolidated DCIU Education Service Center into the Morton, PA, location.

Educator, administrator, advocate, and community leader, Walt Senkow has dedicated a lifetime of commitment to Delaware County, PA, and its residents. He has left an indelible mark—a model of all that a community member should be and an example to which we would all aspire.

Mr. Speaker, Walt Senkow has demonstrated a unique and consummate dedication to public service. I have no doubt that he will continue in these efforts even after his retirement. On the occasion of his retirement, we thank him for his dedicated service and wish him all the best for the future.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENTREPRENEURSHIP WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. HOLT. Mr. Speaker, I rise today in support of the goals and ideals of National Entrepreneurship Week. As you are well aware, businesses today face global competition at an unprecedented level. Outsourcing, off-shoring, and supply-chaining have opened new avenues to maximizing profit, but also pose dangers to local companies and their employees. The impact can be felt all over the country. It is important that we recognize the critical role entrepreneurship plays in sustaining an innovation driven economy.

The lifestyle and economic success we enjoy as a Nation are in large part the result of successfully leveraged technologies by some of our most creative thinkers in commerce. Our natural advantages as an economic superpower are waning, and we must commit to maintaining our leadership role in the global economy. This means continued support of 7(a) small business loans, modernizing and making permanent the tax credits for research and development, and adequately funding the Small Business Administration. We must also recognize the need for educating our next generation of innovators. Along with teaching math, science, and engineering skills, teaching entrepreneurship to the next generation of leaders is one of the best investments we can make in our economic future.

Entrepreneurship programs and research offer the knowledge to grow pioneering ventures that provide jobs and contribute to development. A systemic improvement in these areas also makes for better informed policy makers, investors, and support organizations that can better create an environment to foster innovation and entrepreneurial success.

America has prospered when it has led, particularly in the fields of business and science. I believe we are at a ''Sputnik'' moment, and need to rise to the challenge of new and changing global landscape. It is vital that we do so with creativity and imagination.

MINIMUM WAGE AND THE ESTATE TAX

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. HIGGINS. Mr. Speaker, last Thursday the House Republican Majority defeated a Democratic effort to increase the minimum wage. The current federal minimum wage, $5.15 per hour, has not been increased since 1997. Consequently, inflation has eaten away at its purchasing power to the point that, adjusted for inflation, the minimum wage is now the weakest it has been in 50 years. This is not acceptable.

Energy prices are on the rise. The cost of college is skyrocketing. In Western New York, middle class families are working harder yet falling farther behind. The least this Congress can do is to update the minimum wage to a more just level, and to ensure that no American who works full time has to live in poverty. It should be a goal of this great Nation to guarantee as much. Yet last week we were denied the opportunity to vote on legislation to do just that. The House Republican Majority's vote to block an increase in the minimum wage for millions of Americans, stood in stark contrast to a vote cast just minutes afterward, to give away millions in tax cuts designated for only the very wealthiest Americans.

Mr. Speaker, I support tax relief for middle class families, small businesses and family farmers. Unfortunately, in today's debate on the estate tax, Democrats, led by Mr. POMEROY, were denied the opportunity to offer our substitute, which would exempt 99.7% of all estates from the estate tax entirely. In my state of New York only 422 estates—that is only one quarter of one percent of all estates in the entire state—would pay any estate tax at all.

The Democratic substitute would have cost far less than H.R. 5638 and is a superior approach in a variety of ways. It would be paid for by closing the gap in uncollected taxes, and would have transferred estate tax revenue tax receipts to shore up the Social Security trust fund. Yet we were denied the opportunity to vote on this Democratic substitute, and as a result the House passed a bill today that will do nothing to help the middle class and will unnecessarily drive up our national debt.

The legislation the House passed last Thursday will slash taxes for multimillionaires while sticking our children and grandchildren with the bill. H.R. 5638 will cost the American people $762 billion over the first ten years it is in effect. This at a time when, due to the economic decisions of this Administration, we are running huge annual budget deficits and our national debt is at a record high. We are sinking further into debt held by foreign governments such as China and Japan, and future generations of Americans will be paying the interest on this additional $762 billion in debt for decades to come.

Mr. Speaker, it is not often that in just one day in Congress the American people are able to see the economic priorities of the Republican Majority so clearly. Yet last Thursday a small handful of millionaires got off at a high price to the rest of us, and hardworking men and women took a huge hit.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during rollcall votes 316, 317, and 318 taken on June 22.

Had I been present, I would have voted ''nay'' on No. 316 (the motion to recommit H.R. 4890), ''aye'' on No. 317 (final passage of H.R. 4890), and ''aye'' on No. 318 (final passage of H. Res. 323).

TRIBUTE TO JAIME FABEY, ELIZABETH TOPHAM, SALIL GABALE AND BRIAN BECK ON THEIR OUTSTANDING COMMUNITY SERVICE IN ASSISTING THE HURRICANE VICTIMS ALONG THE GULF COAST

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a tremendous honor and privilege for me to rise to honor four young members of the AmeriCorps Program for their heroic assistance to the individuals devastated by hurricanes along the Gulf Coast. The National Civilian Community Corps (NCCC) program, under AmeriCorps, is a full-time, teamwork-encouraging, non-profit organization comprised of individuals ages 18–24 who strive to serve the community at large, wherever assistance is needed. These four individuals, who so patriotically aided the residents of the Gulf Coast area, reside in the 7th Congressional District of Pennsylvania.

AmeriCorps was founded in 1994, through the enactment of the National Community Service Trust Act. Members of the NCCC are required to serve for a minimum of ten months at a time, and are Red Cross-trained and certified in CPR, first-aid, and mass care. More than 1,600 NCCC members have extended their relief efforts to residents of the Gulf Coast region since September 2005, and have amassed approximately 600,000 hours of service—a truly commendable effort.

Jaime Fabey, an NCCC Team Leader, led a group of ten Corps members on two disaster relief mission-projects along the Gulf Coast. In partnership with the First Baptist Church of New Orleans, Jaime and her team, for two months helped save 16 homes as well as the personal items of many families whose homes were unsalvageable. Elizabeth Topham and her teammates spent their first assignment helping with the construction of the Salvation Army's largest outreach center in New Orleans, which aided more than 12,000 local residents. Salil Gabale and teammates worked to repair a warehouse that belonged to a non-profit organization named the Green Project, located in Covington, LA. Brian Beck offered his support through carrying out damage assessments and recruiting for volunteers. Brian and his team are currently building houses for hurricane disaster victims in Slidell, Louisiana.

As the Vice-Chairman of the Homeland Security Committee, I have seen first-hand the positive affects of the NCCC. These four young members have no doubt played a large role in upholding the excellent reputation of this organization.

Mr. Speaker, I am proud to have within my district four remarkably heroic and brave members of the NCCC. Our Nation owes Jaime Fabey, Elizabeth Topham, Salil Gabale and Brian Beck and the rest of the NCCC volunteers our most sincere gratitude for their services. We are most certainly a safer country because of their outstanding efforts. Again, I have the great privilege of representing these special individuals and honoring them for their selfless service to those who needed it the most during a time of national crisis.

HONORING BROOKSIDE ENGINE COMPANY NO. 1

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Brookside Engine Company No. 1 in the Mendham Township Fire Department and the Mendham Township Police Department, in the Township of Mendham, New Jersey, a patriotic community that I am proud to represent. On July 4, 2006, the good citizens of Mendham Township will celebrate two historic occasions with a special festivities and a parade: the 90th anniversary of Brookside Engine Company No. 1, and the 50th anniversary of the Mendham Township Police Department.

Brookside Engine Company No. 1 was founded on January 16, 1916, with 20 devoted charter members. During the ensuing 90 years, Brookside Engine Company No. 1, composed entirely of volunteers, has been dutifully serving the community and surrounding towns.

Today, Brookside Engine Company No. 1 is led by Fire Chief Sam Tolley, who presides over a membership of 45 regular volunteers and a junior division of more than 12 members between 16 and 18 years of age.

The Mendham Township Police Department was officially established on March 12, 1956. During its 50 years of existence, the department has employed a total of seven chiefs, a testament to its sterling reputation.

In 1994, Thomas J. Costanza was promoted to chief, a position he holds today. To support him, the department has 15 full-time officers. These courageous police officers continue to serve their community with integrity and honor, providing safety and protection to the residents of Mendham Township.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the volunteers of Brookside Engine Company No. 1 on 90 years of rich history, and the officers of the Mendham Township Police Department for 50 years of commendable service.

RECOGNIZING AN ARTICLE BY RABBI ISRAEL ZOBERMAN, SPIRITUAL LEADER OF CONGREGATION BETH CHAVERIM IN VIRGINIA BEACH, VA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. FORBES. Mr. Speaker, I rise today to introduce an article written by Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, VA. The article by Rabbi Zoberman reads as follows:

Prime Minister Ehud Olmert's successful first official visit recently to the United States was an expected formality between the leaders of two close and long-standing allies. It was also an essential opportunity for the Israeli Prime Minister to extend the intimate bond between his predecessor Ariel Sharon and President Bush, which Sharon learned to carefully cultivate, to his own budding relationship with a mighty and necessary friend.

Olmert, a skilled politician who has been moving away from a somewhat abrasive demeanor, did find the right words of gratitude, deference and shared sentiment. In his granted appearance as a special guest before a joint session of Congress, he received no less than 17 standing ovations reflecting America's genuine sympathy for the Jewish state which transcends those who happen to be in power on either side at a given time.

In fact, the vital alliance born of common values and interest between the senior and junior partners, has assumed a heightened relevancy following 9/11 with the complex war on terrorism and the costly thrust to bring democracy's freedoms to the Middle East and beyond. Who more than the ever beleaguered State of Israel has experienced what terrorizing onslaught on innocent civilians and a cherished way of life is all about?

The President gave his approving nod to the Prime Minister's unilateral plan of the ''realignment'' (the latest term) of Israel's future borders in the absence of a peace partner. The Palestinian Hamas-led government even rejects Israel's right to exist and is locked in a deadly struggle of a civil war nature with Fatah over running the Palestinian Authority. When will the Palestinians stop the tragic cycle of never missing an opportunity to miss an opportunity? Olmert voiced support for the seemingly moribund Road Map which Bush welcomed, as the President reiterated his embrace of Israel's determination to hold onto its large settlement blocks on the West Bank while relinquishing control over sparsely populated territory to allow for the creation of a Palestinian state.

The Prime Minister, a former Mayor of challenge-laden Jerusalem, is yet to be tested in Israel's hot political crucible in his country's top position. It is doubtless that he was given an extraordinary historic opportunity to affect Israel's destiny and fully implement the vision of Sharon who was so suddenly incapacitated at the height of his popularity and on the threshold of fateful decisions having accomplished the controversial Gaza disengagement. But likely the highlight of Olmert's visit to the capital of the world's only remaining superpower was the stern warning he poignantly delivered concerning the impending threat from Iran, and his revelation that the terror sponsoring radical Muslim regime ghoulishly calling for Israel's elimination while denying the Holocaust is almost within reach, closer than anticipated of developing a nuclear capability.

One wonders if the Prime Minister personally presented the priceless gift of supporting intelligence reports, thus nailing the unavoidable response that the United States and the West are saddled with at this very hour. The risks of hesitant inaction though far outweighs those of resolute action, sending a powerful message that tyrannical blackmail is unacceptable and that the resolve of free nations to prevail is unshakeable. An ambiguous response invites further aggression with rising costs. Iran's mullahs' genocidal design on Israel, with Europe as a potential target as well while seeking hegemony in a critical region, ought to alarm us enough. What should however be clear is that Israel's only option is to survive, it simply can not afford to absorb a first nuclear strike. Have we not internalized by now History's painful lessons, are we doomed to forever repeat the past? I pray not.

Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, was born to Polish Holocaust survivors in Chu, Kazakhstan, in 1945 and raised in Haifa, Israel.

TRIBUTE TO THE HONORABLE DALE E. KLEIN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. SAXTON. Mr. Speaker, the Honorable Dale E. Klein, currently the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, departs his post this week to assume the position of Chairman, Nuclear Regulatory Commission. Born and educated in Missouri, Vice Chancellor for Special Engineering Programs in the University of Texas System, and on leave from his position as Professor in the Department of Mechanical Engineering (Nuclear Programs) at the University of Texas in Austin, Dr. Klein, as the Assistant to the Secretary of Defense from November 2001 to June 2006, led the Department of Defense's efforts to combat weapons of mass destruction at a watershed time in history.

In this position, he served as the principal staff assistant and advisor to the Secretary of Defense, Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition and Technology for all matters concerning the formulation of policy and plans for nuclear weapons, and nuclear, chemical, and biological defense. He was directly responsible to the Secretary and Deputy Secretary of Defense for matters associated with nuclear weapons safety and security, chemical weapons demilitarization, chemical and biological defense programs, cooperative threat reduction, treaties, and agreements.

In this capacity, he was responsible for the day-to-day oversight of four organizations responsible for billions of dollars in providing combat support operations to the Theater Commanders in support of the Global War on Terrorism, Counterproliferation and Combating Weapons of Mass Destruction. In addition, he was responsible for the Research and Development, Testing and Evaluation, and Acquisition Life-cycle Planning for systems to combat Weapons of Mass Destruction and to survive in a contaminated environment.

Dr. Klein personally facilitated international cooperation in the area of nuclear weapons safety and security by ensuring active and relevant bi-lateral dialogue was ongoing between several nuclear nations. These actions directly helped ensure proper stewardship of the enduring nuclear weapons stockpile by several nations, while maintaining adherence to numerous international treaties and agreements, such as the Nuclear Non-Proliferation Treaty and Comprehensive Test Ban Treaty. These programmatic actions serve to help mitigate the threat nuclear weapons pose to world order, while ensuring the President retains a credible deterrent option.

He supported and electrified President Bush's aims for the NATO-Russia Council. Desiring to see NATO and Russia move forward, together, to face common challenges and build ties that expand with time, Dr. Klein helped facilitate and institute numerous initiatives in the realm of nuclear and chemical and biological defense programs. These challenges include countering terrorism, preventing the spread of weapons of mass destruction, search and rescue operations at sea, and emergency planning.

Dr. Klein led the establishment of a significant new effort in medical bio-warfare defense. The Transformational Medical Technology Initiative (TMTI) focuses more than $1 billion over the next five years to develop broad-spectrum medical countermeasures against advanced bio-terror threats, including genetically engineered pathogens.

Dr. Klein provided the Chemical Demilitarization Program with the oversight and policy guidance that led to the successful start of five new chemical weapons destruction facilities. Under Dr. Klein's Leadership, the Chemical Demilitarization Program led the international community in compliance with the Chemical Weapons Convention obligations while maintaining the safety and security of the workers, the environment and the public during the destruction of the U.S. chemical weapons stockpile and former chemical weapons production facilities.

His endeavors produced extraordinary results and will have a lasting impact on the quality of many of the programs vital to the Department of Defense. They include such significant accomplishments as: successful stewardship of the U.S. nuclear deterrent enterprise; spearheading efforts to develop science and technology programs aimed at establishing the backbone of Domestic Nuclear Defense; personally facilitating international cooperation in the area of nuclear weapons safety and security; and development of capabilities to defeat improvised explosive devices, special weapons, hardened targets, and WMD stockpiles and production facilities.

Dale Klein accelerated national security in the critical areas of nuclear weapons safety and security, chemical weapons demilitarization, chemical and biological defense programs, cooperative threat reduction, and nuclear, chemical, and biological treaties and agreements. His leadership, vision, and tenacity were the driving forces in transforming the Department of Defense's approach to nuclear, chemical and biological defense while proactively seeking new and revolutionary technologies to address future threats. Dr. Klein's achievements and dedication represent the highest traditions of public service.

HIGHER EDUCATION REAUTHORIZATION ACT EXTENSION

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, today the House will temporarily extend for 3 months the Higher Education Act. I rise today to support this extension and to express my concern for the dangerous direction in which this Congress has taken our country's college students and our Nation's valued higher education system.

The Republican leadership has failed college students and their families by pushing through a reauthorization bill that does nothing to make college more affordable as tuition continues to increase at a rate faster than inflation. Instead of helping students and families deal with the rising price to attend college, Republicans also passed legislation cutting $12 billion from the student loan program—the largest cut in the history of federal student financial aid.

In addition to cutting Federal aid, the Republican leadership has made loans more expensive. And the bad news keeps coming. Recent reports confirm what struggling families already know—students and families are going deeper and deeper into debt to finance a college education. The Project on Student Loan Debt, a non-profit advocacy group, has found that the percentage of graduate seniors who have debt loads of $40,000 or more have increased from 1.3 percent to 8 percent between 1993 and 2004.

Another recent report done by the Public Interest Research Group's Higher Education Project shows that 25 percent of public school graduates and 38 percent of private school graduates who become new teachers can't afford to pay their student debt on their salaries. Social workers in the same situation number even more—37 percent of public and 55 percent of private school graduates can't afford their student loan payments. More and more students are graduating with student loan debt numbers in the six figures. This is unmanageable and unfair and Congress can be a better partner in making the possibility of going to college more attainable—especially for middle- and low-income students.

Another troubling statistic has emerged—during the 2004–2005 school year—student borrowing of private loans increased by 30 percent. Private student loans are often used to bridge the gap between traditional financial aid and the cost of tuition—but they are more costly to students and families. In addition to being costlier, these private loans do not share some of the features of Federal student loans that are backed by the government, including deferment of payments and the rates at which interest may accrue.

What's more, starting July 1, Federal student loans will carry a higher fixed interest rate of 6.8 percent, an increase from the current 5.3 percent. That's why I support Democratic plans to provide substantive increases to the Pell Grant and to cut the student loan interest rates in half. As a co-sponsor of the Reverse the Raid on Student Aid Act, I believe that Congress can be a better partner for those students and their families who—as we debate these very issues that affect them—are sitting at kitchen tables across the country trying to figure out how to piece together the finances to attend college this fall.

There is some good news in this extension. The good news is that the current law that will be extended today is better than the Republican bill to reauthorize the Higher Education Act, H.R. 609, which does nothing to make college more affordable for students—the expressed purpose of the Higher Education Act. It makes no sense to make college more expensive by amending a law that exists to promote access to a college education.

College students should not be forced to bear the weight of President Bush's and this Republican Congress's irresponsible fiscal policies that have slashed student aid in order to pay for tax cuts that only benefit one percent of the nation's wealthiest. As I've stated in earlier extensions—today, this temporary extension is necessary, but I will continue to work to ensure that students will not be forced to pay for this enormous deficit now through financial aid cuts—or in the future as taxpayers.

RECOGNITION FOR THE KENTUCKY COUNCIL ON ECONOMIC EDUCATION AND HILLIARD LYONS

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mrs. NORTHUP. Mr. Speaker, today I would like to recognize the Kentucky Council on Economic Education and, J.J.B. Hilliard, W.L. Lyons, Inc., a Louisville-based brokerage firm, for their efforts to improve the quality of financial and economic education for elementary, middle, and high school students in the Commonwealth of Kentucky. Thanks to their dedicated efforts, Kentucky led all other States in increased participation in an important educational program, the Stock Market Game, in 2005.

To help students learn fundamental economic and financial concepts and principles, the Kentucky Council on Economic Education encourages schools throughout the Commonwealth to participate in the Stock Market Game. Created in the 1970s and administered by the Foundation for Investor Education, the Stock Market Game is a 15-week curricular tool that puts students in fourth through 12th grades in the role of investors. Students are given a hypothetical $100,000 to invest in a simulated online market and must make decisions on how and where to invest their capital.

The simulated market experience that students receive via the Stock Market Game introduces them to financial markets and important economic concepts, including the sources and uses of capital and the impact inflation and recessions can have on investments. In addition to this knowledge, students learn valuable life skills, such as personal budgeting, critical thinking, and the importance of saving and investing.

Hilliard Lyons underwrites participation with a $50,000 annual gift. As a result, participation in the Stock Market Game in Kentucky rose 46 percent in 2005, the largest of any State. In all, more than 9,000 students in 220 schools in Kentucky participated in the game. At one school, Campbell County Middle School near Cincinnati, 650 students participated at once. Math teacher Faye Smith deserves congratulations for that effort.

I would like to express my gratitude to the Kentucky Council on Economic Education and Hilliard Lyons for advancing economic education. Exposing youth to the concepts and practices that undergird our economy will aid them personally and professionally. Knowing how the economy works is important to the success of our nation. I commend the Kentucky Council on Economic Education and Hilliard Lyons for their interest in and dedication to economic education, which is vital to the continued prosperity and well-being of the Commonwealth of Kentucky and our Nation.

ON THE AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 4761—DEEP OCEAN ENERGY RESOURCES ACT OF 2006

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet this week to grant a rule which could limit the amendment process for floor consideration of H.R. 4761, the Deep Ocean Energy Resources Act of 2006. The bill was ordered reported by the Committee on Resources on June 21.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 10 a.m. on Wednesday, June 28, 2006. Members should draft their amendments to the bill as reported by the Committee on Resources, which is available on the Web sites of both the Committee on Resources and the Committee on Rules.

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.

IN HONOR OF MR. JOHN E. ''JACK'' KIPP, JR.

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor an outstanding citizen, Mr. John E. ''Jack'' Kipp Jr., from the City of Folsom, CA. Following a lifetime of dedication to family and community, Jack Kipp passed away on May 26, 2006. He was 85 years old.

A fourth-generation resident of Folsom, Jack was born there on September 6, 1920. He was mischievous in his youth and even described himself as a ''hell-raiser.'' Having been expelled from Folsom High School, he graduated from Christian Brothers High School in Sacramento in 1936.

During World War II, Jack served stateside in the U.S. Army. In 1953, he took over the family appliance shop. A year later, he helped found the Folsom Rotary Club chapter. This marked the beginning of his lifelong investment in his local community through civic participation.

Mr. Speaker, Jack spent nearly his entire life in Folsom and participated in many of the city's major changes over the past half-century. While serving as mayor and city councilman from the mid–1970s to the mid–1990s, he helped transform a small prison town born out of California's Gold Rush into a dynamic, thriving commercial and residential center. Dubbed by some to be the ''father of Folsom,'' Jack is credited for helping to secure a sufficient water supply, attract the newest community college built in California, lure a major hospital, and lay the groundwork for the extension of Sacramento's light rail system to Folsom's historic sector.

While he was an agent for great change in Folsom, Jack was also an acknowledged repository of local history. In fact, he wrote a history column for the Folsom Telegraph and gave guided tours around the city. These seemingly contradictory elements of character—keeping one foot in the past while striding into the future at the same time—reflect why he was so influential in the town he loved so much.

Mr. Speaker, Folsom is now a model city that balances the preservation of its heritage with a fixed view to what lies ahead. It is a community equally well-known for its annual rodeo and its high-technology employment opportunities. This is in large part due to the strong leadership and forward-thinking vision of Jack Kipp. It is, therefore, very appropriate that the city's civic center is already named after him and a bronze relief portrait of him is displayed at the Folsom City Hall.

As important as his hometown was to Jack Kipp, there was something more important—his family. He is survived by his wife of 62 years, Rose Marie Kipp. Together, they had two children: a daughter, Cookie, and a son, Michael. They have described their father as stern, thoughtful, generous, and kind.

Jack is also fondly remembered by his grandchildren, John Kipp, Tosca Riley, and Tony Galatti, and great-grandchildren, Nolan Kipp, and Chandler and Lucas Riley.

Mr. Speaker, Jack Kipp's legacy is one of honesty and integrity, of service and selflessness. Today, I join with his family, friends, and community to commemorate his life of good citizenship and uncommon decency. May he rest in peace.

TRIBUTE TO THE LIFE OF EVELYN ''EVY'' DUBROW

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. PASCRELL. Mr. Speaker, today, I have a heavy heart because Paterson has lost one its greatest daughters with the passing of Evelyn ''Evy'' Dubrow.

For over 60 years, Evy gave her life and spirit to the fight for fair wages, gender equality and the improvement of the human condition. Evy was that rare individual who had the passion of her convictions, yet never alienated anyone and was almost universally admired by all, truly a rare combination for a lobbyist in Washington.

Indeed, Evy was an old-fashioned advocate who endlessly walked the Halls of Congress using her charm, wit and intelligence to lift the rights of workers. The fact that she was one of our Nation's most important labor leaders shows that the workers rights movement has no gender preference, no racial preference, nor does its message stop at any border, it is a movement for all of humanity and Evy exemplified that message in every way.

The fruits of her labor were justly recognized in 1999 when President Bill Clinton awarded her the Presidential Medal of Freedom, calling her ''a tiny woman, larger than life.'' But Evy did not do her life's work in order to collect awards or receive recognition, no she got up every morning to fight for the convictions she felt in her heart and that was always clear to those who knew her.

I am honored to say that Evy Dubrow was a good friend of mine for many years, I join the people of Paterson, America and indeed the global community of workers who mourn her loss.''

INTRODUCTION OF THE PROSTATE CANCER MEDICAID COVERAGE ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Ms. NORTON. Mr. Speaker, today I introduce a bill to allow treatment using Medicaid funds for men who are diagnosed with prostate cancer. This bill mirrors the measure that Congress enacted in 1999 to help low-income women who would otherwise not qualify for Medicaid, despite being diagnosed with breast cancer or cervical cancer. Congress found that women responded in large numbers to efforts by government and others to encourage early diagnosis using mammography after the Breast and Cervical Cancer Mortality Prevention Act was enacted in 1990. However, in 1999 Congress recognized that because the screening did not provide coverage of treatment for women above the poverty level, the screening legislation had the tragic but unintended consequence of informing these women of a serious disease that demanded immediate treatment but leaving them without the means to seek that treatment. Later, Congress amended Title XIX of the Social Security Act to provide medical assistance for the women screened and found to have breast or cervical cancer under a federally funded screening program.

In today's bill, I have endeavored to provide the same relief for men. This bill allows men, earning up to 250 percent of the poverty level, who are diagnosed with prostate cancer through a Federal screening program for prostate cancer, to qualify for treatment using Medicaid funds. The program would target men who are low-income, uninsured or underinsured men who, nevertheless, do not qualify for Medicaid and do not have private insurance.

Prostate cancer outranks breast cancer as the second most common occurring cancer in the U.S. and the second leading cause of cancer-related deaths. However, diagnosing this cancer is often less expensive, and unlike breast cancer, often does not require immediate treatment. Prostate cancer treatment does not require invasive surgery in many instances. Many prostate cases can be diagnosed with a simple Prostate-Specific Antigen, PSA, test unlike the high technology mammography machines used to detect breast cancer. Many men are advised to wait and watch for the development of the disease before seeking treatment.

However the rate of cancer deaths coupled with available treatment is strong evidence that many lives could be saved at considerably less expense if early detection and treatment were more available. Although race is a factor, every man over the age of 50 is at risk of developing prostate cancer and should be screened. Veterans that have been exposed to Agent Orange also have a higher risk of developing prostate cancer. Many doctors recommend yearly screening for men over age 50, and some advise men who are at a higher risk for prostate cancer to begin screening at age 40 or 45. Many Black men are at the highest risk of prostate cancer—it tends to start at younger ages and grows faster than in men of other races. Currently, Medicare provides coverage for an annual PSA test for all men age 50 and older but men still do not fall within existing requirements to receive Medicaid.

I urge my colleagues to join with me in establishing this program guaranteeing treatment for men diagnosed with prostate cancer. It will meet an immediate and pressing need in communities across the country, and across racial and class lines.

IN HONOR OF THE HOMES FOR LIFE FOUNDATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. CASTLE. Mr. Speaker, I rise today in order to pay tribute to the Homes for Life Foundation, a non-profit organization that strives to provide safe and comfortable group housing for people with developmental disabilities in Delaware. Through this organization's efforts, many disabled individuals now have greater opportunities to lead productive lives in safe and attractive homes. The builder, Ryan Homes, does an amazing job of incorporating the needs of these individuals into communities throughout Delaware.

Every house built by the Homes for Life Foundation includes a common room, in addition to private bedrooms and a counselor's suite. This design provides the residents with the ability to enjoy both privacy and the opportunity to socialize. Hundreds of people with developmental disabilities are currently waiting for these unique homes to become available and the work done by the Homes for Life Foundation increases the number of disabled individuals who are able to find these residential housing opportunities.

The work of the Homes for Life Foundation has been greatly furthered by the efforts of Ryan Homes. To date, Ryan Homes has built thirteen group homes, with two more under construction, for people with developmental disabilities in Delaware using the funds raised by the Homes for Life Foundation. The work done by these organizations is an excellent example of President Bush's New Freedom Initiative. Providing group residential housing to citizens with developmental disabilities is a proven method for successfully promoting access to community life and a greater sense of belonging.

I congratulate and thank the Homes for Life Foundation and Ryan Homes for all they have contributed to the State of Delaware. Many disabled Delawareans are grateful for them and I am pleased to be able to vocalize their appreciation.

PAYING TRIBUTE TO THE TOWN OF SPENCER'S 200TH ANNIVERSARY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to honor the Town of Spencer in Tioga County, NY, which is part of the 22nd Congressional District that I proudly serve. This year marks the 200th anniversary of the founding of Spencer and I am pleased to recognize the Town of Spencer and the important contributions it has made to Tioga County and to the State of New York.

Located amidst the fertile hardwood forests of south central New York, Spencer was founded in 1806 as an agrarian settlement. The town, named for New York State Supreme Court Judge Ambrose Spencer, held the county seat from 1810–1821 and included the present-day towns of Caroline, Candor, Danby, Newfield, and Cayuta. Today, the Town of Spencer is not only still a strong agricultural center, but it is also becoming home to many new residents who work in neighboring communities, and place a premium on rural small town living.

Shortly after Spencer was settled, it produced ''The Mother of Women's Suffrage.'' Born in Spencer in 1814, Esther McQuigg Morris was a proponent of civil rights for all people. On May 2, 1870, shortly after the passing of Wyoming Bill 70, Esther was elected as the Justice of the Peace of South Pass City, Wyoming. With her appointment, Esther became the first woman to hold a public office in the United States. Her motto of ''It's justice first, then after that, the law,'' allowed her position to be so highly revered that in 1967 Esther McQuigg Morris was given her own postage stamp.

Throughout its history, Spencer has been vital to the economic well-being of the county. Because of the abundance of fertile land, Spencer blossomed as an agricultural center that boasted successful dairy farms, creameries, and a milk condensory well into the 20th century. This booming agrarian community attracted many settlers, including the Finns, whose positive influence on agricultural technique and trade can still be seen throughout the community. In addition to its rich and attractive agricultural heritage, Spencer hosts several technology driven firms that provide critical information based services throughout the region.

Spencer is also home to a thriving arts scene. Historically centered around the Spencer Opera House and the theatrical works of the Spencer Players, Spencer's art scene has become a vital part of community living. Today, Spencer, which is home to many talented artists and crafts men and women, supports a flourishing music society which attracts concerts from both visiting and local performers.

When visiting Spencer, it is impossible not to notice how the hard work and generosity of its people has turned the lush green hills into a flourishing community. With this success, Spencer has become a quintessential example of how rural communities form essential, colorful threads that enrich the fabric of this great Nation. For the special role that they play,

Spencer, and rural towns like it, deserve to be honored and recognized for their numerous contributions to our Nation. Mr. Speaker, it gives me great pleasure to recognize the Town of Spencer, NY, as it celebrates the 200th anniversary of its founding.

ARENT FOX LEGEND CELEBRATES A HALF-CENTURY OF PRACTICING LAW

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor and celebrate the career and good works of my friend, David Osnos, who will celebrate 50 years of practicing law with Arent Fox PLLC on July 9. I was privileged to be his law partner when I worked at the firm of Arent Fox before becoming a Member of Congress.

David Osnos has been at the center of many of the major decisions regarding the growth and development of our Nation's Capital over the last 50 years. His advice has been sought out by the movers and shakers of the Washington business world.

David Osnos met Abe Pollin in 1958 and became his general counsel. The two often refer to each other as ''brothers.'' Together, they teamed up to change the face of Washington by acquiring sports teams, building the Verizon Center, and working on many other projects. Osnos also serves as the chief lawyer to another great Washington success story—Jim Clark of the Clark Construction Group.

Pollin and Clark are just a few examples of those who have worked with Osnos to transform Washington, D.C., from simply a government town into a vibrant cultural and business center. His many good works and his contributions to the development of this great city have made him a legend in the Washington, D.C., legal and business community.

A true Arent Fox ''lifer,'' Osnos joined the firm in 1956 upon graduating from Harvard Law School. He has been the heart and soul of the firm for decades, and his work in Washington has mirrored the growth and development of this great city—and Arent Fox's commitment to the city.

Osnos served as chairman of the firm's executive committee for 20 years. In that capacity, he participated in much of the development and growth of downtown D.C. and ensured that the law firm's participation in the civic life of the city was unparalleled. Since joining Arent Fox as its seventh lawyer a half-century ago, Osnos has contributed to the growth of the now 265-attorney firm.

Always a strong supporter of nonprofit community organizations and devoted to ensuring that Arent Fox was a leading provider of pro bono services, Osnos created a culture of excellence in both ''lawyering'' and community service. He has continued to play that role since stepping down as chairman of the firm. Today he is revered as one of Arent Fox's senior statesman.

Mr. Speaker, David Osnos has touched our community with his legal brilliance, his high ethical standards and integrity, and his kind, gentle nature, which has enabled him to be effective as a force for change and action. He has contributed immensely to the legal community, to the District of Columbia, and to our civic life. I am honored to be his friend and to offer him my warmest congratulations on this wonderful milestone in his life, the life of one of D.C.'s finest law firms, and the life of our community.

CONGRATULATIONS TO BRITTANY LANG

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior performance of 20-year old Brittany Lang, during the Wegmans Ladies Professional Golf Association Tour.

Ms. Lang, a resident of McKinney, TX, was a runner-up in the U.S. Women's Open as an amateur a year ago. On Sunday, June 25, 2006, she briefly held the lead at the Wegmans LPGA tournament. Lang shot a 71 and tied for third after starting the day one shot off the lead. This was her first top 3 finish and her second top 10 finish of the 10 events she has competed in thus far in her career.

Mr. Speaker, it is with great honor that I stand here today to honor Brittany Lang for her achievements on the golf course. She serves as an example of athletic excellence to the young women of our community. I wish her all the best in her future endeavors.

ESSAY BY BREISA BAKER FOR THE NATIONAL HISTORY DAY COMPETITION IN KENTUCKY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I commend my Colleagues to the attached essay, The Blessed Broken School, by Breisa Baker. Miss Baker is a student at Spencer County Middle School Her essay placed 2nd in the National History Day Competition in Kentucky.

I had the privilege of meeting Miss Baker and her family during a recent visit to Washington, DC.

THE BLESSED BROKEN SCHOOL

(By Breisa Baker)

Segregation and integration are two words that played a big part in southern schools. The story of Ruby Bridges gives us a vivid picture of both words. Ruby Bridges played an important role in history through integration by taking a stand when she went to a segregated school in Louisiana.

Racial Segregation was challenged with a case in 1896 called Plessy v. Ferguson which took place in Louisiana. (Marilyn Miller, Words That Built A Nation) In this case, a black man found a vacant seat in the coach section on the train and decided to sit there. A white man came in demanding that the seat be his. This brought about a separation of blacks and whites. Because of this case, segregation carried over into the schools.

Written into the 14th Amendment of this case are laws permitting, and even requiring blacks to be separated from white people. These laws do not necessarily imply the inferiority of either race to the other. The most common instance of this is connected with the establishment of separate schools for white and ''colored'' children. The words ''separate but equal'' originated from this case.

It was the law in 17 southern and border states that African American children and white children attend separate public schools. All these states justified their policy by saying that black and white schools were ''separate but equal.''

Integration is the process of opening a group, community, place, or organization to all, regardless of race, ethnicity, religion, gender, or social class. The court case Brown v. Board of Education of Topeka ruled that racial discrimination in public education was unconstitutional and all provisions of federal, state or local law requiring or permitting such discrimination must yield to this principle.

In 1954, the National Association for the Advancement of Colored People (NAACP) challenged the ''separate but equal'' doctrine at the elementary school level. The NAACP argued before the Supreme Court that children in all white schools received a better education than children in all black schools. In May of 1954, the courts agreed and outlawed racial segregation in public schools. Because of the Brown v. Board decision, black and white children, as well as children of all other races and ethnicities, today attend the same public schools. This is where the story of Ruby Bridges begins.

Ruby Bridges was born on September 8, 1954 in Tylertown, Mississippi into a very poor family. Ruby was, and still is a hero to American citizens. Of course, neither the Bridges family, nor Ruby, had any clue that she was going to end the war of separation of blacks and whites. Ruby would become a part of American history by being brave and walking into an all white school.

Ruby's parents worked hard to provide for her, but there were many nights that there was nothing to eat for dinner. At the age of 4, Ruby and her family moved to New Orleans, Louisiana, where her parents were able to get better jobs. Ruby's family was poor financially because her dad worked as a janitor, and her mom scrubbed the floors in a bank at night.

Americans did not treat African Americans as equals. Black children and white children attended different schools, which were segregated. The schools for black children were not as good as the schools for white children.

A federal judge in New Orleans said the city had to obey the law, Brown vs. Board, and in 1960 the judge ordered six year old Ruby Bridges to attend first grade at William Franz Elementary School. No black child had ever stepped foot upon the ground of the entirely white school. She would be the only black child there.

Ruby's family was scared once they had found out that Ruby was going to be sent to William Franz Elementary School. ''I took a test along with all the other kindergarteners at my school during the summer found out that I had been selected to start first grade at William Franz Elementary School.'' The whole family was praying for strength and courage to get through any 'trouble' as a result of the desegregation ruling. Both of her parents were proud that their little daughter had been chosen for such an important event in American history. Maybe there was another reason why Ruby was chosen to carry the burden of being made fun of by all those people. Little Ruby wasn't the only one that was carrying the burden on her shoulders. There were three other little children in New Orleans being sent to another school because of the desegregation law. Ruby stood out the most because she was by herself and the other children had each other.

Ruby was terrified and didn't have any clue on what was going to happen while she attended the school. The court had federal marshals guarding her every where she went and watching everything she did in the school, and making sure no one harmed her. Charles Burks, a U.S. Marshal, who was one of the men who escorted Ms. Bridges said, ''We expected a lot of trouble, but, as it turned out, it wasn't nearly as bad as we thought, even though Miss Bridges probably thought it was. For a little girl six years old, going into a strange school with four strange deputy marshals, a place she had never been before, she showed a lot of courage. She never cried. She didn't whimper. She just marched along like a little soldier. And we're all very proud of her.'' (Jim Lehrer, 2006)

The Federal marshals had to be ordered in by President Dwight D. Eisenhower to escort Ruby into the school building. The city police of New Orleans and the Louisiana State Police refused to help out. The marshals carried guns just in case people tried to hurt little Ruby. In fact, on many occasions they threatened to arrest people just to keep the crowds away from her. Ruby would always run through the crowds without saying a word.

Ruby Bridges, who is now Ruby Bridges Hall said, ''I wish there were enough marshals to walk with every child as they faced the hatred and racism today, and to support, encourage them the way these federal marshals did for me. I know there aren't enough of you, but I do hope that I have inspired you to join me by dedicating yourselves to not just protecting but uplifting those you touch because that will enable us to rise together as a people, as a nation, and as a world.'' (Ruby Bridges, 2002)

On November 14, 1960, the nations eyes were on her, as six year old Ruby Bridges walked into not only the school but 'into history as well'. ''That first morning,'' said Bridges, ''I remember mom saying as I got dressed in my new outfit, 'Now, I want you to behave yourself today, Ruby, and don't be afraid. There might be a lot of people outside this new school, but I'll be with you,' '' (Eileen McCluskey, 2002)

Ruby's first day and all the other days that she attended school, there was a mob of angry white people trying to scare off Ruby. Some people even threatened to hurt Ruby. The crowd was yelling with one voice, ''Two, four, six, eight, we don't want to integrate.'' (Ruby Bridges, 1999)

On her second day of school, Ruby remembers,'' My mother and I drove to school with the marshals. The crowd outside the building was ready. Racists spat at us and shouted things like 'Go home, nigger,' and 'No niggers allowed here.' One woman screamed at me, 'I'm going to poison you. I'll find a way.' She made the same threat every morning.'' (Ruby Bridges, 2002) Yet every morning Ruby kept walking and praying, ignoring the noise that was going on all around her.

''Please God try to forgive these people because even if they said those bad things, they don't know what they're doing. So could you forgive them, just like you did those folks a long time ago when they said terrible things about you.'' (Bruce McCluggagge, ''A Prayer for White Folks'') Ruby called her prayer, ''The White Folks' Prayer.'' Ruby prayed every morning and afternoon about a block away from school, after she had been mocked and made fun of. She called it the ''white folks' prayer,'' because she prayed for all those white folks that were yelling bad things at her. This prayer showed Ruby's character, her faith and Christianity. Ruby's mother wanted her children to be close to the Lord at a very young age. Little Ruby came from a very religious background. Even though Ruby's family was poor, being Christians made them very rich. Because of her mother and father teaching her about God she knew what to do while being persecuted.

Ruby entered the class room, and she saw that the teacher, Mrs. Henry, and she were the only ones in the class room. The parents of the white children would not let their children go into the school with Ruby.

Her walk and her bravery inspired the 1964 Norman Rockwell painting, ''The Problem We All Live With.'' This shows a small black girl escorted by four federal marshals walking to school beside a wall bearing a scrawled racial epithet and the letters KKK, which stands for the Klu Klux Klan. The KKK are people who dress up in white robes and hoods, and they do not like black people at all. They try to do whatever they can to hurt black people.

A Harvard professor by the name of Robert Coles witnessed Ruby's first day in New Orleans. He wrote a children's book about Ruby Bridges' experience called The Story of Ruby Bridqes. Coles reminds children of all ages about the heroism of Bridges' action by showing her facing an empty classroom because angry parents kept their children home and all but one teacher refused to teach a black child.

A book about Ruby titled The Story of Ruby Bridqes was published in 1995. When the book came out, Ruby's first grade teacher, Mrs. Henry, saw it and contacted her. They were reunited on the ''Oprah Winfrey Show.'' I suppose that was one of the greatest joys of Ruby's life. She has also been in contact again with Dr. Coles, her old child psychiatrist. Also, there was footage of Ruby in the television series, ''Eyes on the Prize,'' about the Civil Rights Movement.

Ruby Bridges played an important role in the Civil Rights Movement. She feels that there was a reason for what she went through. She played an important part in bringing blacks and whites together. She did not know why she had to go through it, but now believes that it was meant to be that way. She has finally reached a point in her life where she feels that her life had meaning.

There are few who deny the heroism of Ruby Bridges: she has demonstrated the value of education to countless others. Ruby Bridges, who is now 51 years old, has devoted herself to the education of the young. She raised her own four sons, her brother's four daughters, and started the Ruby Bridges Foundation ''in the hopes of bringing parents back into the schools and taking a more active role in their children's' education.'' (Bridges Foundation)

Ruby went through more than half of the school year in a room being the only student. The only other person, who was brave enough to be seen with Ruby was Ms. Henry, her teacher. Ms. Henry was a lady from the north who was telephoned by the superintendent to come teach the first grade class at William Franz Elementary School. At first, Ms. Henry, did not know that she would teach at a segregated school.

The first day when Ruby walked into the classroom, she only saw the teacher, a white lady. Ruby said, ''A young white woman met us inside the building. She smiled at me. 'Good morning, Ruby Nell' she said, just like Mama except with what I later learned was a Boston accent. 'Welcome, I'm your new teacher, Ms. Henry. 'She seemed nice, but I wasn't sure how to feel about her. I had never been taught by a white teacher before.'' (Ruby Bridges Hall, March 2000) Ruby was surprised that the school had not sent her a black teacher, but a white teacher. There were no other students, but yet Ms. Henry and Ruby both came to school faithfully the whole year. Ignoring the noise outside, she and Ruby used their time getting to know one another and learning the whole year.

Despite not being able to go outside, Ms. Henry always found a way to cheer Ruby and create games for the both of them. Ms. Henry remembers that ''Ruby was an extraordinary little girl. She was a child who exuded, I think courage. To think that every day she would come to class knowing, that she would not have any children to play with, to be with, to talk to, and yet continually she came to school happily and interested to learn whatever could be offered to her. I think she was a child with an incredible sense of self in that she was strong enough to counter all the obstacles that were put in her way. And each day she would enter class, after having gone through tumultuous entrance into the school where she was confronted by an incredible number of agitators and protestors. Yet she would come into school every day with,the most wonderful smile on her face. Then she would come over and greet me, her eyes dazzled with a sense of wonder.'' (Lucille Renwick, 2001)

Ms. Henry has said, ''I have learned so much from Ruby. Children can teach us so much by showing their inner selves. Children are pure, honest and simple. Children constantly teach teachers lessons of character honesty, and integrity. Children learn what they see. They take a signal from the teacher on how to value the worth of an individual.'' (Lucille Renwick, 2001)

Ms. Henry also said, ''Teachers have to present to the students the struggles that have gone on in the world before them to realize the opportunities that they have just to go to school, and the struggles some people have had simply to get an education. You have to be a person who offers a child an opportunity for enlarging his world, and seeing the world from different points of view, and in different settings.'' (Lucille Renwick, 2001)

Eventually Ruby was joined by two boys, and was soon followed by the rest of the students. Ruby went on to finish out elementary school and then middle and also high school! Ruby became a major part of American history. Because of her bravery and her actions may the whites and the blacks or any other ethnicities never be separated like this again! Thanks to Ruby Bridges who stood up for what she believed in and for continuing to take a stand!

50TH ANNIVERSARY OF THE LIVONIA, MICHIGAN'S CHAPTER 114 OF THE DISABLED AMERICAN VETERANS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge the 50th Anniversary of the Livonia, Michigan Chapter 114 of the Disabled American Veterans.

For five decades, Chapter 114 has tirelessly sought to improve the quality of life for disabled veterans. Founded in a basement by 12 people in 1956, Livonia Chapter 114 had 31 charter members. Now the third largest in the state of Michigan, this chapter has blossomed into a membership of 1,500.

After 50 years, Chapter 114 continues to promote appreciation and understanding of American history at local schools through benevolence and outreach. To foster patriotism,

members host a writing contest, What the American Flag Means to Me; to encourage involvement, members sponsor local ROTC programs; and, to educate young men and women, members speak with students about the role of America in World War II, Korea, and Vietnam.

The members of Chapter 114 also play a vital role in the lives of other veterans. They schedule hospital visits to newly admitted veterans and wounded soldiers, plan bingo nights for hospitalized soldiers and veterans, assist with health benefit claims for disabled soldiers, and donate modified cars to help disabled veterans drive.

The organization is also an institution where veterans of all wars can meet other legendary former servicemen. One of the first members of the 1920 National Disabled American Veterans Convention in Detroit, Joseph Piccola, joined the U.S. Army in 1918 and lost an eye during World War I. At age 98, Joe continues to inspire members to retain their independence and give back to their community. Thomas Silvermail, another inspirational figure, was wounded in the Korean War and is the only surviving charter member of Chapter 114.

Mr. Speaker, to the men, women, and children of our community; to the families of missing and fallen soldiers; and to every veteran of foreign wars, Livonia Chapter 114 is the embodiment of eternal unity and brotherhood. For 50 years, the organization's tireless efforts have commemorated the lives of heroic servicemen, preserved the independence of disabled veterans, and ensured the bravery of our armed forces is never forgotten. We owe the courageous members of Chapter 114 a great debt of gratitude. Today, I ask my colleagues to join me in thanking them for their years of unrelenting service to our community and our country.

CELEBRATING 100 YEARS OF YWCA SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor the YWCA of Fort Worth and Tarrant County as it celebrates 100 years of service in the 26th District of Texas. The YWCA of Fort Worth and Tarrant County, the first YWCA in Texas, has been serving our community since 1907.

Since its start, the YWCA of Fort Worth and Tarrant County has grown to encompass over 100 paid employees as well as 200 volunteers. Together, these individuals have sought to eliminate racism and empower women through residential services such as My Own Place, which houses 14 young women who have outgrown foster care, and Supportive Living, which houses about 20 women and is designed to help homeless women become independent and self-reliant.

After 100 years of service, the YWCA of Fort Worth and Tarrant County continues to find innovative ways to improve the community. In 2005, the YWCA started two new programs: a class on diversity called ''Dialogue on Race'' and a partnership with a local Ben & Jerry's Ice Cream shop that employs at-risk youth.

Mr. Speaker, it is with great honor that I stand here today to honor the YWCA of Fort Worth and Tarrant County for its commitment to playing an active role in the development, improvement, and success of the community.

SACRED HEART BASEBALL TEAM WINS CLASS 1 CHAMPIONSHIP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the Sacred Heart High School baseball team from Sedalia, MO, on winning the Class 1 State championship.

With their 11–4 win against Stoutland, the Sacred Heart baseball team won the first State championship in the school's 61-year history and the Kaysinger Conference's first team championship on June 1. The team has worked diligently and provided many hours of hard work and dedication to achieve such a great accomplishment.

Mr. Speaker, the Sacred Heart baseball team and their coaches can be very proud of this accomplishment. I know the Members of the House will join me in congratulating them for winning the Class 1 championship.

A TRIBUTE TO KEISHA ARSO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. TOWNS. Mr. Speaker, I rise today to pay special tribute to Keisha Arso on the occasion of her graduation from Martin Van Buren High School in New York City on June 27, 2006. It behooves us to pay tribute to this outstanding citizen and student and I hope that my colleagues will join me in recognizing her impressive accomplishments.

Keisha Arso was born in New Orleans, Louisiana, in 1987. As the second of four daughters, Keisha lived in New Orleans until August 2005 when she and her family had to evacuate their home because of the impending onslaught of Hurricane Katrina, one of the most horrific and devastating hurricanes to hit the United States.

Keisha Arso was one of the lucky ones. She was able to escape to Texas prior to the hurricane's landing in New Orleans. However, her mother Brenda Arso, a nurse, had to stay behind. For days, Keisha Arso, like many others separated from family members and unable to establish communication, fretted with anxiety as she watched the visual images of thousands of people fighting for survival among the rising flood waters, lack of food and water, and outlaws victimizing the weak and helpless.

However, with the assistance of clergy, volunteers in New Orleans and New York City, and family members in Texas, Keisha was finally reunited with her mother and other siblings. Add to that, the dedicated teachers and administrators from Martin Van Buren High School, Keisha and her family have been able to face and survive many obstacles that from the outset seemed insurmountable. The Arso family home may not have survived the catastrophic levee breach of Lake Pontchartrain, but Keisha's spirit remains intact. Keisha's strength, courage and ability to rise above all obstacles and receive her diploma are prominent examples of the power of faith, freedom, compassion and the American spirit.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Keisha Arso, as she serves as a role model for others facing adversity.

Mr. Speaker, please join our community in honoring Keisha Arso, as her steadfast perseverance makes her most worthy of our recognition today.

IN TRIBUTE TO CECIL BROWN, JR.

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to pay tribute to the life and work of a noted civil rights leader. Mr. Cecil Brown, Jr., who died earlier this week, was one of the first African Americans elected to the Wisconsin State Assembly, and ultimately became a national leader in the fight for equality and desegregation.

A lifelong Midwesterner, Mr. Brown was born in Chicago and also lived briefly in Iowa but was only nine years old when his family settled in Milwaukee during the depression, hoping to make a better life for themselves and their children. Mr. Brown graduated from North Division High school and went on to pursue a college degree at Marquette University. He worked as an accountant before he won a seat in the Assembly in 1954. His victory helped establish new opportunities for African Americans in elected office, giving rise to a cadre of strong elected officials that included Representative Lloyd Barbee, and County Board Supervisor Clinton Rose, among others. Serving a district that was predominantly white, Cecil Brown became known for his ethics and integrity, as well as exemplary civil rights leadership.

After serving briefly in the Assembly, Mr. Brown went on to become one of the foremost leaders of Milwaukee's civil rights movement. He founded the Milwaukee chapter of the Congress on Racial Equality, and worked alongside Father James Groppi and others to fight for desegregated housing and schools. Inspired equally by Martin Luther King, Jr. and Paul Robeson, he was deeply committed to non-violent strategies for social change. His wife, Loretta Brown, too, was a civil rights activist whom he met while participating in the Milwaukee United School Integration Committee.

All of us who are elected to public office stand on the shoulders of those who came before us. Mr. Brown is one of the giants in our state's history whose efforts enabled me to have a career in public service. I am honored to have this opportunity to pay tribute to his lifelong efforts to advance the African American community and to give thanks to him and his family for their unwavering commitment to equality and civil rights.

BEST FRIENDS KINDNESS TO ANIMALS WEEKEND

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to announce that this past weekend was designated by Best Friends Animals Society as Best Friends Kindness Weekend.

Best Friends Animal Society, based outside Kanab, Utah, works with shelters and rescue groups nationwide to bring about a time when there will be no more homeless pets. Best Friends operates the country's largest sanctuary for homeless animals, and provides adoption, spay/neuter, and educational programs nationwide.

The purpose of Best Friends Weekend was to remind all of us how animals enrich our lives through their companionship, friendship and love. Best Friends Animal Society believes that dedicating one weekend each year to promoting kind acts towards animals can make our communities and our world a better place.

Cruelty to animals often leads to cruelty to people. I've been a strong and outspoken supporter of animal welfare issues since first coming to Congress, and I've authored legislation to help protect animals and promote their welfare. Organizations like Best Friends serve as a conscience to lawmakers and the country in these matters and remind us that our first duty is to protect the most vulnerable and innocent among us.

This past weekend's activities of kindness inspired by Best Friends should serve as a reminder to all of us, that in this increasing fragmented society we need to be ever more compassionate about the animals in our world, whether they are companion pets, service animals such as seeing-eye dogs, livestock, or nature's wildlife. It also serves as a reminder that the bond between humans and animals is a vital one and is capable of bringing joy and healing to people of all ages. Finally, it serves to remind us to be more kind and compassionate to our fellow man. We coexist in this world—human to human and human to animal—and those bonds must be maintained and kept strong.

PERSONAL EXPLANATION

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. REYES. Mr. Speaker, on Thursday, June 22, 2006, I was unavoidably detained at a Border Health Conference hosted by the Texas Medical Association in conjunction with my office, and missed rollcall votes Nos. 308, 309, 310, and 311. If I had been present, I would have voted no on these votes.

CELEBRATING MRS. OZIA MAE STURGIS' 80TH BIRTHDAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to wish a very special New Yorker, Mrs. Ozia Mae Sturgis, a very happy 80th birthday. Mrs. Sturgis commemorated this occasion with family members and friends at a birthday tea at the William Hodson Senior Center. I would like to join them in celebrating her life, her contributions, and her career of community service.

The eldest of 12 children, she was born Ozia Mae Hammond on June 21, 1926, in Augusta, Georgia, and moved to New York City in the 1940s, where she met and married Jimmie Sturgis.

Mrs. Sturgis and her husband raised seven children in their Bronx home, where she instilled in them the importance of education, a strong work ethic, and the value of family. Their children and seven grandchildren all still reside in the New York Metropolitan Area.

She is very active in her church and her community, serving as a past president and current Board Member of the William Hodson Senior Center in the Bronx. Last year, she was the proud recipient of the Center's ''Mother of the Year'' award.

On the occasion of Ozia Mae Sturgis's 80th birthday, I am pleased to join her family and friends in wishing her many happy years to come.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 27, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

9:30 a.m.

Environment and Public Works

To hold an oversight hearing on Environmental Protection Agency regional inconsistencies.

SD–628

Indian Affairs

To hold an oversight hearing to examine Native American Housing Programs.

SR–485

Judiciary

To hold hearings to examine hedge funds and independent analysts.

SD–226

10 a.m.

Commerce, Science, and Transportation

Business meeting to continue markup of H.R. 5252, to promote the deployment of broadband networks and services.

SH–216

Finance

Business meeting to markup S. 1321, to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications, and proposed legislation to implement the United States-Oman Free Trade Agreement.

SD–215

Foreign Relations

Business meeting to consider an original bill, to exempt from certain requirements of the Atomic Energy Act of 1954 U.S. exports to India of nuclear materials, equipment and technology, the nominations of Earl Anthony Wayne, of Maryland, to be Ambassador to Argentina, Gaddi H. Vasquez, of California, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture, John Clint Williamson, of Louisiana, to be Ambassador at Large for War Crimes Issues, Michael E. Ranneberger, of Virginia, to be Ambassador to the Republic of Kenya, Eric M. Bost, of Texas, to be Ambassador to the Republic of South Africa, W. Stuart Symington IV, of Missouri, to be Ambassador to the Republic of Djibouti, Gayleatha Beatrice Brown, of New Jersey, to be Ambassador to the Republic of Benin, Robert O. Blake, Jr., of Maryland, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, Robert D. McCallum, Jr., of Georgia, to be Ambassador to Australia, and Leslie V. Rowe, of Washington, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to the Solomon Islands and Ambassador to the Republic of Vanuatu.

SD–419

Health, Education, Labor, and Pensions

Business meeting to consider proposed Older Americans Act Amendments of 2006, S. 3546, Dietary Supplement and Nonprescription Drug Consumer Protection Act, S. 707, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, S. 757, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, and any pending nominations; to be followed by a hearing on biodefense.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Mickey D. Barnett, of New Mexico, Katherine C. Tobin, of New York, and Ellen C. Williams, of Kentucky, each to be a Governor of the United States Postal Service.

SD–342

10:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission.

SD–366

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine the progress of the Capitol Visitor Center construction.

SD–138

11 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Belgium's Chairmanship of the OSCE, focusing on developments in Central Asia and neighboring Afghanistan, the emergence of the Shanghai Cooperation Organization, the political situation in the Caucasus, and human rights trends in the Russian Federation.

2359 RHOB

2 p.m.

Judiciary

To hold hearings to examine the nominations of Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, and Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

SD–226

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Armenia, Peter R. Coneway, of Texas, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein and Thomas C. Foley, of Connecticut, to be Ambassador to Ireland.

SD–419

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1812, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah, S. 1965, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District, S. 2129, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, S. 2470, to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho, S. 2502, to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, S. 3404, to reauthorize the Mni Wiconi Rural Water Supply Project, H.R. 2383, to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the ''C.W. 'Bill' Jones Pumping Plant'', and H.R. 4204, to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project.

SD–366

3 p.m.

Library

Business meeting to consider pending committee business.

H–140, Capitol

JUNE 29

9:30 a.m.

Foreign Relations

To hold hearings to examine Russia.

SD–419

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine proposed legislation relating to enhancing employee performance.

SD–342

10 a.m.

Commerce, Science, and Transportation

Business meeting to continue markup of H.R. 5252, to promote the deployment of broadband networks and services.

SH–216

Energy and Natural Resources

To hold hearings to examine H.R. 5254, to set schedules for the consideration of permits for refineries.

SD–366

Finance

To hold hearings to examine the U.S.-Peru Trade Promotion Agreement.

SD–215

2 p.m.

Appropriations

Business meeting to markup H.R. 5427, making appropriations for energy and water development for the fiscal year ending September 30, 2007, H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, H.R. 5522, making appropriations for

foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and H.R. 5386, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007.

SD–106

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine H.R. 1038, to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial.

SD–226

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine the case for reform regarding community development block grants, focusing on issues surrounding program formulas, recipient communities, and management of grants within the Community Development Block program, including aspects of the reform package, the ''CDBG Reform Act of 2006''.

SD–342

Finance

Long-term Growth and Debt Reduction Subcommittee

To hold hearings to examine how to increase worker coverage relating to small business pension plans.

SD–215

Intelligence

To receive a closed briefing regarding intelligence matters.

SH–219

JULY 12

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine USDA dairy programs.

SR–328A

JULY 13

2 p.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2007, and proposed legislation making appropriations for the District of Columbia for the fiscal year ending September 30, 2007.

SD–106

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine unmanned aerial systems in Alaska.

SD–562

JULY 19

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semi-annual Monetary Policy Report to Congress.

SD–538

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine high performance computing.

SD–562

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold an oversight hearing on the implementation of Public Law 108–148 The Healthy Forests Restoration Act.

SD–366

JULY 20

2 p.m.

Appropriations

Business meeting to markup H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2007, H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007.

SD–106

POSTPONEMENTS

JUNE 28

9:30 a.m.

Judiciary

To hold hearings to examine antitrust concerns relating to credit card interchange rates.

SD–226

JUNE 29

10 a.m.

Small Business and Entrepreneurship

To hold hearings to examine strengthening participation of small businesses in Federal contracting and innovation research programs.

SR–428A

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6467–S6498

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 3565–3569 and S. Con. Res. 105. **Page S6492**

Measures Reported:

S. 2145, to enhance security and protect against terrorist attacks at chemical facilities, with an amendment in the nature of a substitute. **Page S6492**

Measures Passed:

National Society of the Sons of the American Revolution: Senate agreed to H. Con. Res. 367, honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter. **Page S6495**

Flag Anti-Desecration Resolution: Senate began consideration of 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. **Pages S6471–87**

A unanimous-consent-time agreement was reached providing for further consideration of the joint resolution at 11 a.m. on Tuesday, June 27, 2006, and that the time until 5 p.m. be equally divided between the majority and minority sides; provided further, that consideration be for debate only until 2:15 p.m. **Pages S6495–96**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, legislation and supporting documents to implement the United States-Oman Free Trade Agreement (FTA); which was referred to the Committee on Finance. (PM–53) **Page S6491**

Nominations Received: Senate received the following nominations:

Robert L. Wilkie, of North Carolina, to be an Assistant Secretary of Defense.

Linda Mysliwy Conlin, of New Jersey, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2009.

David H. Pryor, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Warren Bell, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2012.

Chris Boskin, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2012.

William B. Wark, of Maine, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

William E. Wright, of Florida, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Roger L. Hunt, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009.

John E. Kidde, of California, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011.

John Peyton, of Florida, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011.

Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

2 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Army, Navy. **Page S6498**

Measures Placed on Calendar: **Page S6491**

Executive Communications: **Pages S6491–92**

Additional Cosponsors: **Pages S6492–93**

Statements on Introduced Bills/Resolutions: **Pages S6408–95**

Additional Statements: **Pages S6489–91**

Adjournment: Senate convened at 2 p.m., and adjourned at 6:57 p.m., until 9:45 a.m., on Tuesday, June 27, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6496.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 9 public bills, H.R. 5679–5687; and 3 resolutions, H. Con. Res. 436 and H. Res. 892–893, were introduced. **Page H4554**

Additional Cosponsors: **Pages H4554–55**

Reports Filed: Reports were filed on Friday, June 23rd, as follows:

H. Res. 846, requesting the President and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to strategies and plans either designed to cause regime change in or for the use of military force against Iran, adversely (H. Rept. 109–526); and

H. Res. 819, requesting the President and directing the Attorney General to submit to the House of Representatives all documents in the possession of the President and the Attorney General relating to requests made by the National Security Agency and other Federal agencies to telephone service providers requesting access to telephone communications records of persons in the United States and communications originating and terminating within the United States without a warrant (H. Rept. 109–527).

Reports were filed today as follows:

H. Res. 845, requesting the President and directing the Secretary of Defense and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution, documents relating to the termination of the Department of Justice's Office of Professional Responsibility's investigation of the involvement of Department of Justice personnel in the creation and administration of the National Security Agency's warrantless surveillance program, including documents relating to the Office of Professional Responsibility's request for and denial of security clearances, adversely (H. Rept. 109–528);

H. Res. 890, providing for consideration of H.R. 5672, making appropriations for Science, State, Justice, Commerce, and related agencies appropriations act, 2007 (H. Rept. 109–529);

H. Res. 891, providing for consideration of H.R. 4973, to restore the financial solvency of the national flood insurance program (H. Rept. 109–530); and

H.R. 4761, to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes, with an amendment (H. Rept. 109–531). **Pages H4553–54**

Speaker: Read a letter from the Speaker wherein he appointed Representative Boustany to act as Speaker pro tempore for today. **Page H4523**

Recess: The House recessed at 12:41 p.m. and reconvened at 2 p.m. **Page H4524**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Correcting the enrollment of the bill H.R. 889: S. Con. Res. 103, to correct the enrollment of the bill H.R. 889—clearing the measure for the President; **Pages H4525–26**

Congratulating the Miami Heat for winning the 2006 NBA Championship: H. Res. 887, to congratulate the Miami Heat for winning the 2006 NBA Championship; and **Pages H4530–32**

Reauthorizing permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children: H.R. 4416, to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children. **Pages H4532–33**

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration of the measures is expected to resume tomorrow, Tuesday, June 27th:

Coast Guard and Maritime Transportation Act of 2006: Conference report on H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard; and **Pages H4526–28**

Veterans' Compensation Cost-of-Living Adjustment Act of 2006: H.R. 4843, amended, to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans. **Pages H4528–30**

Recess: The House recessed at 2:35 p.m. and reconvened at 6:34 p.m. **Page H4530**

Journal: Later, the House agreed to the Speaker's approval of the Journal. **Pages H4524, H4530**

Presidential Message: Read a message from the President consistent with the Trade Act of 2002 whereby he notifies the Congress of his intention to

enter into a Free Trade Agreement with Oman—referred to the Committee on Ways and Means and ordered printed (H. Doc. 109–118). **Page H4533**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H4540.

Senate Referral: S. 2370 was held at the desk.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4555–57.

Quorum Calls—Votes: There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:02 p.m.

Committee Meetings

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 4973, Floor Insurance Reform and Modernization Act of 2006, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rules provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Baker, Pearce, Burton of Indiana, Rohrabacher, Wasserman Schultz, Pomeroy, and Matsui.

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2006

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of general debate on H.R. 5672, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for fiscal year ending September 30, 2007, and for other purposes, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to members who have pre-printed their amendments in the CONGRESSIONAL RECORD. The rule provides one motion to recommit with or without instructions. The rule provides that it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July. Finally, the rule provides that H. Res. 878 is laid on the table. Testimony was heard from Representatives Wolf, Obey, Hoyer, George Miller of California, McDermott, Woolsey, and Corrine Brown of Florida.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 27, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine the potential impact of S. 2754, to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos (referred to the Committee on Health, Education, Labor, and Pensions), 9 a.m., SD–192.

Subcommittee on Interior and Related Agencies, business meeting to mark up H.R. 5386, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, 9:45 a.m., SD–124.

Subcommittee on Energy and Water, business meeting to mark up H.R. 5427, making appropriations for energy and water development for the fiscal year ending September 30, 2007, 2:30 p.m., SD–138.

Subcommittee on Homeland Security, business meeting to mark up H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, 2:30 p.m., S–128, Capitol.

Committee on Armed Services: to receive a closed briefing on recent North Korean ballistic missile developments, 10:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold an oversight hearing to examine the current state of progress and future outlook relating to SAFETEA–LU implementation, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to resume markup of H.R. 5252, to promote the deployment of broadband networks and services, 10 a.m., SH–216.

Committee on Energy and Natural Resources: to hold hearings to examine implementation of the Energy Policy Act provisions on enhancing oil and gas production on Federal lands in the Rocky Mountain Region, 10 a.m., SD–366.

Committee on Finance: to hold hearings to examine the nomination of Henry M. Paulson, Jr., of New York, to be Secretary of the Treasury, 10 a.m., SD–215.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold an oversight hearing to examine the Office of Personnel Management, focusing on whether the Office of Personnel Management is positioned to be the Federal government's leader in personnel policy today and in the future, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the use of presidential signing statements, which are issued when a president signs new laws, 10 a.m., SD–226.

Select Committee on Intelligence: to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine if medical tourism can reduce health care costs relating to the globalization of health care, 10 a.m., SD–215.

House

Committee on Appropriations, Subcommittee on Military Quality of Life, and Veterans' Affairs, and Related Agencies, hearing on Veterans Affairs Data Security, 9:30 a.m., H–140 Capitol.

Committee on Armed Services, hearing on Army and Marine Corps reset strategies for ground equipment and rotorcraft, 2 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled ''Making the Internet Safe for Kids: The Role of ISPs and Social Networking Sites,'' 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled ''The Audio and Video Flags: Can Content Protection and Technological Innovation Coexist?'' 2 p.m., 2322 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing entitled ''Clinical Lab Quality: Oversight Weaknesses Undermine Federal Standards,'' 2 p.m., 2247 Rayburn.

Subcommittee on Federalism and the Census, hearing entitled ''Moving the CDBG Program Forward: A Look at the Administration's Reform Proposal. Where Do We Go From Here?'' 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Emerging Threats, and International Relations, hearing entitled ''Sexual Assault and Violence Against Women in the Military and at the Academies,'' 2 p.m., 2154 Rayburn.

Committee on International Relations, to mark up the following bills: H.R. 4974, To authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India; and H.R. 4014, Millennium Challenge Reauthorization Act of 2005, 10 a.m., 2172 Rayburn.

Subcommittee on Africa, Global Human Rights and International Operations, hearing and briefing on Making Safe Blood Available in Africa, 2 p.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Water and Power and the Subcommittee on Forests and Forest Health, joint oversight hearing on Meeting Electricity Demand in the West through Responsible Development of Energy Rights-of-Way on Federal lands, 10 a.m., 1324 Longworth.

Committee on Science, to mark up H.R. 5656, Energy Research, Development, Demonstration, and Commercial Application Act of 2006, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing entitled ''S Corporations—Their History and Challenges,'' 10 a.m., 2360 Rayburn.

Subcommittee on Workforce, Empowerment, and Government Programs, hearing entitled ''Immigrant Employment Verification and Small Business,'' 2:30 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit and Pipelines, hearing Celebrating 59 Years: The Eisenhower Interstate Highway System, 2 p.m., 2167 Rayburn.

Subcommittee on Railroads, hearing on current FRA Rail Safety Initiatives, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, oversight hearing to examine the Department of Veterans Affairs efforts to provide high quality health care to veterans in rural communities, 10 a.m., 334 Cannon.

Joint Meetings

Joint Economic Committee: to hold hearings to examine prospects for U.S. economic expansion, 10 a.m., 2118 RHOB.

Next Meeting of the SENATE

9:45 a.m., Tuesday, June 27

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S.J. Res. 12, Flag Desecration Constitutional Amendment.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, June 27

House Chamber

Program for Tuesday: Consideration of suspensions as follows: (1) H.R. 42—Freedom to Display the American Flag Act of 2005; (2) H.R. 5341—Seasoned Customer CTR Exemption Act of 2006; and (3) H. Res. 854—Recognizing National Homeownership Month and the importance of homeownership in the United States. Consideration of H.R. 4973—Flood Insurance Reform and Modernization Act of 2006 (Subject to a Rule) and begin consideration of H.R. 5672—Science, State, Justice, Commerce, and Related Agencies Appropriations Act for Fiscal Year 2007 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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